



Environmental Impact Assessment Regulations, 2007



Ministry of Environment, Energy and Water
Republic of Maldives

————— EIA Regulations 2007 —————

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Concept Design and Layout:
Aminath Nileysha
Environment Research Centre

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Foreword

I am very happy that a new set of comprehensive Environment Impact Assessment Regulations have been formulated. The objective of these is to enhance environmental sustainability and further facilitation of environmentally sound development. The regulations are also aimed at enhancing the efficiency, reliability and transparency of the process of Environment Impact Assessment, EIA.

The new Regulations are the culmination of a long process of research, technical discussions and broad-based consultations with stakeholders. I am glad that many innovative ideas and suggestions have been integrated into the regulations.

The formulation of the EIA Regulations has been very timely considering the rising concerns on the growing imbalance between development and environment. The rich and abundant natural resources of the world are dwindling very fast due to excessive use. At no time in history has the humanity faced such dangerous challenges and threats to the environment as at present.

The threats of global warming and climate change have reached alarming proportions, affecting the whole world. Immediate and decisive global action is required to reverse this situation. Being one of the most vulnerable countries to environment degradation and climate change, the Maldives has long been worried and concerned about these threats. President Maumoon Abdul Gayoom has worked tirelessly at the global level for the cause of the environment and has taken several initiatives to save the world and our country from the impending catastrophe.

Thankfully, the world has now taken these threats very seriously. The international community has further recognized the crucial need for urgent action. A stronger and more responsive global partnership has now emerged to tackle the worsening problems of the environment. Maldives remains strongly committed to environmental protection and sustainable development. The Government has pursued new policies and programs for this purpose. We are continuously working to strengthen national capacity as well as institutional, legal and enforcement frameworks.

It is heartening that much has been achieved globally in the area of environment laws and policies. Over 200 multilateral treaties are in force now. These treaties provide very strong and holistic policies and guidance for effectively solving many of our problems if they are implemented. Maldives is also party to most of these treaties and we are working to implement them better through strengthening our institutional capacity. Maldives Environment Act No. 4/93 and many other regulations are important components of improving our environment governance. However, in keeping with the fast growth of the country's economy and development and increasing international commitments and obligations, there is much more to do for more effective and sustained environment balance and management.

These EIA Regulations are a major step towards this important objective. The Regulations will no doubt bring about better planning and management of development activities in harmony with the environment. Necessary preventive and mitigation measures have been seriously considered in the planning stage to reduce harmful effects such activities. There is also provision for a shortcut to assess the impacts of the planned activity in advance to make the EIA process both practical and convenient.

The new regulations also require an independent panel of qualified registered persons to evaluate the EIA application and proposals. Every effort has been made to make the evaluation process speedy. Concerned members of the public also have access to the EIA proposal documents for greater transparency. These and many more features will ensure EIAs meet high standards of quality and customer satisfaction. A good EIA not only provides best safeguards for the environment but also ensures highest guarantee for the developer to gain maximum benefit from the investment.

Therefore the Regulations will be an effective tool to govern the entire process of EIA in respect of all development projects and activities. The Regulations also plug various loopholes which have caused concern to many in the past.

This is a new turning point in our environment management and enforcement. I am extremely impressed by the dedicated and excellent work of all those who have contributed to the Regulation and express deep gratitude to all of them. While expressing our gratitude to all our international partners, I would like to mention the kind support of ADB for funding the EIA Regulation Project. My thanks to ADB consultant Mrs. Gillian Cambers for her valuable contribution.

My special thanks to Mr. Abdullahi Majeed, Deputy Minister of Environment, Energy and Water and his dedicated staff. Sincere thanks are also due to the Ministers and officials of those Ministries especially Attorney General Dr. Hassan Saeed. I also thank Mr. Ahmed Saleem, Assistant Director General and staff of the Environment Research Centre, Miss Huzayfa Mohamed and Mr. Ahmed Nilam Mohamed who has contributed much legal and drafting help.

Ahmed Abdullah
Minister of Environment, Energy and Water

Introduction

It is indeed with great pleasure, I wish to introduce this Environmental Impact Assessment (EIA) Regulations to all. The Act 4/93 on Environmental Protection and Preservation stipulates in its Article 5, any developmental work or project should have an Environmental Impact Assessment of its likely influence conducted and consented by the Ministry of Environment, Energy and Water. By virtue of this Act, The Ministry is entrusted to make public regulations needed for this end. Environmental ministries always had considerable guidelines on which they work, even though it is not made within the easy grasp of the public. After taking over the portfolio for Environment, the Honourable Mr. Ahmed Abdullah made this as one of his priorities to carry out this important task. I salute the Minister for his foresight. However, due to the nature and scope of the work crosscutting different disciplines and various activities of other government Ministries and offices, regrettably it could not be made public earlier.

It is a well-known fact that man's survival needs good governance of his environment. Good governance of the environment will not realize without a good balance and harmony of his deeds with his environment. Environmental sustenance should indeed be made the core of his deeds. It is where Environmental Impact Assessment play the pivotal role to decide such harmony is well-balanced with nature. Environmental impact assessment is the tool required for this decision-making.

An Environmental Impact Assessment is an assessment of the likely influence a project may have on the environment. "Environmental Impact Assessment could be defined as: The process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made." (IAIA 1999). By way of the assessment decision-makers consider environmental impacts before deciding whether to proceed with new projects.

These Regulations are structured into eight parts. The first provides an introduction of the Regulation, its purpose, interpretation and definition of the terms utilized in the Regulation and is termed as the 'General Provisions' of the Regulations. Part 2 outlines the planning stage of Environmental Impact Assessment where cross reference is made to Schedule B attached to the Regulations where a checklist is provided distinguishing the sites for economic and social development. Part 3 examines the application process of the Environmental Impact Assessment. This part deals with a step by step discussion of the procedure to apply and obtain a statement under the Regulation. Part 4 considers the issuance of an Environmental Decision Statement together with the appeal process in the event the proponent is aggrieved about the Statement obtainable under the Regulation. Part 5 looks in to the registration of Consultants who undertake the EIA reports and also the appointment and the structure of the Registration Board established -

under the Regulation. Part 6 outlines the offences and the punishments under the Regulation and part 7 deals with immunity provision. An examination of the enforcement procedure and the orders that may be carried out concludes the text of the Regulation.

It is my sincere hope these Regulations highlight best practices and offers enough insight to methods, procedures and provides invaluable guidance to both experts constituting Environmental Impact Assessment reports and developers alike.

I also wish to place on record my sincere appreciations to all the staff members of the Ministry who worked diligently to compile these Regulations without which this would have never materialized.

Abdullahi Majeed
Deputy Minister of Environment, Energy and Water

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ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2007

By the virtue of the powers conferred by Article 5 of the Environment Protection and Preservation Act 1993, the Ministry of Environment, Energy and Water has made the following regulations:

PART I **GENERAL PROVISIONS**

1. (1) The title of these Regulations is the Environmental Impact Assessment Regulations, 2007;
- (2) These Regulations shall come into force after fifteen (15) days from the date of publication of these regulations;
- (3) The purpose of these Regulations is to provide a step-by-step guidance as listed in Schedule A to these Regulations for proponents, consultants, government agencies and general public on how to obtain approval, in the form of an Environmental Decision Statement, for a Development Proposal;
- (4) The criteria and procedures contained in these Regulations shall be used to determine whether a Development Proposal is likely to significantly affect the environment and is therefore subject to an Environmental Impact Assessment. All persons, agencies, institutions (whether public or private), shall, before embarking on a proposed Development Proposal, apply to the Ministry for an Environmental Decision Statement.

2. (1) In these Regulations, unless the context otherwise requires

the Act means 'the Environment Protection and Preservation Act 1993' (Act no:4/93) of the Republic of Maldives;

'Consultant' means the Environmental Impact Assessment Consultants who possesses the required qualifications in a particular environmental discipline and who is registered as a consultant pursuant to these Regulations;

'cumulative impact' means the contained effect on the environment of two or more activities, or parts of projects, including synergistic projects;

'Development Proposal' means any enterprise, activity, structure, work, project, policy, proposal, plan or programme that may, in the opinion of the Ministry, have a significant environmental impact and includes modification, extension, abandonment, demolition and rehabilitation;

'ecology' means the study of interactions of living organisms with other individuals of their own or of different species, and with their environment;

'ecosystem' means a dynamic complex of human, plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

'effects' include:

- a) direct results, which are caused by an action;
- b) indirect results, which are caused by an action or actions and are later in time or further removed in distance, but are still reasonably foreseeable; and includes growth-regulating effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air, water and other natural systems, including ecosystems;

'Environmental Decision Statement' is a written decision issued by the Minister or his designate specifying whether the Development Proposal may be accepted or rejected or the conditions under which the accepted projects maybe carried out;

'Minister' shall denote the Minister charged with the responsibilities for the enforcement of the Act (4/93);

'Environmental Impact Assessment' means the process of identifying, predicting, evaluating and mitigating the biophysical, social, cumulative, economic and other relevant effects of a proposed Development Proposal;

'fauna' means all types of animals;

'flora' means all types of plants;

'habitat' means the set of locations that satisfy the resource requirements of a species and where it can fulfill its ecological needs;

'human environment' includes the natural and physical environment and the relationship of people (including employees, neighbours, consumers, residents and visitors) with that environment;

'impacts' has the same meaning as is assigned to the word 'effects' in these Regulations;

'Initial Environmental Examination' is a study that provides preliminary identification, evaluation and mitigation of the biophysical, social, economic and other relevant effects of a Development Proposal;

'Ministry' shall denote the Ministry charged with the responsibility for the enforcement of the Act (4/93);

'Mitigation' includes:

- a) avoiding the impact altogether by not taking a certain action or part of an action;

- b) minimizing negative impacts by limiting the degree or magnitude of the action and its implementation;
- c) optimizing the positive impacts of development;
- d) rectifying the impact by repairing, rehabilitating or restoring the affected environment;
- e) reducing or eliminating the impact over time by conservation operations during the life of the action;
- f) compensating for the impact by replacing or providing substitute resources or environments.

'natural environment' means:

- a) natural features consisting of physical and biological formations or groups of such formations;
- b) geological and physiographical, geomorphological, lithostratigraphical, palaeontological and hydrological functions and precisely declined areas which constitute the habitat of threatened species of flora and fauna;
- c) natural sites or precisely delineated areas of value from the point of view of science, scenic value, conservation or natural beauty.

'monitoring' means measuring and recording of physical, social and economic variables associated with development impacts.

'pollution' means the introduction by human, directly or indirectly, of any substance or energy into the environment resulting in deleterious effects of such nature as to endanger human health, harm living resources, ecosystems and material property, and impair amenities or interfere with other legitimate uses of the environment;

'Project Brief' is a short document that is prepared by a proponent or his/her consultants that outlines the substantive issues for a scoping meeting; it should include a short description of the process for identifying key issues, impacts, alternatives and actions that should be included in the Terms of Reference (ToR) and preliminary sketch of the Development Proposal;

'proponent' means a person, department or agency who:

- a) is seeking to carry out or proposes to carry out a Development Proposal; or
- b) is the owner or person having charge, management or control of a Development Proposal.

'Register' means the Register of Environmental Impact Assessment Consultants established under sub-regulation (1) of Regulation 14 of these Regulations;

'Registration Board' means the Registration Board established under sub-regulation (1) of Regulation 15 of these Regulations;

'Scoping' means the process of identifying key issues, significant impacts, alternatives and actions to be included in the ToR for an Initial Environmental Examination or an Environmental Impact Assessment study;

'Screening' is a process whereby Development Proposal having little or no environmental impact are streamlined for approval and separated from projects requiring in-depth studies as elaborated in part III of these Regulations;

'significantly' requires consideration of both context and intensity:

- a) context: the importance of an action shall be analyzed in several settings such as society as a whole, the surroundings of the project, the affected interests, the site of the project, and the distribution of the relevant features of archaeological, natural environment and socio-economic environment;
- b) intensity: the severity of the impact including the following:
 - i) impacts that may be beneficial, adverse or neutral;
 - ii) the degree to which the project affects public health or safety;
 - iii) unique or otherwise rare or valuable characteristics of the geographic area which affect its relationship with the natural environment;
 - iv) the degree to which the project affects the quality of the human environment;
 - v) the degree to which the possible effects on the human environment are uncertain or involve unique or unknown risks;
 - vi) the degree to which the action may establish a precedent for future actions with potentially significant effects or represents a decision in principle about a future consideration;
 - vii) whether the action is related to other actions with individually insignificant but cumulatively significant impacts;
 - viii) whether the action threatens a violation of any law, regulation, guideline, standard or policy making provision for the protection of the environment;
 - ix) whether the action is permanent or reversible.

'Reviewers' means competent persons assigned by the Ministry under a contract to review and assess Initial Environmental Examination or Environmental Impact Assessment reports.

'enforcement officer' is a person who:

- a) is authorised by the Minister or his designate to monitor Development Proposals and to exercise powers and conferred under these Regulations;

'Terms of Reference' are the specific items that must be included in an Initial Environmental Examination or Environmental Impact Assessment study.

PART II

PROJECT PLANNING

- 3 (1) The Ministry vested with the responsibility for enforcing and implementing the Act (4/93) shall be responsible authority to perform the duties set out in these Regulations.
- (2) An Environmental Impact Assessment or Initial Environmental Examination shall be conducted in accordance with the provisions of these Regulations, and considering the effects of a Development Proposal on the following factors:
- (a) fauna and flora, and living components of the environment;
 - (b) soil, water, air, climate, the landscape, and the non-living components of the environment;
 - (c) the interaction between the factors mentioned in paragraphs (a) and (b) of this sub-regulation;
 - (d) material assets and cultural heritage;
 - (e) impacts on the project from the environment; and
 - (f) human interactions and their interactions with the factors mentioned in paragraphs (a) to (e) of this sub-regulation.
- 4 (1) Sound project planning that fully takes into account all policies and legislation, as well as the country's commitments as a Party to relevant International Conventions and Protocols, is of paramount importance for the sustainable development of the Maldives.
- (2) In the selection of sites or islands for economic and social development by the relevant authorities, considerations shall be given to factors as outlined in the Checklist for Sites for Economic and Social Development (Schedule B).

PART III

APPLICATION FOR AN ENVIRONMENTAL DECISION STATEMENT

- 5 (1) The proponent shall apply to the Ministry for an Environmental Decision Statement prior to undertaking a Development Proposal in the manner listed in Regulation 6.
- (2) The proponent shall be responsible for all costs and expenses incurred in the preparation of all the required documents.
- (3) The proponent shall pay a non-refundable administration fee when submitting Initial Environmental Examination and Environmental Impact Assessment report. This administration fee shall be pre determined by the Ministry.

(4) The Ministry will maintain and regularly update on public domain for public viewing/comments:

- a) a list of applications under review and the date they were submitted;
- b) Initial Environmental Examination and Environmental Impact Assessment reports when submitted excluding commercial and personal information of confidential nature which in the opinion of the proponent and the Ministry is deemed confidential;
- c) a deadline by which the Ministry will accept public comments; and
- d) Environmental Decision Statements, when issued.

Screening Process

6 (1) The proponents whose Development Proposals are not listed in Schedule D shall submit a Screening Form (Schedule C1) to the Ministry.

(2) The Ministry will respond to the proponent with a Screening Decision (Schedule C3) within ten (10) working days of receipt of the completed Screening Form, informing the proponent that:

- a) the Development Proposal is approved; or
- b) further information is required in the form of an Initial Environmental Examination study.

(3) Proponents of Development Proposals listed under Schedule D shall submit an Environmental Impact Assessment/Initial Environmental Examination Application Form (Schedule C2) together with a Project Brief not exceeding three (3) pages including the consent from the relevant authorities if the proponent wishes to proceed with the Development Proposal.

Scoping Process

7 (1) Subject to the notification from the Ministry under sub regulation (2) of Regulation 6, that an Initial Environmental Examination study or an Environmental Impact Assessment study is required, the proponent shall submit to the Ministry, an Application Form (Schedule C2) together with a Project Brief not exceeding three (3) pages including the consent from the relevant authorities if the proponent wishes to proceed with the Development Proposal.

(2) Within five (5) working days of receipt of the Project Brief, the Ministry shall confirm a date for a scoping meeting which shall take place prior to the submission of Terms of Reference by the proponent.

During the scoping meeting, the main environmental issues relating to the Development Proposal shall be discussed between the Ministry and the proponent or his/her designate and the Terms of Reference will be agreed upon by the proponent and the Ministry. The Ministry may invite representative from other relevant authority(s) to take part in the scoping meeting.

(3) The need for a site visit or visits will be determined during the scoping meeting; if needed, the proponent shall make all necessary arrangements at his/her own cost and expense.

(4) After the scoping meeting, the proponent shall submit Terms of Reference for the Initial Environmental Examination study or the Environmental Impact Assessment study to the full satisfaction of the Ministry and the Ministry will endorse the Terms of Reference within ten (10) working days and this will become the formal Terms of Reference for the Initial Environmental Examination or Environmental Impact Assessment study.

(5) The Terms of Reference shall specify the time frame for the proponent to submit the Initial Environmental Examination or Environmental Impact Assessment study to the Ministry.

Initial Environmental Examination Study

8 (1) Subject to the notification in Screening Decision under sub regulation (2) of Regulation 6, an Initial Environmental Examination study shall be prepared in accordance with the Terms of Reference agreed between the proponent and the Ministry.

(2) The general format and contents of an Initial Environmental Examination study should follow those outlined in Schedule E.

(3) The proponent shall submit the study according to the specifications as provided in Schedule F.

Environmental Impact Assessment Study

9 (1) In the event an Environmental Impact Assessment is required under these Regulations, an Environmental Impact Assessment study shall be prepared in accordance with the Terms of Reference agreed between the proponent and the Ministry.

(2) The Environmental Impact Assessment on a Development Proposal shall ensure that all the environmental parameters have been addressed and their consequences recognised and taken into account in the project design. The Environmental Impact Assessment report should not comprise statements of general nature but instead shall provide substantive and predictive information on the proposed activity, a realistic review of alternatives, measures proposed to mitigate all adverse impacts, as well as the opportunities for environmental, economic and social enhancement.

(3) The general format and contents of an Environmental Impact Assessment study should follow the general format outlined in Schedule E but shall not be limited to such.

(4) The proponent shall submit the study according to the specifications outlined in Schedule F.

Review of Initial Environmental Examination Studies and Environmental Impact Assessment Studies

- 10 (1) Upon receipt of the Initial Environmental Examination or Environmental Impact Assessment study, the report will be checked by the Ministry for completeness using the administrative checklist attached to this Regulation in Schedule G, and if deemed incomplete, the proponent will be notified whether the report is accepted or not within two (2) working days.
- (2) On determination that the Initial Environmental Examination or Environmental Impact Assessment study is accepted, the Ministry will appoint a minimum of two (2) competent and qualified Reviewers. The Reviewers shall be selected according to the criteria listed in Schedule H. The Ministry will maintain a roster of Reviewers; however, the identity of individual Reviewers for specific Initial Environmental Examination or Environmental Impact Assessment studies will be kept confidential. The Reviewers will assess the Initial Environmental Examination or Environmental Impact Assessment study using the prescribed form attached in Schedule I
- (3) The Ministry will notify in writing to relevant authorities of the availability of the report for their views and comments. In issuing the Environmental Decision Statement the Ministry will take in to account the comments received from the relevant authorities for the Initial Environmental Examination or Environmental Impact Assessment under review.
- (4) The Ministry will accept comments from the relevant ministries and authorities and the public on the Initial Environmental Examination or Environmental Impact Assessment under review for a period of ten (10) working days after it is available for public viewing.
- (5) In issuing the Environmental Decision Statement the Ministry will take in to account the comments received from the general public for the Initial Environmental Examination or Environmental Impact Assessment under review.
- (6) The Ministry will issue an Environmental Decision Statement within twenty eight (28) working days of the date when the study was determined to be complete as stated in sub-regulation (1) of Regulation 10.
- (7) While the Initial Environmental Examination or Environmental Impact Assessment report formats require the project proponent to conduct public consultation which is required under Schedule E, some projects may be sufficiently controversial or complex to require further public input before an Environmental Decision Statement can be issued; in such instances the proponent will be notified and requested to arrange, and pay for a public meeting or meetings at a location or locations to be determined by the Ministry.

PART IV

ISSUANCE OF AN ENVIRONMENTAL DECISION STATEMENT

- 11 (1) Once the review of the Initial Environmental Examination report or the Environmental Impact Assessment report is complete, and when additional public consultations, pursuant to Regulation 10 (7), have been conducted, the Ministry will issue the Environmental Decision Statement.
- (2) The format of the Environmental Decision Statement will be either:
- a) Approve the application conditionally by requiring the proponent undertakes various activities as the Ministry considers necessary, taking into consideration the suggestions or comments made in the review process pursuant to Schedule J or;
 - b) Refer the application back to the proponent for further study or submission of additional information pursuant to Schedule K1 or;
 - c) Reject the Environmental Impact Assessment/Initial Environmental Examination report where the Ministry is of the opinion that the Environmental Impact Assessment/Initial Environmental Examination report is of poor quality pursuant to Schedule K2.
 - d) Reject the application where the Ministry is of the opinion that the project may have unjustifiable environmental costs and/or cause significant or irreversible damage to the environment pursuant to Schedule L.
- (3) The Ministry shall communicate the Environmental Decision Statement to the proponent and shall make it available on the Ministry's website.
- (4) In the event the project activity has not commenced within one (1) year from the date of the Decision Statement, the Environmental Decision Statement shall be considered null and void;
- (5) In the event the project activities as outlined in sub-regulation (4) of Regulation 11 has been delayed for more than one (1) year due to unforeseen circumstances, the Ministry shall have the discretion to extend the duration of the Environmental Decision Statement, or to terminate it. In such circumstances the proponent shall write to the Minister for an extension thirty (30) days before the date of expiry clearly stating out the reasons for the delay.

Appeals

- 12 (1) The proponent may lodge an appeal if aggrieved about an Environmental Decision Statement. The appeal must be made within ten (10) working days of the date the decision is communicated.

- (2) An appeal must be made in writing to the Minister and must contain clear reasons why the decision is not acceptable to the proponent.
- (3) The Minister will appoint an officer from the Ministry to investigate the grounds of the appeal.
- (4) The Minister will give a decision in writing on the appeal within fifteen (15) working days of the appeal being received. The Minister upon reviewing the reports of the investigation will:
 - a) dismiss the appeal in writing or;
 - b) order to conduct a further review of the Initial Environmental Examination or Environmental Impact Assessment study, taking into account the grounds of the appeal and to reconsider the Environmental Decision Statement.
- (5) The proponent has the discretion to withdraw an appeal in writing prior to the Minister making a decision on the appeal.
- (6) In the event the Minister considers a further review of the Environmental Impact Assessment or Initial Environmental Examination reports the proponent shall pay a non-refundable appeal fee of MRF 500 (Maldivian Rufiyaa). The decision by the Minister following this review shall be final and conclusive.

Environmental Monitoring and Mitigation

- 13 (1) The proponent shall fund and conduct environmental monitoring and implementing mitigation measures for the Development Proposal if specified and required by virtue of the Environmental Decision Statement.
- (2) The proponent shall submit regular summary environmental monitoring reports in the format included in Schedule M to the Ministry, with copies to other relevant ministries and authorities as specified in the Environmental Decision Statement.
- (3) The proponent shall maintain full records of all the monitoring data and on request make them available to the Ministry at any time.
- (4) The proponent shall submit a final environmental monitoring and mitigation report to the Ministry in the format included in Schedule M when the project is completed, or at such time as may be specified in the Environmental Decision Statement.
- (5) The Ministry may request the proponent to put in place necessary additional measures based on the findings of the monitoring reports.

PART V

REGISTRATION OF ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANTS

- 14 (1) The Ministry will keep and make available for public inspection at such reasonable times as it may determine, as well as on its website, a Register of Environmental Impact Assessment Consultants together with the disciplines in which they are competent.
- (2) No person may act as an Environmental Impact Assessment Consultant in the Maldives under this Regulation unless he/she is registered in the Register of Environmental Impact Assessment Consultants.
- (3) Foreign nationals with the appropriate qualifications and experience may apply to be registered in the Register of Environmental Impact Assessment Consultants.
- (4) The Ministry will refuse to accept an Environmental Impact Assessment report or an Initial Environmental Examination report, or environmental monitoring report submitted by a Consultant who is not listed in the Register.

Registration Board

- 15 (1) The Minister, will appoint a Registration Board responsible for evaluating applications for listing in the Register of Environmental Impact Assessment Consultants.
- (2) The Registration Board will consist of a minimum of three (3) Government officials and two (2) persons from the private sector, one of whom will be appointed by the Minister as the chairperson who shall also act as the registrar.
- (3) The Registration Board will assess applications for registration according to preset criteria set out in Schedule N1 and will prepare a list of persons who, in the opinion of the Registration Board, meet the requirements for registration and are therefore to be issued with a certificate of registration.
- (4) The decision of the Registration Board to refuse an application for registration in the Register shall be notified in writing to the applicant, with reasons given where appropriate.

Certificate of Registration

- 16 (1) Qualified persons may apply to the Ministry in writing by using the form attached in Schedule O to be listed in the Register. Such persons shall also pay a non-refundable fee of MRF 5000.00 (Maldivian Rufiyaa Five Thousand) for Maldivians and MRF 7000.00 (Maldivian Rufiyaa Seven Thousand) for foreign nationals.
- (2) The Registration Board shall register a person in the Register if it is satisfied that the applicant meets the criteria defined in Schedule N1.
- (3) The certificate of registration issued to the eligible applicant in the form in Schedule P shall be valid for five (05) years, thereafter it may be renewed on completion of a renewal form set out in Schedule Q demonstrating in the renewal form where they have upgraded their knowledge of and experiences in Environmental Impact Assessment techniques and methods and upon payment of fees as provided in sub-regulation (1) of Regulation 16, except where, in the opinion of the Registration Board, any provisions of these regulations have been contravened.
- (4) The Registration Board may grant a temporary certificate for Maldivian nationals, as set out in Schedule R which shall be valid for one (1) year to any person who, in the opinion of the Registration Board, has the appropriate qualifications according to the preset criteria outlined in Schedule N2 but does not have sufficient experience in the relevant discipline or in Environmental Impact Assessment techniques and methods. Temporary certificates shall only be issued for a maximum of one (1) year and upon payment of fees to be pre determined by the Ministry.

Cancellation of Certificate of Registration

- 17 (1) The Registration Board may cancel any certificate granted under the provisions of these Regulations when the holder of that certificate:
- (a) has submitted fabricated or manipulated data, false information and/or false documentation as evidence or non-observance of Regulations; or
 - (b) is found guilty of any offence under the provisions of the Act or of any Regulations made thereunder; or
 - (c) has, in the opinion of the Ministry, the other relevant Ministries and the Registration Board, submitted repetitively substandard or deliberately misleading work in an Environmental Impact Assessment or Initial Environmental Examination; or
 - (d) was the recipient of a certificate issued under the provisions of these Regulations based on information given by the applicant which is false or misleading.

PART VI

OFFENCES

- 18 (1) Any proponent who commits the following offences shall be liable to a fine not exceeding MRF 5,000 (Maldivian Rufiyaa Five Thousand) to be determined by the Ministry:
- a) fails to prepare an Initial Environmental Examination report or Environmental Impact Assessment report when such a report is determined to be necessary;
 - b) fraudulently makes a false statement on an Initial Environmental Examination report or Environmental Impact Assessment, or any other documents submitted in relation to these Regulations;
 - c) fails to undertake environmental monitoring as determined in the Environmental Decision Statement;
 - d) misrepresents or fails to report environmental monitoring results;
 - e) conducts a Development Proposal without an approved Environmental Decision Statement;
 - f) fails to abide a cessation order issued by the Minister or an enforcement officer; or
 - g) fails to abide by a remediation order issued by the Minister or his designate.
- (2) Notwithstanding the provisions in sub regulation (1) above, if an act or omission by any person results in environmental damage, such person shall be liable on conviction to a fine established in the Environment Protection and Preservation Act of Maldives.
- (3) Any person who for the purposes of obtaining the certificate of registration in the Register gives any wrong information or otherwise acts in a deceitful or fraudulent manner shall be guilty of an offence and shall, on conviction, be liable to a fine not less than MRF 5,000 (Maldivian Rufiyaa Five Thousand).
- (4) Any person who, not being the holder of a certificate, assumes or uses the designation "Environmental Impact Assessment Consultant", or in any manner indicates that the person is registered to prepare an Environmental Impact Assessment or Initial Environmental Examination in the Maldives shall be guilty of an offence and shall, on conviction, be liable to a fine not less than MRF 5,000 (Maldivian Rufiyaa Five Thousand) and in respect of a second or subsequent offence to a fine not less than MRF 10,000 (Maldivian Rufiyaa Ten Thousand).
- (5) The offences and penalties mentioned in these Regulations shall be without prejudice to any other offences and penalties in terms of the Act or any other law.

PART VII IMMUNITY

- 19 (1) No civil or criminal liability in respect of an approval of a project or the consequences resulting from an approved project shall be incurred by anyone acting in an official capacity on behalf of the Ministry by reason of the approval, rejection or any condition attached to the approval.
- (2) The fact that an Environmental Decision Statement has been approved shall afford no defense to any civil action or to a criminal prosecution under any enactment.
- (3) Notwithstanding sub regulation (1) of Regulation 19, where there is determined to be fraud, negligence or corruption no immunity shall exist.

Protection of Government Officers

- 20 (1) A government officer or any of its representative shall not be personally liable for an act or omission if a person did it in the honest belief and good faith that the act or omission was required or authorised to discharge his functions under these Regulations.
- (2) The protection given to a government officer by virtue of sub regulation (1) of Regulation 20 does not in any way affect any liability of the Government in tort.

PART VIII ENFORCEMENT

Authorised Officers

- 21 (1) The Minister may in writing authorize an enforcement officer to monitor the Development Proposals and to exercise the powers conferred on the Minister under these Regulations.
- (2) An enforcement officer exercising his/her power under these Regulations:
- a) may obtain the assistance of persons and/or relevant authorities he/she reasonably requires for the purposes of the discharge of the functions under these Regulations;
 - b) shall, produce his identity card, together with his/her written authorizations under these Regulations.

Power of Entry and Inspection

- 22 (1) An enforcement officer on production of his written authorizations under these Regulations may enter and search a place if s/he reasonably believes that:

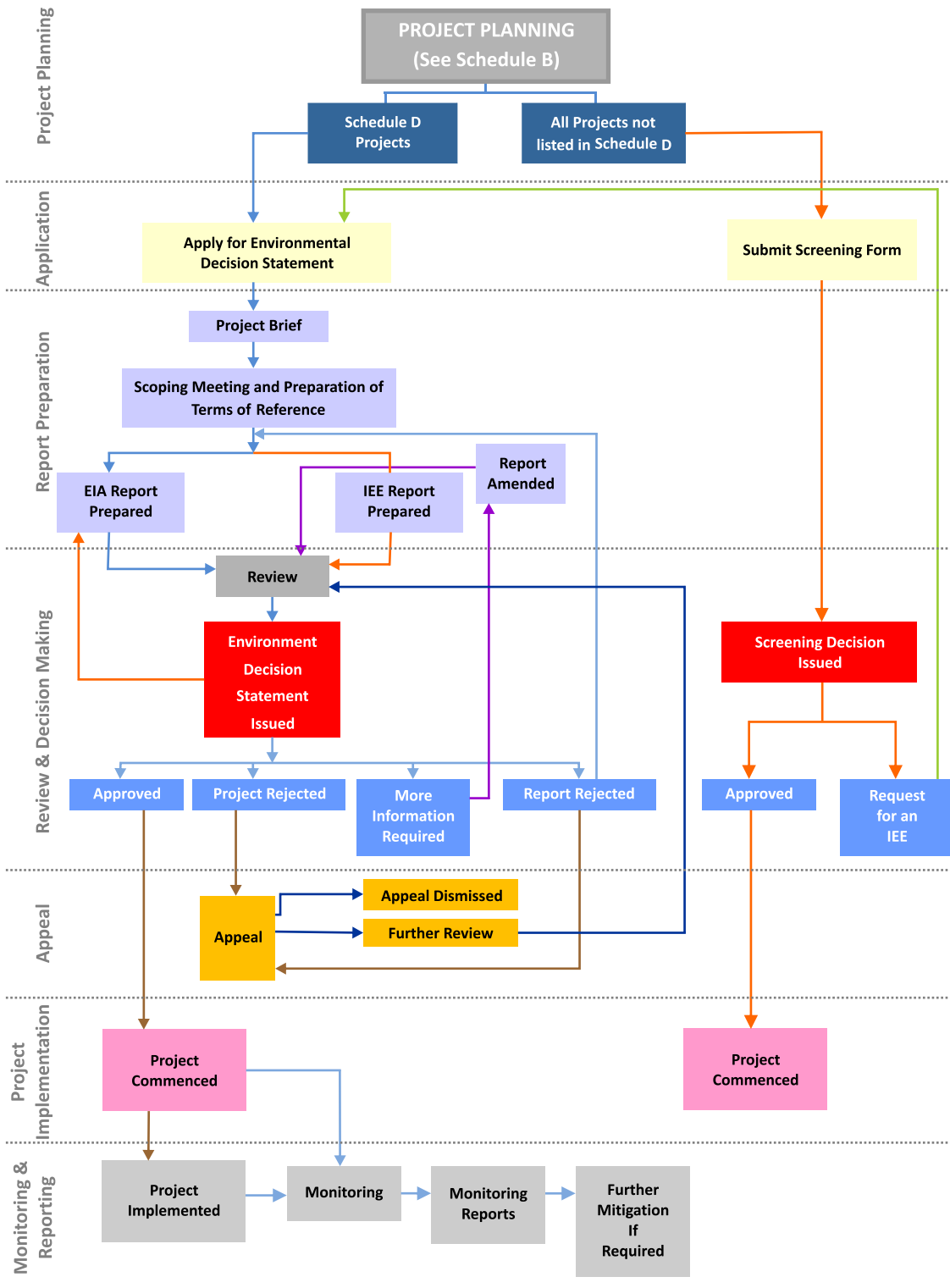
- a) an offence against these Regulations has been or is being committed in the place;
 - b) there is in the place anything that is or is likely to constitute evidence that an offence against these Regulations has been or is being committed;
 - c) enter a place to serve a notice under these Regulations;
 - d) enter a place to measure, inspect, take samples and test as he reasonably believes is necessary to determine if an offence against these Regulations has been or is being committed.
- (2) An authorization issued shall continue in force until the purpose for which the entry is necessary has been satisfied.

Cessation Order

- 23 (1) The Minister, or his designate, may issue a cessation order requiring persons working on a Development Proposal to cease working until the order is withdrawn, if:
- a) an Environmental Decision Statement has not been issued;
 - b) an Environmental Decision Statement has been withdrawn or
 - c) there has been a breach of the conditions of an Environmental Decision Statement.
- (2) The Minister, or his designate, may issue a remediation order requiring proponent on a Development Proposal to remedy environmental damage identified by the Ministry.
- (3) The Minister, or his designate, may, after issuing cessation order; take direct action to remedy the environmental damage identified by the Ministry and may recover the costs of the remedial work from the project proponent.

SCHEDULE A

FLOW CHART OUTLINING THE PROCESS FOR THE ISSUANCE OF AN ENVIRONMENTAL DECISION STATEMENT



SCHEDULE B

CHECKLIST FOR SITES FOR ECONOMIC AND SOCIAL DEVELOPMENT**Background**

These guidelines are designed to help in the selection of sites and islands of economic and social development activities. Among Small Island Developing States, the Maldives is among several low-lying atoll countries that face very critical problems as the ongoing effects of climate change become manifest worldwide. Taking into account the over-riding priority of government to ensure that development, and particularly economic activities are sustainable, the need to consider all relevant parameters in the selection of sites and islands for new economic development has never been more important.

These guidelines are based on the concept that 'Developing in harmony with the natural environment' is the preferred approach. The checklist covers the following criteria:

- Existence or absence of critical ecosystems: see List of Critical Sites prepared by the Ministry;
- Capacity of the island in terms of size and shape;
- Space for a no-development buffer zone: reference the over-arching principle of the post 2004 tsunami Cairo Principles ;
- Historical stability as indicated by the coverage of mature vegetation, location in the atoll, and the impact experienced in the 2004 tsunami;
- Marine access;
- Existence of wide, stable beaches;
- Geographical position of the island relative to other atoll infrastructure including resorts; and
- Unique features.

Checklist

1. Existence or Absence of Critical Ecosystems

Is the site/island or its surrounding reef, or any part of the island/reef ecosystem, included on the list of sites requiring special protection - this list is maintained and regularly updated by the Environment Section, Ministry of Environment, Energy and Water:

Yes

No

If Yes, this site/island should be removed from consideration.

2. Island Size

(a) Is the island at least 150,000 m² in size¹:

Yes

No

If No, can special reasons be advanced for its selection:

(b) Is the island round in shape:

Yes

No

If it is another shape (e.g. crescent-shaped - long and thin) can you justify why it should be selected:

3. Space for a No-development Buffer Zone

Is there sufficient space to maintain an undisturbed 20 m wide band of vegetation (measured from the seaward edge inward), essentially a no-development zone:

Yes

No

If No, then the site/island should be removed from the list

4. Historical Stability

(a) Is the entire island covered with vegetation:

Yes

No

(b) What percentage of the island is covered with mature trees: %

(c) On what side of the atoll is the island located:

(d) How was the island impacted by the 2004 tsunami:

5. Marine Access

(a) Is there a natural harbour:

Yes

No

(b) Is there an existing marine access channel:

Yes

No

(c) Is there any area suitable for anchoring:

Yes

No

5. Existence of Wide Beaches

(a) Is there a continuous beach around the island:

Yes

No

If no, what percentage of the island's coastline has a beach: %

(b) Are there exposures of beach rock

Yes

No

If yes, what percentage of the coastline has exposures of beach rock? %

From the viewpoint of tourism development:

(c) Are there suitable places for swimming accessible from the beach:

Yes

No

(d) Are the swimming areas free of seagrass:

Yes

No

6. Geographical location

(a) Distance to nearest airport: _____ km

(b) Distance to nearest inhabited island: _____ km

(c) Distance to nearest resort island: _____ km

Number of resorts in the atoll: _____

7. Unique Features

Are there any exceptional or unique features about this island:

Yes

No

If Yes, list the features:

¹ This figure is based on the fact that in the 2006 selection of islands for resort development, minimum island size was 63,000m² and the maximum was 299,000m², with a mean of 159,200m²

SCHEDULE C1

DEVELOPMENT PROPOSAL SCREENING FORMForm no.: _____
(Office Use)

This form should be filled out and submitted to the Ministry **before** any Environmental Decision Statement can be issued. The information provided will be used to determine whether the proposed activity:

1. can proceed, with or without conditions
2. requires further information in the form of an Initial Environmental Examination before a decision can be made

A Development Proposal Screening Decision will be sent to the Proponent or his/her designate within 10 working days of receipt of the Development Proposal Screening Form.

The form is divided into 3 parts, please complete all parts.

Part 1: Proponent's Information

Name of person submitting form:	
On behalf of (company, other person, self):	
Address:	
Telephone number:	
Fax number:	
E mail:	
ID number:	
Signature:	
Date:	

Part 2: Project Description

Project Title	
Type of development:	New development: Additions or improvement to existing development:
Location of project:	 (Attach location plan and photos of site)
Duration of project:	 (number of months)
Government agency(s) responsible for authorization:	
Financial support for project provided by:	
Brief description of project activities in chronological order (include information about equipment and machinery to be used):	
	(Please use additional sheets where appropriate)

Part 3: Potential Environment Impacts

Will the project impact the following key environmental components; please indicate whether the impact will be beneficial or adverse and provide additional comments as necessary:

Environmental Components	No impact	Beneficial impact	Adverse impact
Seabed			
(Sea)water quality			
Fish stocks			
Coral reefs			
Sea grass beds			
Beaches			
Mangroves and wetlands			
Protected area			
Terrestrial vegetation			
Introduction of exotic species (density)			
Habitat change			
Air quality			
Groundwater quality			
Groundwater availability			
Noise levels			
Public wellbeing			
Public health			
Public safety			
Public transport			
Employment opportunities			
Economic Status			
Public views			

Additional Comments:

As the proponent for the proposed Development Proposal, I guarantee that to the best of my knowledge all information provided here is accurate and complete.

Name: _____

Signature: _____

Date: _____

SCHEDULE C2

**ENVIRONMENTAL IMPACT ASSESSMENT/INITIAL ENVIRONMENTAL
EXAMINATION APPLICATION FORM**

Form no.: _____
(Office Use)

This form should be filled out and submitted to the Ministry prior to a request for a scoping meeting:

The form is divided into 3 parts, please complete all parts.

Part 1: Proponent's Information

Name of person submitting form:	
On behalf of (company, other person, self):	
Address:	
Telephone number:	
Fax number:	
E mail:	
ID number:	
Signature:	
Date:	

Part 2: Project Description

Project Title	
Type of development:	New development: Additions or improvement to existing development:
Location of project:	(Attach location plan and photos of site)
Duration of project:	(number of months)
Government agency(s) responsible for authorization:	
Financial support for project provided by:	
Brief description of project activities in chronological order (include information about equipment and machinery to be used):	
	(Please use additional sheets where appropriate)

Part 3: Consultant's Information

Name:	
Address:	
Telephone number:	
Fax number:	
E mail:	
ID number:	
EIA Consultant's Registration Number	
Signature:	
Date:	

As the proponent for the proposed Development Proposal, I guarantee that to the best of my knowledge all information provided here is accurate and complete.

Name: _____

Signature: _____

Date: _____

SCHEDULE C3

DEVELOPMENT PROPOSAL SCREENING DECISION

This is the official document of the Ministry of Environment, Energy and Water issued for the purpose of communicating the decision regarding the_____

■ This project is not likely to cause significant environmental impacts.

■ Further information, in the form of an Initial Environmental Examination, is required in order to make a Development Proposal Screening Decision; the proponent must now request and schedule a scoping meeting with the Ministry.

Screening Agency

Ministry of Environment, Energy and Water

Name _____ **Signature** _____

Designation _____ **Date** _____

Note: For further information please contact (Address)

SCHEDULE D

LIST OF DEVELOPMENT PROPOSALS REQUIRING AN
ENVIRONMENTAL IMPACT ASSESSMENT STUDY

Development of new tourism resorts
Additions and large-scale developments to resorts

Aquaculture projects
Fish processing facilities
Artificial reefs

Agriculture projects
Livestock and animal husbandry
Large scale deforestation

Construction/ Dredging of Harbours
Cutting, dredging and maintenance of channels
Construction of Jetties
Development of Marinas
Land Reclamation projects
Sea defense structures (such as seawalls, revetments, marine installation, offshore breakwaters, groynes)
Beach nourishment

Construction of Major roads

Development of Airports
Helipads/ Seaplane hubs

Major housing projects
Development of Factories

Incinerators
Landfills
Large-scale Waste storage and separation facilities
Bottling plants
Water supply projects
Sewerage projects
Marine outfall pipes

Power plants
Oil, fuel and gas storage, handling and refining facilities
Desalination plants

Hospitals

SCHEDULE E

CONTENTS OF AN INITIAL ENVIRONMENTAL EXAMINATION STUDY OR AN ENVIRONMENTAL IMPACT ASSESSMENT STUDY

Format of the Paper Copy

Three complete copies of the report should be submitted on A4 size paper containing fold-out maps on A3 size paper.

The Environmental Impact Assessment or Initial Environmental Examination shall be signed by the proponent and the consultant submitting the report

Title Page

This should contain:

- title of the IEE or EIA
- location of project
- team responsible for the report (Names of individual consultants)
- proponent's name and signature
- date report was completed

Non-technical Summary

This should be:

- concise and use simple, non-technical language
- it should include an outline of the project and its location
- it should focus primarily upon selection of alternatives, key impacts and mitigation measures

Introduction

This should provide background information on the project and its costs, the proponents and their experience with similar projects.

Terms of Reference

The agreed terms of reference for the IEE or EIA report must be included as an annex in the report.

Project Setting

This section should indicate how the project conforms with existing plans, policies, guidelines, regulations, laws and International Conventions.

Project Description

This should describe the project and indicate the justification and rationale underlying the project, including:

- Intended duration of project
- Need and justification of project
- Ownership of land and proof thereof, or lease agreement, clearly indicating the owner's consent to the project
- Components of project design, size and scale of the project
- Location map
- Scaled site plan (at least A3 size) showing location of all proposed infrastructure (including the entire wastewater collection, treatment & disposal system), setback of buildings from high water mark, landscaping works etc.
- Architectural plans if available, or sketches or architect's impression of the project in the receiving environment
- Indication of other similar projects in the area and reference to previous IEE or EIA studies relating to such projects
- Description of the expected environmental conditions at the time of probable project implementation, and associated constraints e.g. seasons, tidal regime etc.
- Description of the proposed wastewater process supported by flow diagrams
- Measures adopted to promote sustainable development (cleaner production, renewable energy systems) during both the implementation and operational phases of the project
- Work plan of activities during the site preparation, construction, decommissioning and operational phases of the project
- Any Environmental Management System adopted for its operations
- Availability of water, other utilities and resources
- Capital investment and employment opportunities

- A brief outline should be given of any enhancement work which is planned. This should be distinguished from mitigation measures, which are integral to the project and form part of the proposal. For example upgrading of an access road for the public, providing

Description of the Natural, Economic and Human Environment

This should include:

- Certified and comprehensive site plans drawn to scale (by a Sworn Land Surveyor) with known landmarks as reference points, and showing Valued Ecosystem Components, water bodies, wetlands, low water mark, high water mark and beach frontage
- Aerial photographs of the site
- Description of site characteristics including soil type, relief, landforms, present land use, drainage systems
- Type of flora and fauna, rare or endangered species, sensitive habitats of ecological importance including wetlands and mangroves
- Marine environment including sand and rocky bottoms, coral reefs, sea grass beds
- Beach systems; composition; stability; current, tide and wave dynamics
- Description of surrounding infrastructure, including utilities
- Socio-economic characteristics including population (numbers, ages, density, distribution), economic activities, housing and utilities, employment statistics and available skills, labour availability, unique cultural characteristics
- Other attributes of the locality e.g. amenities, recreational values

Methodology

- Data collection methods, description of gaps in baseline data (Note it is not necessary to include all the baseline data in the report, but it must be available for inspection, or submission, on request)
- Information on the uncertainties and assumptions involved in interpreting the data
- Analytical techniques and predictive methods

Public Consultation

This is an important part of the IEE and EIA process and the report should include:

- A list of the persons consulted including persons in statutory bodies, atoll and island offices, community groups and NGOs, local residents, local fishermen, tourism operators and any others likely to be affected by the proposed development

- Information on how, when and where the consultations were conducted, e.g. stakeholder meetings in the affected area, individual meetings, questionnaires
- Summary of the outcome of the consultations including the main concerns identified

Assessment of the Direct and Indirect Environmental Impacts

Impacts on the biophysical, economic and human environments, including the impacts on the human well being should be clearly defined and discussed with special emphasis on the key issues identified during the scoping process. Less important impacts should be mentioned but the amount of space devoted to them should be proportional to their perceived importance.

Evaluation of Alternatives Including No Development Option

- Identify and describe at least three alternatives, one of which should be the no-development option; define clear criteria to evaluate the alternatives, and determine the preferred alternative
- Discuss whether the project be undertaken elsewhere, perhaps an alternative location with less adverse impacts
- Include discussion on alternative ways in which the project may be carried out so as to cause less harm to the environment.

Selection of the Preferred Alternative and Mitigation Measures

Discuss the preferred alternative and why it was selected. Identify the major and minor environmental impacts of the preferred alternative and propose measures to mitigate the adverse environmental impacts.

Environmental Monitoring

An Environmental Monitoring Plan should be included that contains provisions made for on-site monitoring during (1) site preparation, (2) construction/implementation, and (3) decommissioning phases; as well as the longer term maintenance requirements.

The cost of the monitoring should be determined and clearly stated in the IEE/EIA report.

The environmental monitoring plan will include the following components over the different project phases (Site Preparation, Construction/implementation Phase, Decommissioning Phase):

- Site characteristics (include plans/photographs/drawings/ showing the project area, any environmental sensitive receivers, beach profiles and ambient air/water/sea water qualities)
- Works involved and proposed mitigating measures to prevent negative impacts on water course/lagoon/beach/road users/immediate neighbors
- Clauses to be included in contract documents to ensure implementation of proposed mitigating measures

- Parameters to be monitored
- Monitoring methodology
- Monitoring locations and control stations
- Monitoring frequency and duration
- Persons to conduct the monitoring and undertake the data analysis and reporting
The institutional system by which monitoring data will be collected, analysed, interpreted and action taken, if necessary, to prevent or reduce unwanted impacts
- Procedures for reporting to the authorities
- Contingency plan (in case of emergencies such as uncontrolled discharge of pollutants, fire outbreak, natural calamities)
- Allocation of financial resources by the developer
- Maintenance component including building maintenance, daily and periodical maintenance of the site, setting up of appropriate maintenance teams for treatment plant, standby generator, etc.

Reporting should be done annually, with summary reports at 2-monthly intervals.

Conclusions

This section should contain a final statement relating to the selection of the preferred alternative, the mitigation measures and the environmental monitoring that will be undertaken.

Declaration of the Consultant

(I certify that the statements made in this Initial Environmental Examination/Environmental impact Assessment study are true, complete and correct.)

Name:

Signature:

Date:

Appendices

These should include:

- terms of reference for the IEE/EIA
- additional technical information and baseline data

- full list of references
- names and Registration Certificate numbers of the EIA consultants
- CVs of any unregistered individuals who participated in the preparation of the EIA/IEE report

SCHEDULE F

GUIDELINES FOR SUBMITTING AN INITIAL ENVIRONMENTAL EXAMINATION STUDY OR AN ENVIRONMENTAL IMPACT ASSESSMENT STUDY IN ELECTRONIC FORMAT

Introduction

To allow for more transparency and stakeholder involvement, IEE/EIA reports will be available on the Ministry's website. Applicants must submit same in paper versions and electronic format at the same time.

Specifications for the Electronic Version

- The electronic version must be identical to the paper copy and submitted on a CD
- The document must be divided into its different chapters with each chapter in a separate file. If a chapter exceeds 50 MB, then it should be further broken down into files of less than 50 MB
- The title page and list of contents should be submitted in a separate file
- The non-technical summary should be submitted in a separate file
- The table of contents should provide links to the different chapters including the executive summary and appendices; the table of contents must accurately reflect the chapter titles, headings, sub-headings and appendix titles of the text so as to allow the user to know which file s/he is accessing
- All filenames must be less than 8 characters, be in small letters, and start with a letter
- The pages must be numbered
- The report must be submitted in html format (html extensions file format) or pdf format; all image files must be in the gif/jpg extension file format
- The EIA section will open the electronic file in the presence of the proponent/consultant in order to ensure that it is the same as the paper copy

SCHEDULE G

**ADMINISTRATIVE CHECKLIST FOR COMPLETENESS OF AN
INITIAL ENVIRONMENTAL EXAMINATION STUDY OR AN ENVIRONMENTAL IMPACT ASSESSMENT STUDY**

- | | | |
|---|-------|----|
| 1. Title of IEE/EIA: | | |
| 2. Proponent: | | |
| 3. Name of consultants preparing the report: | | |
| 4. Are the individual consultants listed in the Register of EIA Consultants: | | |
| Yes | No | |
| 5. IEE/EIA reference number: | | |
| 6. Received Date: | | |
| 7. Name of person submitting this form and date: | | |
| Name: | Date: | |
| 8. Number of paper copies submitted: | | |
| 9. Format of electronic version: | | |
| 10. Does the report contain a non-technical summary and the terms of reference: | | |
| Yes | No | |
| 11. Does the report contain a description of the proponents: | | |
| Yes | No | |
| 12. Does the report contain a description of the project: | | |
| Yes | No | |
| 13. Does the report have the following: | | |
| Location plan: | Yes | No |
| Scaled site plan with all infrastructure shown: | Yes | No |
| Architectural drawings: | Yes | No |
| 14. Does the report describe the natural and human environments: | | |
| Yes | No | |
| 15. Does the report describe the methodology used: | | |
| Yes | No | |
| 16. Does the report include stakeholder consultation: | | |
| Yes | No | |

17. Does the report assess the likely impacts:	
Yes	No
18. Does the report present and evaluate alternatives:	
Yes	No
19. Does the report recommend one of the alternatives and propose mitigation measures:	
Yes	No
20. Does the report provide an environmental monitoring plan, and a cost for the monitoring:	
Yes	No
21. Does the report include the CVs of the Consultants who prepared it:	
Yes	No
A "No" for questions 10-21 requires the IEE/EIA be referred to a senior officer for immediate advice	
Report accepted for full review:	
Name and signature:	Date:
Report not accepted for full review and returned to proponent for further information about the following:	
Name and signature:	Date:
Name and signature of Senior Officer:	Date:

SCHEDULE H

CRITERIA FOR REVIEWERS OF INITIAL ENVIRONMENTAL EXAMINATION STUDY OR AN ENVIRONMENTAL IMPACT ASSESSMENT STUDY

A reviewer for an EIA must fulfill the following requirements:

- He/she must have no involvement whatsoever in the preparation of the particular IEE/EIA report beyond that which is required as an official of the Ministry, e.g. participation in scoping meetings
- He/she must be qualified in environmental management and have a minimum qualification of a first degree from a recognised university
- Minimum of 5-years working experience in a field related either directly or indirectly to environmental management

SCHEDULE I

REVIEW FORM FOR INITIAL ENVIRONMENTAL EXAMINATION STUDY OR ENVIRONMENTAL IMPACT
ASSESSMENT STUDY

Ministry of Environment, Energy and Water
Republic of Maldives

**Review form Initial Environmental Examination study
or Environmental Impact Assessment study**

(CONTENTS OF THIS FORM ARE CONFIDENTIAL)

Title of report:

Date of report:

Date review completed:

Review Criteria	Item adequately addressed: Indicate fully, Partly or Not at all	Comments
1.DESCRPTION OF THE PROPOSED PROJECT		
Are the terms of reference for this IEE/EIA study included:		
Is the need for the project explained, and are the objectives clearly stated:		
Is the duration and scheduling of the proposed activities clearly stated:		
Are the boundaries of the areas affected clearly defined:		
Does the report contain a location plan, scaled site plan showing all aspects of proposed project, architectural drawings or sketches:		
Are all project inputs described:		
Are the types and quantities of all outputs described:		

2. POLICY AND LEGISLATIVE FRAMEWORK

Does the proposed development conform to environmental and developmental policies, plans, laws, regulations and international conventions:

3. EXISTING ENVIRONMENT

Are all aspects of the existing natural environment thoroughly examined:

Are all aspects of the human environment thoroughly examined:

Have relevant data and information sources (published and 'grey' literature) been examined and referenced:

Are the data collection and analysis methods adequate, and have uncertainties in the data been identified:

4. PUBLIC CONSULTATION

Does the report specifically identify all stakeholders including the public who will be affected by the project:

Has the consultation with stakeholders and the public been described and the main outcomes identified:

5. IMPACT PREDICTION

Have all the impacts identified in the terms of reference been addressed:

Have the most serious impacts been afforded sufficient examination:

Are the methods used to predict impacts clearly described:

Are the limitations of these methods defined:

6. ALTERNATIVES TO THE PROPOSED DEVELOPMENT

Have realistic alternatives to the proposed development been discussed and evaluated:

Is the process for selecting the preferred alternative clearly defined:

7. MITIGATION

Have adequate mitigation methods been proposed and discussed for all adverse impacts:

Does the proponent clearly express a commitment and capability to carry out mitigation measures:

Are mitigating measures defined in specific, practical terms (i.e. costs, manpower, equipment, timing and technology needed) and evaluated for their effectiveness:

8. MONITORING

Is the monitoring program complete and specific:

Are the techniques used for monitoring specific parameters acceptable in the national context:

Does the proponent clearly state that he/she takes responsibility for funding and conducting the monitoring:

Does the report clearly show the cost of the monitoring program:

9. REPORT QUALITY

Is the report complete:

Is the report logically organized and clearly structured:

Is the report generally objective and factual:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Ministry of Environment, Energy and Water
Republic of Maldives

Recommendation on this IEE/EIA report is:

☐ Approve report (attach conditions on following sheet)

☐ Request further information (attach list of items on following sheet)

☐ Reject the report (attach list of reasons and any proposals for re-writing)

Name of Reviewer:

Signature:

Date review completed:



Ministry of Environment, Energy and Water
Republic of Maldives

LIST HERE:

**CONDITIONS TO INCLUDE IN FINAL APPROVAL, OR
ITEMS TO INCLUDE IN FURTHER INFORMATION REQUEST, OR
REASON FOR REJECTION**

SCHEDULE J

ENVIRONMENTAL DECISION STATEMENT (APPROVAL)

Ministry of Environment, Energy and Water
 Republic of Maldives

Date of Issue:

This Environmental Decision Statement is issued for the purpose of communicating the decision regarding the Environmental Impact Assessment for (name of report),(island), () Atoll, Maldives that was submitted on (date of submission) for evaluation.

1. This Environmental Decision Statement has been issued on behalf of the Ministry of Environment Energy and Water (hereinafter referred to as the Ministry) pursuant to the Environmental Impact Assessment Regulation 2007 to advise that the Ministry has decided that the proposed Development Proposal can proceed.

2. The decision has been made by the Ministry on the following conditions:
 - i. In the event the project activity has not commenced within one (1) year from the date of issue, this Environmental Decision Statement shall be considered null and void.

 - ii. In the event the project activities has been delayed for more than one (1) year due to unforeseen circumstances, the Ministry shall have the discretion to extend the duration of the Environmental Decision Statement, or to terminate it. In such circumstances the proponent shall write to the Minister for an extension thirty (30) days before the date of expiry clearly stating out the reasons for the delay.

 - iii. The Minister, or his designate, may issue a cessation order requiring persons working on a Development Proposal to cease working until the order is withdrawn, if:

- a) this Environmental Decision Statement has been withdrawn or
 - b) there has been a breach of the conditions of this Environmental Decision Statement.
- iv. The Developer shall submit the required information which is given in the ANNEX I.
- v. It is the Developers responsibility to undertake all project activities in accordance with the relevant laws and regulations of the Maldives.
- vi. The Developer shall submit environmental monitoring report as outlined in *Paragraph 9* of this Environmental Decision Statement.
- vii. The Developer shall not use mined local sand for any construction activities of the resort. A special permission from the concerned government agencies shall be obtained if the Developer plans to use coral sand for construction of the resort.
- viii. The Developer is aware that under the National Environment Protection Act (Law no. 4/93) and the Environmental Impact Assessment regulations the Ministry reserves the right to terminate any activities without compensation if found that such activity has caused significant, irreversible impacts on the environment.
- ix. All mitigation measures proposed in the EIA report for the construction phase and operational phase that are outlined in page/s (as per the report) shall be fully implemented.
- x. The environmental monitoring program outlined in page/s (as per the report) of the Environmental Impact Assessment Report shall be undertaken and implemented and summary environmental monitoring reports shall be submitted to the Ministry.

ANNEX I: INFORMATION REQUIREMENT

(if necessary)

1. _____
2. _____

This document has been authorized on behalf of the
Ministry of Environment, Energy and Water by:

Name:

Authorized letter no:

Designation:

Date of issue:

Signature:

Date of expiry:

SCHEDULE KI

ENVIRONMENTAL DECISION STATEMENT (MORE INFORMATION REQUIRED)
Ministry of Environment, Energy and Water
 Republic of Maldives

Date of Issue:

This Environmental Decision Statement is issued for the purpose of communicating the decision regarding the Environmental Impact Assessment for (name of report),(island), () Atoll, Maldives that was submitted on (date of submission) for evaluation

1. This Environmental Decision Statement has been issued on behalf of the Ministry of Environment, Energy and Water (hereinafter referred to as the Ministry) pursuant to the Environmental Impact Assessment Regulations 2007, to advise that the Ministry requires additional information regarding the proposed Development Proposal to make an informed decision.
2. The Developer shall submit the required information which is given in the ANNEX I.

ANNEX I: INFORMATION REQUIREMENT

1. _____
2. _____

This document has been authorized on behalf of the
Ministry of Environment, Energy and Water by:

Name:

Authorized letter no:

Designation:

Date of issue:

Signature:

SCHEDULE K2

ENVIRONMENTAL DECISION STATEMENT (EIA REPORT REJECTION)



Ministry of Environment, Energy and Water
Republic of Maldives

Date of Issue:

This Environmental Decision Statement is issued for the purpose of communicating the decision regarding the Environmental Impact Assessment for (name of report),(island), () Atoll, Maldives that was submitted on (date of submission) for evaluation

1. This Environmental Decision Statement has been issued on behalf of the Ministry of Environment, Energy and Water (hereinafter referred as the Ministry) pursuant to the Environmental Impact Assessment Regulations 2007 to advice that the Ministry has decided to reject the Environmental Impact Assessment report for the proposed Development Proposal. Reasons for rejection have been given in ANNEX 1.
2. The Developer may lodge an appeal if aggrieved about an Environmental Decision Statement. The appeal must be made within ten (10) working days of the date this decision is communicated.
3. The appeal must be made in writing to the Minister and must contain clear reasons why the decision is not acceptable to the Developer.
4. In the event the Minister considers a further review of the Environmental Impact Assessment or Initial Environmental Examination reports the proponent shall pay a non-refundable appeal fee of MRF500 (Maldivian Rufiyaa Five Hundred). The decision by the Minister following this review shall be final.
5. The Developer has the discretion to withdraw an appeal in writing prior to the Minister making a decision on the appeal.

ANNEX I: REASONS FOR REJECTION

(if necessary)

1. _____
2. _____

This document has been authorized on behalf of the
Ministry of Environment, Energy and Water by:

Name:

Authorized letter no:

Designation:

Date of issue:

Signature:

SCHEDULE L

ENVIRONMENTAL DECISION STATEMENT (REJECTION DEVELOPMENT PROPOSAL)

Ministry of Environment, Energy and Water
Male', Republic of Maldives

Date of Issue:

This Environmental Decision Statement is issued for the purpose of communicating the decision regarding the Environmental Impact Assessment for (name of report),(island), () Atoll, Maldives that was submitted on (date of submission) for evaluation

1. This Environmental Decision Statement has been issued on behalf of the Ministry of Environment, Energy and Water (hereinafter referred to as the Ministry) pursuant to the Environmental Impact Assessment Regulations 2007 to advise that the Ministry has decided to reject the proposed development Proposal. Reasons for rejection have been given in ANNEX 1.
2. The Developer may lodge an appeal if aggrieved about an Environmental Decision Statement. The appeal must be made within ten (10) working days of the date this decision is communicated.
3. An appeal must be made in writing to the Minister and must contain clear reasons why the decision is not acceptable to the Developer, based on this Environmental Decision Statement.
4. In the event the Minister considers a further review of the Environmental Impact Assessment or Initial Environmental Examination reports the proponent shall pay a non-refundable appeal fee of MRF500 (Maldivian Rufiyaa Five Hundred). The decision by the Minister following this review shall be final.
5. The proponent has the discretion to withdraw an appeal in writing prior to the Minister making a decision on the appeal.

ANNEX I: REASONS FOR REJECTION

(if necessary)

1. _____
2. _____

This document has been authorized on behalf of the
Ministry of Environment, Energy and Water by:

Name:

Authorized letter no:

Designation:

Date of issue:

Signature:

SCHEDULE M

FORMAT OF ENVIRONMENTAL MONITORING REPORTS

Reporting on environmental monitoring activities during the site preparation, construction and decommissioning phases should be completed as follows:

- summary reports at 2-monthly intervals
- final report (at the end of the decommissioning phase or as specified in the Environmental Decision Statement)

Summary monitoring reports should contain the following information:

- Title, date, Consultant
- Summary of parameters measured, methods, equipment, location and frequency
Summary of the results
- Highlight and discuss any unusual and/or significant results that may be of concern based on the content of the IEE/EIA report

Final reports should contain the following:

- Title, date, Consultant
- An executive summary
- Basic information on the project
- Drawings/plans as appropriate showing the project area, any environmental sensitive receivers and the location of the monitoring and control stations
- Discussion on the implementation of the mitigating measures and pollution control measures
- Parameters monitored; methodology used; environment quality performance/standards limits
- Monitoring results including date, time frequency and duration.
- Presentation of monitored parameters (preferably graphical plots of trends)
- Constraints and any factors which might have affected the monitoring results
- A summary of non-compliance of the environmental quality performance limits and discussion of their implications

- Description of the actions taken in the event of non-compliance
- A summary record of all complaints received (written or verbal) for each media, including locations and nature of complaints, liaison and consultation undertaken, actions and follow-up procedures taken
- A forecast of the works programme, impact predictions and monitoring schedule for the remainder of the project
- Comments, recommendations and conclusions for the monitoring period.

SCHEDULE N1

CRITERIA FOR REGISTRATION FOR CONSULTANTS FOR INITIAL ENVIRONMENTAL EXAMINATIONS AND ENVIRONMENTAL IMPACT ASSESSMENTS

1. University qualifications: minimum a first degree from a recognised university (a university accredited by the Maldives Accreditation Board) in a field involving or relating to environmental management.
2. Demonstrable professional involvement in a minimum of five EIA reports, either in the Maldives or another country.
3. Minimum of 3-years working experience in a field related either directly or indirectly to environmental management or conservation.

SCHEDULE N2

CRITERIA FOR TEMPORARY REGISTRATION FOR CONSULTANTS FOR INITIAL ENVIRONMENTAL EXAMINATIONS AND ENVIRONMENTAL IMPACT ASSESSMENTS

1. University qualifications: minimum a first degree from a recognised university (a university accredited by the Maldives Accreditation Board) in a field involving or relating to environmental management.

SCHEDULE 0

APPLICATION FORM FOR REGISTRATION AS AN ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANT

اسماء الرحمن

Serial No:



Ministry of Environment, Energy and Water

Male', Republic of Maldives

Attach a recent
passport size photo
3.5 x 4.5 cm

APPLICATION FORM FOR REGISTRATION AS AN ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANT

Complete the boxes clearly using **BLOCK LETTERS** and **BLUE/BLACK INK** only. For "yes" or "no" questions, indicate the response with an "X" in the appropriate box.

1. Applicant Details

Title: Mr Mrs Ms Dr Other

Family name (as shown on passport):

Given names (as shown on passport):

Gender: Male: Female:

Date of birth (day/month/year): Age:

Country of citizenship:

Identity card number:

Passport number (foreign nationals only):

Work permit number (foreign nationals only): Expiry date:
(Day/month/year)

Address for Correspondence

Please give contact details where you can be contacted when a decision is reached.

Email address:

Address:

Country:

Telephone numbers (where you can be contacted) please include country and area codes if necessary.

Home:

Work:

Cellular/ Mobile phone:

Fax:

2. This application is for:

- Full registration certificate
- Temporary registration certificate

☐
☐
3. Academic Qualifications

Please provide details of all tertiary education undertaken.

Name of educational institute / Country	Years attended From To	Major fields or subjects studied	Qualification obtained
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

A certified copy of all official transcripts and certificates must be included with application forms.

4. Employment Records

Please provide details of work experience in a field related directly or indirectly to environment management.*

Title of the most recent position held:	<input type="text"/>
Number of years employed:	<input type="text"/>
Name of employer organisation:	<input type="text"/>
Address of employer organisation:	<input type="text"/>
Telephone number:	<input type="text"/>
Type of organisation (eg: Government, industry, business, etc...):	<input type="text"/>

Briefly describe your organisation, and your current duties/ responsibilities (up to 100 words): Please use additional sheets if needed

* If experience in a field related to environmental management and/or environmental conservation has been gained with more than one employer please include on a separate sheet.

5. Previous Experience with EIA / IEE

Please provide details of professional involvement with EIA / IEE in Maldives or another country (list five separate EIA/ IEE projects where you have had a significant professional involvement, list the name and date of the study, the location, the project proponent and a contact telephone number, and the nature of your involvement in the study):

--	--

6. Referees

Applicants must include three (3) referees as per application information.

(I) Name of referee:	<input style="width: 100%;" type="text"/>		
Referee telephone number:	<input style="width: 150px;" type="text"/>	Referee Email address:	<input style="width: 150px;" type="text"/>
Title of current position held by referee:	<input style="width: 100%;" type="text"/>		
Name of organisation referee employed with:	<input style="width: 100%;" type="text"/>		
Length of time/professional relationship to applicant (eg. Direct supervisor, lecturer):	<input style="width: 300px;" type="text"/>		

(II) Name of referee:	<input style="width: 100%;" type="text"/>		
Referee telephone number:	<input style="width: 150px;" type="text"/>	Referee email address:	<input style="width: 150px;" type="text"/>
Title of current position held by referee:	<input style="width: 100%;" type="text"/>		
Name of organisation referee employed with:	<input style="width: 100%;" type="text"/>		
Length of time/professional relationship to applicant (eg. Direct supervisor, lecturer):	<input style="width: 300px;" type="text"/>		

(III) Name of referee:	<input style="width: 100%;" type="text"/>		
Referee telephone number:	<input style="width: 150px;" type="text"/>	Referee Email address:	<input style="width: 150px;" type="text"/>
Title of current position held by referee:	<input style="width: 100%;" type="text"/>		
Name of organisation referee employed with:	<input style="width: 100%;" type="text"/>		
Length of time/professional relationship to applicant (eg. Direct supervisor, lecturer):	<input style="width: 300px;" type="text"/>		

7. Documentary Evidence

Required documentation: please tick if you have attached the following documents in support of your application, (*Application with incomplete documents will be rejected*).

TWO COPIES of the original completed application forms are required.

	Yes	No
• Copy of identity card	<input type="checkbox"/>	<input type="checkbox"/>
• Copy of passport personal information page (foreign nationals only)	<input type="checkbox"/>	<input type="checkbox"/>
• Copy of work permit (foreign nationals only)	<input type="checkbox"/>	<input type="checkbox"/>
• Curriculum Vitae / Résumé	<input type="checkbox"/>	<input type="checkbox"/>
• Certified copy of degree certificates in original language	<input type="checkbox"/>	<input type="checkbox"/>
• Certified copy of official university level transcripts of results in original language	<input type="checkbox"/>	<input type="checkbox"/>
• 3 Original passport size photo in colour (1 photo attached to this form)	<input type="checkbox"/>	<input type="checkbox"/>
• Copy of the application payment receipt	<input type="checkbox"/>	<input type="checkbox"/>

8. Applicant's Declaration

I certify that the statements made in this application for an Environmental Impact Assessment Consultant are true, complete and correct. I understand that provision of false or/and misleading information will result in cancellation of registration certificate.

Full name:

Signature: Date:
(day/month/year)

Note: The completed application forms with required documents should be submitted to (Address)

For Office Use Only	
Received by (full name):	<input type="text"/>
Date:	<input type="text"/> (day/month/year)
Time:	<input type="text"/>
Signature:	<input type="text"/>
Stamp:	<input type="text"/>

SCHEDULE P

**CERTIFICATE OF REGISTRATION AS AN
ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANT**



Ministry of Environment Energy and Water
Male; Republic of Maldives

Passport
size
photo

CERTIFICATE OF REGISTRATION

This is to certify that

(Name)

(Registration no:)

is hereby registered as an Environmental Impact Assessment Consultant
under 14 (1) of Environmental Impact Assessment Regulations.

Address:

ID card number:

Issued date:

Expiry date:

Registrar



SCHEDULE Q

RENEWAL FORM FOR CONSULTANT REGISTRATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Serial No:

**Ministry of Environment, Energy and Water**

Male', Republic of Maldives

Attach a recent
passport size photo
3.5 x 4.5 cm

APPLICATION FORM FOR REGISTRATION AS AN ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANT

Complete the boxes clearly using **BLOCK LETTERS** and **BLUE/BLACK INK** only. For "yes" or "no" questions, indicate the response with an "X" in the appropriate box.

1. Applicant Details

Title: Mr Mrs Ms Dr Other

Family name (as shown on passport):

Given names (as shown on passport):

Gender: Male: Female:

Date of birth (day/month/year): Age:

Country of citizenship:

Identity card number:

Passport number (foreign nationals only):

Work permit number (foreign nationals only): Expiry date:
(Day/month/year)

Address for Correspondence

Please give contact details where you can be contacted when a decision is reached.

Email address:

Address:

Country:

Telephone numbers (where you can be contacted) please include country and area codes if necessary.

Home:

Work:

Cellular/ Mobile phone:

Fax:

2. This application is for:

- Full registration certificate ☐
- Temporary registration certificate ☐

3. Academic Qualifications

Please provide details of all tertiary education undertaken.

Name of educational institute / Country	Years attended From To	Major fields or subjects studied	Qualification obtained
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

A certified copy of all official transcripts and certificates must be included with application forms.

4. Employment Records

Please provide details of work experience in a field related directly or indirectly to environment management.*

Title of the most recent position held:	<input type="text"/>
Number of years employed:	<input type="text"/>
Name of employer organisation:	<input type="text"/>
Address of employer organisation:	<input type="text"/>
Telephone number:	<input type="text"/>
Type of organisation (eg: Government, industry, business, etc...):	<input type="text"/>

Briefly describe your organisation, and your current duties/ responsibilities (up to 100 words): Please use additional sheets if needed

* If experience in a field related to environmental management and/or environmental conservation has been gained with more than one employer please include on a separate sheet.

5. Previous Experience with EIA / IEE

Please provide details of professional involvement with EIA / IEE in Maldives or another country (list five separate EIA/ IEE projects where you have had a significant professional involvement, list the name and date of the study, the location, the project proponent and a contact telephone number, and the nature of your involvement in the study):

--

6. Documentary Evidence

Required documentation: please tick if you have attached the following documents in support of your application, ***(Application with incomplete documents will be rejected).***

TWO COPIES of the original completed application forms are required.

	Yes	No
• Copy of identity card	<input type="checkbox"/>	<input type="checkbox"/>
• Copy of passport personal information page (foreign nationals only)	<input type="checkbox"/>	<input type="checkbox"/>
• Copy of work permit (foreign nationals only)	<input type="checkbox"/>	<input type="checkbox"/>
• Curriculum Vitae / Résumé	<input type="checkbox"/>	<input type="checkbox"/>
• Certified copy of degree certificates in original language	<input type="checkbox"/>	<input type="checkbox"/>
• Certified copy of official university level transcripts of results in original language	<input type="checkbox"/>	<input type="checkbox"/>
• 3 Original passport size photo in colour (1 photo attached to this form)	<input type="checkbox"/>	<input type="checkbox"/>
• Copy of the application payment receipt	<input type="checkbox"/>	<input type="checkbox"/>

7. Applicant's Declaration

I certify that the statements made in this application for an Environmental Impact Assessment Consultant are true, complete and correct. I understand that provision of false or/and misleading information will result in cancellation of registration certificate.

Full name:

Signature:

Date:

(day/month/year)

Note: The completed application forms with required documents should be submitted to the

For Office Use Only

Received by (full name):

Date: Stamp:
(day/month/year)

Time:

Signature:

SCHEDULE R

**TEMPORARY CERTIFICATE OF REGISTRATION AS AN
ENVIRONMENTAL IMPACT ASSESSMENT CONSULTANT**



Ministry of Environment Energy and Water
Male; Republic of Maldives

Passport
size
photo

**TEMPORARY
CERTIFICATE OF REGISTRATION**

This is to certify that

(Name)

(Registration no:)

is hereby registered as a temporary Environmental Impact Assessment
Consultant under 14 (1) of Environmental Impact Assessment Regulations.

Address:

ID card number:

Issued date:

Expiry date:

Registrar



ISBN 99915-95-02-5

Ministry of Environment, Energy and Water
Republic of Maldives