

Policies & Regulatory Provisions on EIA/IEE in Nepal

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The 3 year plan:(2067 BS - 2070 BS)

- **Major program:**
 - To organize an interaction program with agencies and departments besides private sector representatives with regard to making EIA review and approval procedure swifter and more effective
 - To collect suggestions from various stakeholders with regard to modifying EIA guideline

Legal Provisions in EPA, 2053 BS

Section 3, 4 & 5

- Requirement of an IEE or EIA for certain proposals and getting approval of their reports from concerned agency or MoSTE before implementation of the proposal by the proponent

Section 6 (1)

- Requirement of approval of IEE report by concerned agency and forwarding of EIA report to MoSTE along with its opinion/suggestions

Section 6 (2)

- Concerned agency can require preparation of EIA report if IEE of a proposal recommends so and shall forward the EIA report thus prepared to the MoSTE along with its opinion/suggestions

Section 6 (3)

- MoSTE shall make the EIA report public for concerned people to provide their opinion/suggestions on it

Section 6 (4)

- MoSTE may form a review committee comprising experts to review the EIA report and provide opinions/suggestions to the MoSTE

Section 6 (5)

- MoSTE shall approve the EIA report by taking into consideration the opinions/suggestions received from the public and from the review committee

Section 6 (6)

- Concerned agency or the MoSTE may approve the IEE report or EIA report with conditions

Section 6 (7)

- The time limit for approval of IEE report or EIA report and other arrangements shall be as stipulated

Legal Provisions in EPR, 2054 BS

Rule 3

- Requirement of IEE of proposals listed in Schedule-1 and EIA of proposals listed in Schedule-2

Rule 4 (1)

- Publishing of a 15 day notice in a national news daily for scoping in connection with EIA

Rule 4 (2)

- Submission of comments/suggestions in response to the public notice for scoping

Rule 4 (3)

- Submission of Scoping report to concerned agency for approval

Rule 4 (4)

- Forwarding the scoping report to the MoSTE along with its opinions/comments for approval

Rule 4 (5)

- MoSTE shall approve the Scoping Report as proposed or with modifications to it

Rule 5 (1)

- Prepare a ToR for IEE (as per format prescribed in Schedule-3) and get approved by the concerned agency

Rule 5 (2)

- Prepare a ToR for EIA (as per format prescribed in Schedule-4) based on approved scoping and get it approved by the MoSTE
- OR**
- Get the scoping report and ToR for EIA approved together

Rule 5 (3)

- Approval of the ToR for IEE/EIA with necessary modifications by the concerned agency/MoSTE

Rule 6

- Upon examination of the IEE report of a proposal, concerned agency may deem it necessary to carry out full EIA of the proposal

Rule 7 (1)

- The proponent has to prepare an IEE report (in the format of schedule 5) and an EIA report (in the format of schedule 6) based on the ToR approved as per Rule 5

Rule 7 (2)

- In connection with the proposal requiring an IEE, the proponent should post a 15 day notice in the VDC/municipality office, DDC office, school, hospital, health post (in the proposal implementation area) and secure deeds (muchulka) of the same, and also publish the same notice in a national news daily to solicit comments/suggestions from concerned stakeholders for preparing the IEE report

OR

- In connection with the proposals requiring an EIA, the proponent should convene a public hearing once in the VDC/municipality area, where proposal is to be implemented, to collect comments/suggestions from the stakeholders on the proposal

Rule 10

- The proponent willing to implement the proposal should submit 15 copies of the report prepared pursuant to Rule 7 along with the recommendations of concerned VDC/municipality to the concerned agency for approval

Note: Rule 8 and Rule 9 were deleted by the first amendment of the EPR, 2054 BS

Rule 11 (1)

- The concerned agency itself shall give approval to the IEE report within 21 days of the receipt (received pursuant to Rule 10) of the report and forward 10 copies of the EIA report along with its comments/suggestions to the MoSTE for approval within 21 days of their receipt

Rule 11 (2)

- MoSTE shall make public the EIA reports received pursuant to Rule 11 (1) for public to copy or study the report for 30 days by publishing a notice in a national news daily by publishing a notice in a national news daily with an objective of collecting public comments/suggestions on the report

Rule 11 (3)

- The public/organizations shall submit their concerns/comments/suggestions to the MoSTE within 30 days of the first day of the public notice published pursuant to Rule 11 (2)

Rule 11 (4)

- After examination of the EIA report, MoSTE shall give approval for the implementation of the proposal with due consideration of the comments/suggestions received pursuant to Rule 11 (3) and the comments/suggestions from the *EIA Report Suggestion Committee* formed as per the Section 6 (4) of the EPA

Rule 11 (5)

- While giving approval to the proposal pursuant to Rule 11 (4), MoSTE shall give approval within 60 days of the receipt of the EIA report

Rule 11 (6)

- Under special circumstances, MoSTE will get additional 30 days after the expiry of the 60 days available pursuant to Rule 11 (5) to give approval to the proposal

Rule 12

- Following the approval of the EIA report, the proponent shall fully comply with the commitments made in the report and also with the additional conditions set forth by the concerned agency or MoSTE

Rule 13 (1)

- The concerned agency shall carry out the monitoring and evaluation of the implementation of the proposal and the approved EIA

Rule 13 (2)

- In the course of monitoring & evaluation pursuant to Rule 13 (1), the concerned agency shall issue necessary instructions to the proponent to deal with any actual environmental impacts exceeding those mentioned in the approved EIA and attached conditions, if any

Rule 13 (3)

- The concerned agency shall provide information to the MoSTE regarding any instructions issued to the proponent pursuant to Rule 13 (2)

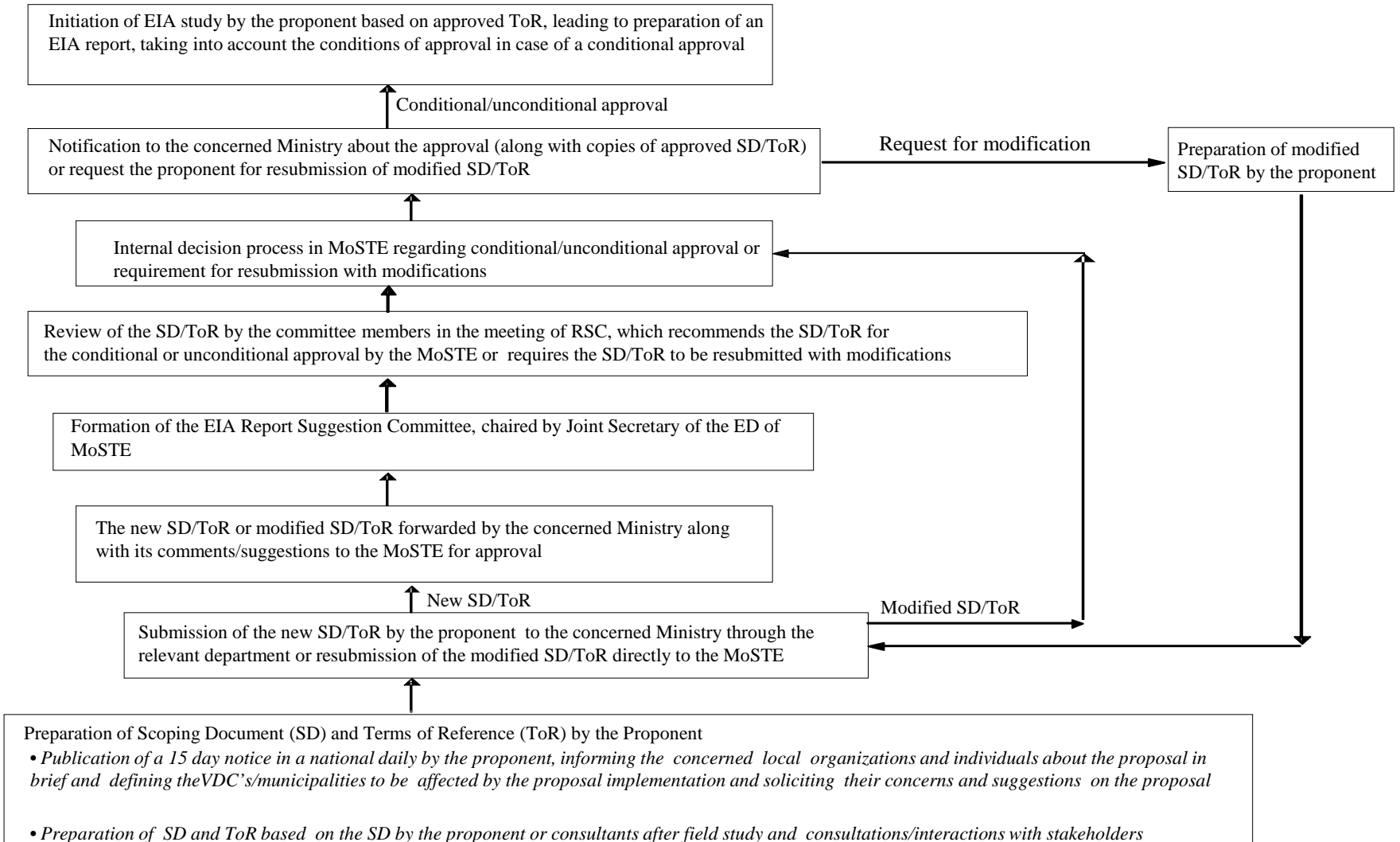
Rule 14

- MoSTE shall carry out the environmental audit of the proposal after 2 years of the commencement of the delivery of service, distribution or production and keep database of the proposal update

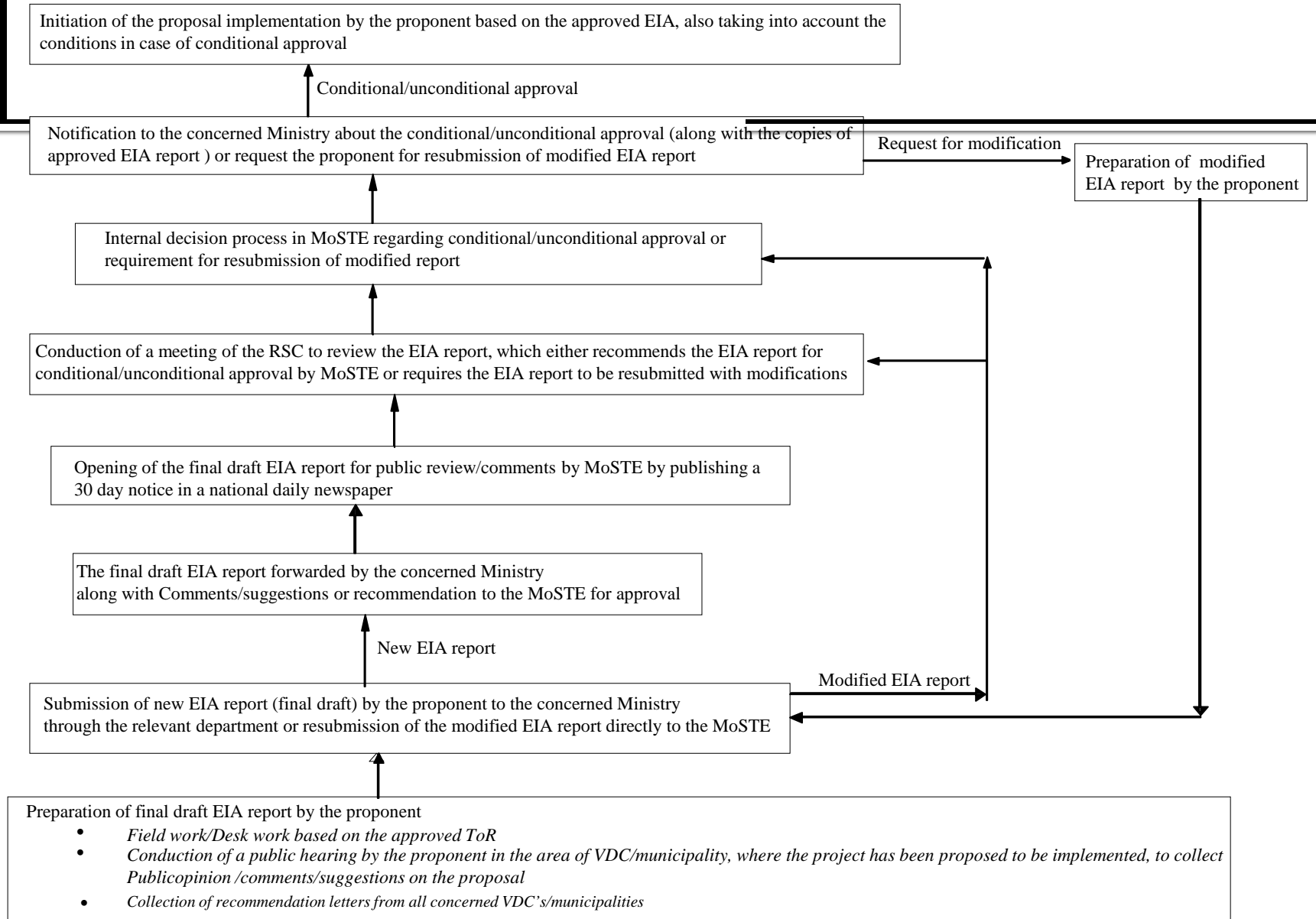
Comparison in terms of legal provisions

	IEE	EIA
<i>Screening criteria</i>	Schedule-1 of EPR, 1997	Schedule-2 of EPR, 1997
<i>Scoping</i>	Not required	Required
<i>Terms of Reference</i>	Required	Required
<i>Public hearing</i>	Not required	Required
<i>Recommendations of concerned VDC's/Municipalities</i>	Required	Required
<i>Open EIA/IEE report for public review/comments</i>	Not required (However, publication of a 15 day public notice in a national-level daily newspaper and posting of the same in the project implementation area for soliciting suggestions/concerns of all stakeholders is a must before report finalization)	Required
<i>Review by committee of experts</i>	Not required	Required
<i>Approving agency</i>	Concerned agency	MoE
<i>Deadline for approval</i>	Within 21 days of receipt of the report in the concerned agency	Within 60 to 90 days of receipt of the report in the Ministry
<i>EMP</i>	Not required	Required

SD/ToR Approval Process



EIA Report Approval Procedure



EIA Report Review Procedure
