



Ministry of Environment, Lands and Agricultural
Development

Environment and Conservation Division

Environment Licence Application Guideline

Guideline for applicants seeking an environment licence under the *Environment Act 1999* (as amended 2007).

Version	Date	Revision description
1	26.7.11	Final version for distribution
2	2.9.11	Small amendments from first use

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I Introduction

Section 22 of the *Environment Act 1999* (as amended 2007) (Environment Act) requires that an environmentally significant activity (ESA), as listed in the Schedule of the Environment Act, and the construction work designed to enable an ESA must be carried out in accordance with an environment licence.

Section 31 of the Environment Act requires that the proponent of an ESA is to apply for an environment licence to the Principal Environment Officer (PEO) prior to the commencement of that activity.

This document has been prepared by the Environment and Conservation Division (ECD), Ministry of Environment Lands and Agricultural Development (MELAD) for use by environment licence applicants.

The document may be updated from time to time, as required. Check the ECD website for the current version.

1.1 Aim of this document

The aim of this document is to help you apply for an environment licence under the Environment Act. This document is intended as a guide only, and should be read in conjunction with the Environment Act and the *Environment (General) Regulation 2008* (Regulation), as changes may have been made to the Environment Act or the Regulation since the date of publication of this guide.

This document provides information on how and where to apply for an environment licence, what information you will need to provide and how much an environment licence costs.

1.2 What is licensed under the Environment Act?

The Environment Act contains a list of ESAs that require an environment licence. These are listed in the Schedule of the Act (which is reproduced in Attachment 1).

Any construction work designed to enable an ESA also requires an environment licence.

If you carry out or are responsible for, direct, cause or allow the carrying out of, an ESA, or construction work, and do not have a valid environment licence, you will have committed an offence and may be prosecuted.

2 Do I need an environment licence?

2.1 Who needs to apply for an environment licence

An application for an environment licence is to be filled in by anyone who is proposing to undertake or is involved in an ESA that is not currently licensed but requires an environment licence under the Environment Act.

2.2 Is there anything I need to do before I apply for an environment licence?

ESA's undertaken within the designated foreshore are regulated under the *Foreshore and Land Reclamation Ordinance* (Cap 35). You should obtain the required licence from the Chief Lands Officer, Land Management Division, MELAD before you submit the environment licence application to the ECD.

3 How do I apply for an environment licence?

When you have decided that your proposal may require an environment licence, you need to apply for one by filling out an application form.

You only need to complete one application form for your proposal, which may include multiple ESAs. You should note all the ESAs that are proposed.

3.1 Where can I get an application form?

The environment licence application form can be obtained from the ECD, MELAD in Bikenibeu, Tarawa or from the ECD website at www.environment.gov.ki. Click on 'downloadable forms' and download *Environment Licence Application Form*.

3.2 Where do I send my completed application form?

Submit completed environment licence application forms to the address below:

Environment and Conservation Division
Ministry of Environment, Lands and Agricultural Development
PO Box 234
Bikenibeu
Tarawa
Kiribati

Or by email: information@environment.gov.ki

Or by facsimile: (+686) 28334

3.3 What else do I need to provide with my application form?

As well as sending the application form and any supporting documentation (the need for which is outlined in the application form), you will need to provide a receipt for payment of your environment licence fee. The fee schedule and where to pay is outlined in Section 4.

The PEO may request additional information from you in relation to your application. This is outlined in Section 3.4. Any additional information or report is to be submitted to the ECD at the address noted in Section 3.2, or as directed by the PEO.

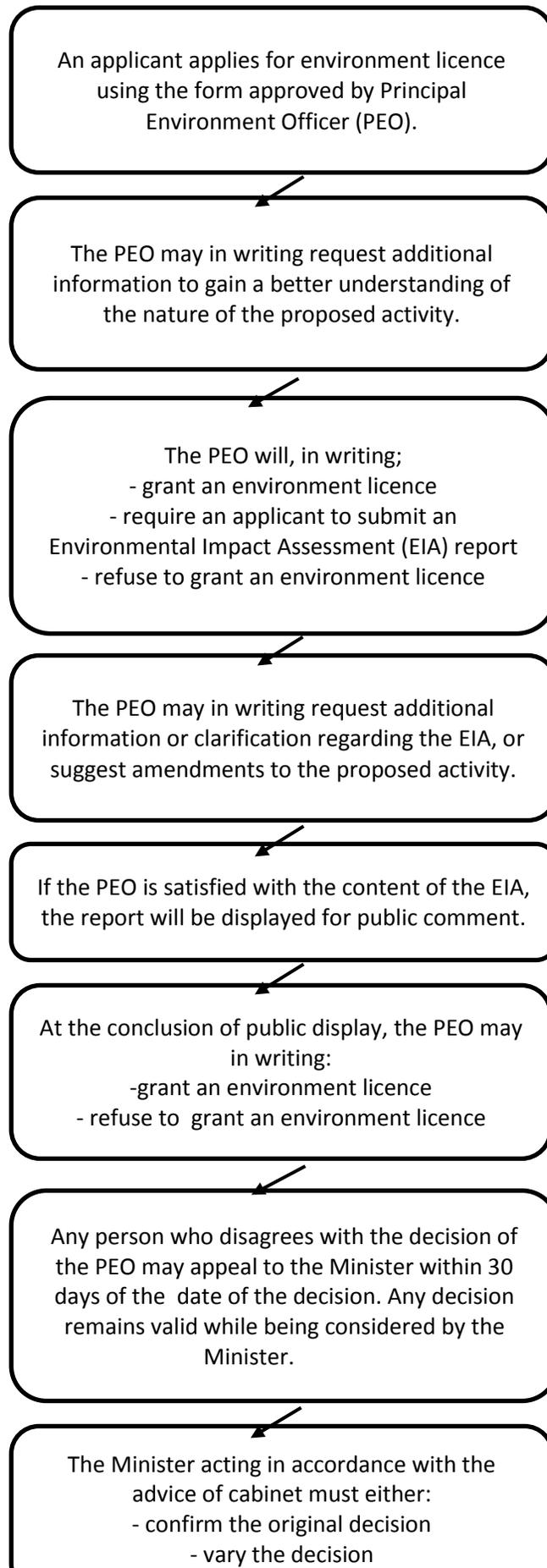
3.4 How will my application be assessed?

Under Section 32(1) of the Environment Act, after receiving an application for an environment licence the PEO may:

- a) *grant an environment licence, subject to any reasonable conditions*
- b) *require the applicant to submit an Environmental Impact Assessment (EIA) report to the PEO; or*
- c) *refuse to grant an environment licence.*

Your environment licence application will be reviewed by the PEO. The PEO may, in writing, request additional information from you in order to gain a better understanding of the nature of the proposed activity. A site visit may be needed. If required, you would be advised prior to the site visit.

The application process is outlined in the flow chart below.



3.4.1 The PEO grants my environment licence without the need for an EIA

Should the PEO decide to issue an environment licence, you will be notified and asked to collect and countersign the environment licence at the ECD in Bikenibeu.

3.4.2 The PEO requires EIA

Should the PEO require that you prepare an EIA, you will be advised, in writing, the content and format of the EIA required. The PEO may request a Basic EIA (BEIA) or a Comprehensive EIA (CEIA). The content and format of each report is detailed in Attachment 2.

Upon receipt of the completed EIA, the ECD would commence their review. The PEO may in writing request additional information or may suggest amendments to a proposed activity. If the PEO is content with the report, you would be advised of the public display procedure required to adequately bring the report to the attention of interested persons.

At the conclusion of any period allowed for public consultation, the PEO may in writing grant an environment licence or refuse to grant an environment licence (as per Section 37 of the Environment Act). An environment licence would be refused if environmental concerns vastly outweigh the environmental benefits, and the impacts cannot be mitigated.

Should the PEO decide to issue an environment licence, you will be notified and asked to collect and countersign the environment licence at the ECD in Bikenibeu.

3.5 How long will it take to have my environment licence application processed?

The length of time it takes to process an environment licence application varies. The timeframes identified below should be used as a guide only as each application will be different.

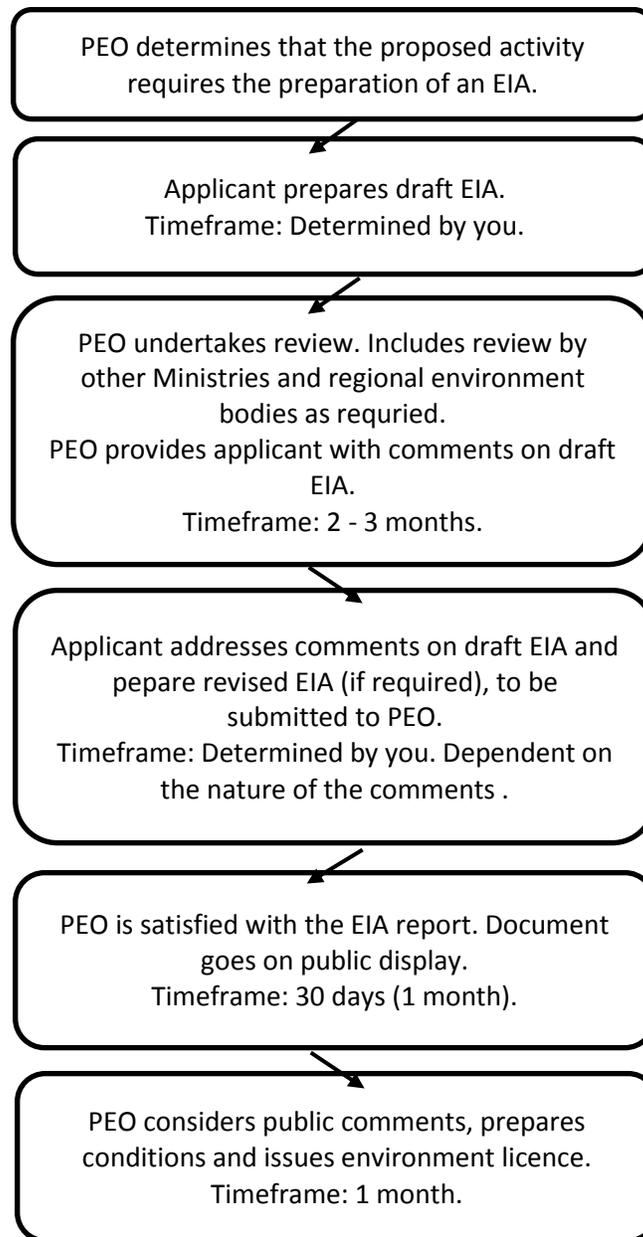
3.5.1 Environment licence application processing time when an EIA is not required

If your proposal does not require an EIA, the application will likely be processed within *one month* from the date of application. This period may be extended should the PEO need to seek any additional information from you or another person or committee.

For basic environment licence applications, for example extraction of aggregates at designated sites licensed under the *Foreshore and Land Reclamation Ordinance* (Cap 35), **the processing of your application will generally take less than one week.**

3.5.2 Environment licence application processing time when an EIA is required

If your proposal requires the preparation of an EIA, the time to process the environment licence application will be considerably longer. The steps and likely timeframes are as follows:



It can be seen that the environment licensing process can take *several months*. The time required for the PEO’s review and public display period will be four to five months. You will also need adequate time to prepare a draft EIA and (if required) a revised EIA for public display. It is therefore important to lodge your environment licence application as early as possible. If you are unsure whether your proposal is likely to require an EIA, you should contact the ECD to discuss the nature of your proposal. Refer [Section 5.5 for ECD contact details](#).

4 Environment licence fees

4.1 How much will my environment licence cost?

The Regulation sets out the prescribed fee for the purpose of applying for an environment licence under the Environment Act. An application fee of \$10.00 applies. You should provide a copy of your receipt with your application.

You should refer to the most current Regulation as there may have been a change to fees since the date of publication of this guide.

Note that the cost of preparing an EIA report, if required, must be borne by the environment licence applicant.

4.2 Where do I pay?

You can pay your environment licence fee at the Accounts Department, MELAD Headquarters, Bikenibeu.

5 Other environment licensing questions

5.1 What happens if I change the type or scale of my activity?

The conditions of your environment licence relate to the type and scale of the ESA. If you change the type and scale of the ESA, you will need to apply for a new environment licence.

5.2 Can I transfer an environment licence?

In order to transfer an environment licence you must seek written approval from the PEO.

5.3 Can I appeal against an environment licensing decision?

In accordance with Section 85 of the Environment Act, if you disagree with an environment licensing decision made by the PEO you may appeal against the decision to the Minister. You must appeal in writing within 30 days of the date of the decision. Any decision remains valid while being considered by the Minister.

5.4 What happens if I don't apply for an environment licence and I need one?

You will be liable to prosecution if you carry out an ESA and do not hold an environment licence. This could result in you being fined as much as \$100,000 or imprisonment for five years.

5.5 What happens if I fail to comply with the conditions of my environment licence?

If you fail to comply with your environment licence conditions you will be liable to prosecution. This could result in you being fined as much as \$100,000 or imprisonment for five years.

5.6 How can I contact the Environment Conservation Division?

Contact details for ECD are as follows:

Telephone Number: (+686) 28000, 28425, 28211

Fax Number: (+686) 28334

Email: information@environment.gov.ki

Address: Environment and Conservation Division
Ministry of Environment, Lands and Agricultural Development
PO Box 234
Bikenibeu
Tarawa
Kiribati

Attachment 1 – Schedule of environmentally significant activities

Reproduction of Schedule – *Environment Act 1999* (as amended). Check official versions of the *Environment Act 1999* and any amendments for verification.

Prescribed developments

1. FOOD INDUSTRIES including;

- (a) fruit processing, bottling and canning
- (b) brewing, making and distillery works
- (c) abattoirs
- (d) other food processing requiring packaging

2. IRON AND STEEL INDUSTRIES

3. NON-METALLIC INDUSTRIES including:

- (a) lime production
- (b) brick and tile manufacture
- (c) extraction of minerals and mining
- (d) extraction of aggregates stones or shingles, sand and reef mud, beach rock
- (e) radio-active related industries
- (f) manufacture of cement
- (g) plastic manufacturing and moulding

4. LEATHER, PAPER, TEXTILE AND WOOD INDUSTRIES including:

- (a) leather tanning and processing
- (b) textile industry with dyeing facilities
- (c) carpet industry with chemical dyeing
- (d) manufacture of paper, pulp and other wood products

5. FISHING AND MARINE INDUSTRY PRODUCT

Fish processing, seaweed farming, land or marine foods processing or farming, pet fishing licensing, fishing ponds industries, fishing activities in Kiribati waters, introduction to Kiribati non-native (alien) species. 6.

6. CHEMICAL INDUSTRY including:

- (a) pesticide production and use
- (b) pharmaceutical production
- (c) fertiliser manufacture and use
- (d) oil refineries

7. TOURISM INDUSTRY including:

- (a) hotels
- (b) golf courses
- (c) recreational parks
- (d) tourism resorts or estates

8. AGRICULTURE INDUSTRY including:

- (a) livestock development
- (b) agricultural development schemes
- (c) irrigation and water supply schemes
- (d) logging operations
- (e) saw milling, all forms of timber milling and treatment, copra processing

9. PUBLIC WORKS SECTOR including:

- (a) landfills
- (b) infrastructure developments
- (c) major waste disposal plants including recycling and collection systems
- (d) soil erosion, beach erosion and siltation control
- (e) hydropower schemes, desalination plants
- (f) reservoir development
- (g) airport developments
- (h) causeways, drainage and disposal systems
- (i) dredging
- (j) watershed management
- (k) ports and harbours
- (l) seawalls/land reclamation
- (m) boat channels
- (n) port and harbours

10. GENETICALLY ENGINEERED ORGANISMS (GEOs)

11. OTHER

- (a) industrial estates
- (b) housing multiple units
- (c) settlement and resettlement schemes
- (d) petroleum product storage and processing works.

Attachment 2 – Environmental Impact Assessment content and format

Basic Environmental Impact Assessment (BEIA)

Item	Detail
1	the objectives of the proposed activity
2	an analysis of the need for the proposed activity
3	<p>a description of the proposed activity, including—</p> <p style="padding-left: 40px;">(a) if the activity includes construction work—</p> <p>(i) designs, plans and maps;</p> <p>(ii) the quantities of any materials and equipment needed;</p> <p>(iii) the nature of any construction or works process;</p> <p>(iv) construction working hours;</p> <p>(v) proposed schedule for implementation and completion;</p> <p style="padding-left: 40px;">(b) if the activity includes carrying on an environmentally-significant activity—</p> <p>(i) the nature and extent of the activity;</p> <p>(ii) materials needed;</p> <p>(iii) sourcing of material, whether imported or locally sourced;</p> <p style="padding-left: 40px;">(c) if the activity includes taking, harvesting, growing or keeping of organisms, the type and number of organisms involved;</p> <p style="padding-left: 40px;">(d) if the activity includes the generation of any waste substances or energy—</p> <p>(i) the nature and quantity of any waste products;</p> <p>(ii) proposed methods for controlling and dealing with any waste products;</p> <p style="padding-left: 40px;">(e) if the activity includes harm to a coral reef, mangrove or sea grass bed, the nature and extent of the harm;</p> <p style="padding-left: 40px;">(f) if the activity includes harm to a protected species or ecological community, the nature and extent of the harm;</p> <p style="padding-left: 40px;">(g) if the activity is in a protected area or World Heritage area, the nature and extent of any harm to the protected area or World Heritage area</p>

4	a description of the environment with the potential to be affected by the proposed activity
5	the potential or actual impacts of the proposed activity on the environment
6	a description of any intended investigations or studies of the possible impact of the proposed activity on the environment
7	a description of how climate change and climate variability may impact on the activity
8	the benefits of the proposed activity, including any economic, social and cultural factors
9	reasonable alternatives to the proposed activity, for example, design and sites, and including, at least, the alternative of not undertaking the activity
10	an outline of the reasons for the proposed activity as opposed to the alternatives
11	a description of any other legal requirements relating to the proposed activity
12	a summary of the results of consultations undertaken for the proposed activity
13	a list of the persons and bodies who have been consulted
14	<p>an environmental management and protection plan for the proposed activity, including—</p> <ul style="list-style-type: none"> (a) a description and assessment of the controls, safeguards, standards or other environmental management or mitigation measures intended to be adopted or applied for the protection of the environment, or to minimize or prevent harm to the environment, including their estimated costs; (b) a description of any intended environmental monitoring and reporting of the impact of the activity with estimated costs; (c) a description of responsibilities and authorities for implementation of mitigation measures and monitoring requirements; (d) a clear statement that the applicant is committed to the measures included in the environmental management and protection plan; and (e) a clear statement by the applicant that, if unexpected adverse impacts occur, contact will be made immediately with the Principal Environment Officer to seek advice.
15	a list of contributors to the report and their contact details
16	an executive summary of the impact assessment report, written in both English and Kiribati

Comprehensive Environmental Impact Assessment (CEIA)

Item	Detail
1	all the information required by a basic environmental impact assessment report for the proposed activity
2	<p>if the activity includes construction work—</p> <ul style="list-style-type: none"> (a) adequate technical data to allow an assessment of the impact of the prescribed works; (b) the plans for de-commissioning the constructed works; (c) level of noise involved and hours of operation
3	<p>a description of the environment with the potential to be affected by the proposed activity including—</p> <ul style="list-style-type: none"> (a) the geology, soils, ground, surface and lagoon water (including baseline data); (b) the nearby foreshore description – beach material, shape of coastline, wind direction, currents and nature of reef; (c) ecological important habitats and organisms: distribution and abundance in the area
4	<p>a description of, and any potential impacts on, social, economic and cultural resources including:</p> <ul style="list-style-type: none"> (a) population & employment (within the likely affected community); (b) health facilities; (c) education facilities; (d) current land use and resources traditionally used by local communities; (e) sites or structures that are of historical and cultural significance
5	the potential or actual impacts of the proposed activity on the environment, including any primary, secondary, short and long term adverse and beneficial impacts
6	a full description of any residual impact which can not be mitigated
7	an account of any similar projects elsewhere and a description of the impacts, and controls used
8	a full description of each alternative to the proposed activity, including the benefits, impacts and management options
9	a full description on long term measures proposed to be undertaken to avoid likely adverse impacts

	of climate change and climate variability in relation to the activity, taking into consideration global and local climate scenarios
10	a description of the possible energy sources for activity, taking into account viable renewable energy sources, and a justification for the proposed energy source
11	a full description of the methods used in predicting and assessing the information presented
12	detail of public involvement and disclosure including: (a) a description of the participation schemes involving the public from project planning until decommissioning; (b) an outline of major issues received from the public and a description of how these concerns are going to be addressed; (c) a summary of public opinion on the proposed project
13	sources and references to materials relied on