

ENVIRONMENT (AMENDMENT) ACT 2007
(section 86)

ENVIRONMENT (GENERAL) REGULATIONS 2017

In exercise of the powers conferred by section 86 of the Environment (Amendment) Act 2007, the Minister, acting in accordance with the advice of the Cabinet, hereby make the following Regulations:

Part I – Preliminary

1. Citation

These Regulations may be cited as the Environment (General) Regulations 2017.

2. Commencement

These Regulations shall be commenced on the date of publication, by exhibition at the Office of Te Beretitenti.

Part II – Fees

3. Environmentally Significant Activities Licence Fees

For the purposes of section 31(b) of the Act, the prescribed fee for Environmentally Significant Activities is described in the following table —

Items	Activity	Fees
1	Scientific or Environmental Research - by an individual for academic purposes only	\$30
2	Scientific or Environmental Research – for any other purposes	\$300
3	Activities intended to generate income or make profit	\$20
4	Government activities (including research) not intended to generate income or make profit	\$30
5	Activities intended for private purposes	\$10

Part III - Requirements of Environmental Impact Assessment Reports

4. Requirements of environmental impact assessment report.

For the purpose of section 33(1)(d) of the Act, an environmental impact assessment report must include the following details: -

Item	Details
	An executive summary of the impact assessment report, written in Kiribati
1	The objective of the proposed activity
2	An analysis of the need for the proposed activity
3	A description of the proposed activity, including: a) If the activity includes construction work – i) Designs, plan and maps; ii) The quantities of any materials and equipment needed; iii) The nature of any construction or works process; iv) Construction working hours; and v) Proposed schedule for implementation and completion. b) If the activity includes carrying on an environmentally-significant activity- i) The nature and extend of the activity; ii) Materials needed; and iii) Sourcing of materials, whether imported or locally sourced. c) If the activity includes taking, harvesting, growing or keeping of organisms, the type and number of organisms involved; d) If the activity includes the generation of any waste substances or energy – i) The nature and quantity of any waste products; ii) Proposed methods for controlling and dealing with any waste products. e) If the activity includes harm to coral reef, mangrove or sea grass bed, the nature and extend of harm f) If the activity includes harm to a protected species or ecological community, the nature and extend of the harm 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.
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, 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	List of the persons and bodies who have been consulted
14	An environmental management and protection plan for the proposed activity, including – i) a description of environmental issues or the environment to be affected or impacted; ii) 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 minimise or prevent harm to the environment, including their estimated costs; iii) A description of responsibilities and authorities for implementation of mitigation measures and monitoring requirements. iv) A clear statement that the applicant is committed to the measures included in the environmental management and protection plan; and v) 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	The summary of the environmental management and protection plan in a matrix form. The summary of the environmental and protection plan must include – i) Environmental issues of the environment to be affected or impacted; ii) Proposed mitigation, control or safeguard measure; iii) Name of institutions responsible for implementing mitigation, control or safeguard measures.
16	Any other additional requirements (information) that may be required.
17	A list of contributors to the reports and their contact details.

5. Environmentally – Significant Activities

(1) For the purpose of section 21 of the Act and Item 3 (b) of the requirement for the environmental impact assessment report above, an environmentally-significant activities are listed in the Schedule.

6. Public Consultation Requirements.

(1) The Principal Environment Officer in setting out the requirements for public consultation, must outline how the applicant must attempt to consult with –

- a) Any nearby or adjacent landowners; and
- b) Any other person who would have an immediate interest in the activity.

(2) The public consultation requirements may include: -

- a) Public meetings and how and when such meetings should be advertised;
- b) Written and verbal communication to nearby or adjacent landowners and any other person who has a known interest in the activity;
- c) Notice at the proposed project site and public places;
- d) Radio announcements
- e) Newspaper notifications;
- f) The information about the proposed activity that is to be included in the consultation and notices;
- g) How long a consultation or notification activity is to be undertaken for;
- h) How long the applicant must allow for receiving submissions from the public; and
- i) How the submissions must be recorded by the applicant and included in the environmental impact assessment report.

7. Environmental Impact Assessment Report that does not meet the requirements of the Act.

(1) The Principal Environment Officer may inform the applicant in writing that an environmental impact assessment report does not meet the requirements of the Environment Act for publication under section 36 of the Act.

(2) The Principal Environment Officer may state reasons for the decision and, for the purposes of section 34, may request further information that must be included in the environment impact assessment report to meet the requirement of the Act.

Part IV - Seizure of items

8. Seizure of items

(1) An environment inspector may, after seizing any item—

- (a) take or move the item to any place the environment inspector considers appropriate; or
- (b) direct the—
 - (i) owner of the item; or
 - (ii) the occupier of the premises where the item was seized, to retain the item in any reasonable place and manner that the environment inspector considers appropriate.

(2) As soon as practicable after seizing an item, an environment inspector must—

- (a) give a receipt to the person in control of the item immediately before it was seized;
- (b) give a receipt to the owner of the item; or
- (c) leave a receipt at the place from which the item was seized.

(3) A receipt under sub-regulation (2) must—

- (a) contain a description of the item seized;
- (b) contain a brief reason for the seizure;
- (c) specify the date and time of the seizure;
- (d) contain a statement that the owner may appeal to the Minister for the return of item if the item is not connected with a contravention or a possible contravention of this Act; and
- (e) be signed by the environment inspector seizing the item.

(4) A receipt may cover more than one seized item.

(5) The owner must be notified to take the seized items, unless a court makes a contrary order, when any of the following occur—

- (a) 90 days after the seizure, if proceedings which the item is connected have not commenced before that time, unless there is a written notice from Police Prosecutions or the Attorney General's Office notifying that the case is being processed and the seized item is still required;
- (b) the reason for its seizure no longer exists; or
- (c) all proceedings to which the item is connected have concluded and any fines or other amounts ordered to be paid by the owner of the item have been paid.
- (d) an item that is released to the owner by the Minister under Regulation 8 (6).

(6) Where an owner of a seized item has appealed to the Minister under section 85 of the Act and the Minister is satisfied that the seized item is not evidentiary material then the item must be released to the owner.

(7) The Minister may release any seized item to the owner either—

- (a) unconditionally; or
- (b) on such conditions as the Minister thinks fit (including conditions about payment of bonds equal to the value of the item).

(8) A seized item is forfeited to the Republic if—

- (a) the owner of the item cannot be found after reasonable enquiries;

- (b) the owner of the item fails to collect the item after being informed that it is available for collection.

(9) Immunity for seizing items

- (a) No civil or criminal proceedings shall be instituted or continued against a person to whom this section applies in his/her official capacity.

Part V – Miscellaneous

9. Repeal of previous regulations.

The Environment Regulations 2001, made on 13 December 2001, and any other regulations made under the Environment Act 1999 and the subsequent amendments are hereby repealed.

SCHEDULE

Environmentally Significant Activities

Activities involving significant coastal and marine impact

1. Extraction of aggregates, stones or shingles, sand, reef mud and beach rock –
 - (i) for commercial purposes;
 - (ii) for construction work; or
 - (iii) in excess of 200 kilograms per year;
2. Clearance of live corals, mangroves and seagrass
 - (i) for commercial purposes;
 - (ii) for construction or development work;
3. Construction work below the high water mark
4. Construction of seawalls
5. Land reclamation
6. Construction of causeways
7. Establishment of boat channels
8. Dredging

Activities requiring significant materials

1. Brick and tile manufacture
2. Landfilling

Activities involving significant waste products

1. Keeping or producing more than 10 pigs or 20 chickens
2. Operation of landfills
3. Copra processing
4. Operation of waste disposal plants including recycling and collection systems;
5. Building for servicing and repair of vehicles, vessels and aircraft
6. Food processing facilities, canning, bottling and other commercial packaging of food
7. Beverage production or processing in excess of 200 litres per week
8. Commercial tanning and dyeing
9. Chemical treatment of timber

10. Manufacture of paper and pulp
11. Manufacture of cement and lime
12. Operation of a hotel, tourism resorts or estates (commercial accommodation with more than 10 units)
13. Operation of restaurant
14. Operation of desalination plants
15. Operation of waste incinerators
16. Operation of industrial boilers
17. Intensive fish farming activities
18. Operation of agricultural industries.

Activities using significant natural resources

1. The collection of fish to be used as pet fish
2. Collection in Kiribati waters of an organism that is intended to be exported
3. Pearl farming
4. Commercial logging operations

Activities involving harmful chemicals

1. storage or transport of more than 1000 litres of petroleum, not including petroleum in standard fuel tanks of conveyances
2. Operation of gas station
3. Manufacturing and moulding of plastic or fibreglass
4. Pesticide production
5. Use of pesticides in a commercial operation
6. Storage, handling, or disposal of (expired) pharmaceuticals
7. Fertiliser manufacture
8. Use of fertiliser
9. Use of hydroponic systems in a commercial operation
10. Vessel dry docking

Activities involving a significant alteration of the environment

1. Any agricultural activity covering more than 10,000 square metres

Other environmentally significant activities

1. operation of a facility—
 - (i) that generates power for commercial purposes; or
 - (ii) that has a total expected power generation capacity of 100 kilowatts or more;
2. use or extraction of more than 10,000 litres of water per day from a single source
3. operation of drainage, disposal or sewerage systems

8. oil refining
9. operation of an airport
10. operation of a hospital
11. operation of ports and harbours
12. operation of vessel slip way and dry dock facility
13. operation of a commercial laundry service or laundromat
14. construction of settlements of more than 10 houses
15. disposal of unexploded ordnance
16. environment scientific research activity which involve one of the followings,
 - i). drilling, collection of living and non-living specimens or samples, interfere with land and marine habitat and ecosystem including seagrass, coral, and mangrove.

Dated this 13th day of December, 2017

A blue ink signature, appearing to be 'A. Teabo', written over a horizontal line.

Honourable Alexander Teabo
Minister for Environment, Land and
Agricultural Development

Published by exhibition at the Office of Te Beretitenti this 13th day of December, 2017

A black ink signature, appearing to be 'T. Lambourne', written over a horizontal line.

Mrs. Tessie Eria Lambourne
Secretary to Cabinet