Report of the Workshop to Develop Regulations and an Action Plan for the Conservation and Environmental Management Act in Montserrat

under the
Technical Assistance for the Development of Frameworks aimed at Enhancing Environmental Management for the Organisation of Eastern Caribbean States Global Climate Change Alliance (GCCA) Project on Climate Change Adaptation and Sustainable Land Management

21 June, 2017
Disaster Management Coordination Agency, Brades, Montserrat
1. Introduction

This report presents the main findings and recommendations of the first of two workshops to develop supporting regulations, an Action Plan and an implementation budget for the Conservation and Environmental Management Act (CEMA) in Montserrat. The workshop was held in Brades, Montserrat on June 21, 2017. This report provides an overview of the objectives and methodology used in the workshop, as well as the findings and recommendations based on the discussions held.

The Caribbean Natural Resources Institute (CANARI) facilitated the workshop in collaboration with the Department of Environment (DOE), Ministry of Agriculture, Trade, Land, Housing and the Environment (MATHLE) of Montserrat. The workshop was a component of the project to develop frameworks aimed at enhancing environmental management under the “Organisation of Eastern Caribbean States (OECS) Global Climate Change Alliance (GCCA) Project on Climate Change Adaptation and Sustainable Land Management (iLand Resilience – Promoting a Climate of Change)”. The iLand Resilience project, which is funded by the European Union (EU), aims to contribute to the achievement of the provisions enshrined in Article 24 of the Revised Treaty of Basseterre. This Article states that each OECS Member State must implement the St. George’s Declaration of Principles for Environmental Sustainability which seeks to achieve the long-term protection and sustained productivity of the region’s natural resource base and the ecosystem services it provides. CANARI is implementing the technical assistance component of the iLand Resilience project and is also providing co-financing through the “Powering Innovations in Civil Society and Enterprises for Sustainability in the Caribbean (PISCES)” project.

2. Participants

Government agencies and civil society organisations (CSOs) engaged in conservation and environmental management in Montserrat were invited to attend the workshop. A total of 16 participants attended as well as two members of the CANARI team. See Appendix 1 for the list of participants.

3. Workshop goal and objectives

The overall goal of the workshop was to enable stakeholder input into the development of supporting regulations and an Action Plan and implementation budget for CEMA in Montserrat.

The main objectives of this first workshop were to:
1. Review the current status of implementation of CEMA and key opportunities and challenges for implementation
2. Enhance stakeholder awareness of and buy-in to the regulations drafted under CEMA
3. Review and refine specific needs to be addressed by the regulations drafted under CEMA

1 PISCES is a four year project funded by the EU and implemented by CANARI in partnership with the Caribbean Coastal Area Management Foundation (C-CAM), the Caribbean Network of Fisherfolk Organisations (CNFO), the Environmental Awareness Group (EAG), and the Fondation pour la Protection de la Biodiversite Marine (FoProBiM). It supports innovative actions by civil society to conserve biodiversity and build resilience to the impacts of climate change and natural hazards in marine protected areas across 10 Caribbean islands.
4. Identify priorities for implementation of CEMA for inclusion in an Action Plan and implementation budget

5. Refine the implementation arrangements for CEMA, including stakeholder roles and responsibilities in coordination, implementation, financing and monitoring and evaluation, for inclusion in an Action Plan

See Appendix 2 for the detailed workshop agenda and objectives.

4. Methodology

The workshop was designed to engage all participants from government agencies and CSOs in sharing their insights and experiences to operationalise CEMA through regulations and develop an Action Plan and implementation budget to identify priorities and specific actions that can be realistically undertaken given the resource constraints facing Montserrat. The workshop included short facilitator overviews of key topics, presentations and plenary discussions. Handouts were provided with additional information on the topics covered in various sessions (attached as appendices to this report).

5. Findings

5.1 Review of draft regulations for CEMA and stakeholder recommendations for revisions

Six sets of regulations were drafted in 2013 under CEMA, including:

1. Certificate of Environmental Approval regulations
2. Fauna and Flora regulations
3. Fees regulations
4. Noise Pollutants regulations
5. Protected Areas, Forests and Fires regulations
6. Release of Substances and Pollutants regulations

While the participants were aware of these draft regulations, the majority had not been actively engaged in any consultations in their initial development. The facilitator therefore provided an overview of each of the six sets of regulations, in turn, and invited comments and discussion on whether each of the regulations were adequate to fulfil CEMA’s objectives, whether they were too harsh or lenient in terms of restrictions and penalties, and if they were feasible to implement. Two to three page summaries of the regulations were also provided to participants to facilitate the discussion (see Appendices 3-8).

Certificate of Environmental Approval Regulations

Key needs, opportunities and challenges raised by participants included the following:

- Environmental Impact Assessments (EIAs) should be broadened in scope to incorporate socio-economic impacts, and there should be consideration given to conducting Environmental and Social Impact Assessments (ESIAs). It is also important to ensure that EIAs are not biased where experts hired to conduct assessments tend to discount the negative impacts of proposed activities.
- Public consultation for EIAs, and other development activities, often leads to a “false sense of involvement” and promotes a culture of apathy among Montserratians who feel that their voice and input does not count. Other mechanisms and fora for stakeholder dialogue
and input need to be considered. For example, participants highlighted that radio and social media, such as Facebook, are more effective and accessible means to enable public comment from the majority of Montserratians than newspapers and submission of written public comments.

- Close coordination is needed between DOE and the Physical Planning Unit on EIAs, which are legislated under the Physical Planning Act and will further be regulated under the Certificate of Environmental Approvals process.
- Enforcement is a key problem given the capacity and resource constraints in Montserrat. Authorised officers need to be appointed by the Director of Environment to allow for effective enforcement. Participants recommended that there be a greater emphasis on civil rather than criminal offences, and that an example is made of a few non-compliant parties to send signal to public that DOE is serious about enforcement.
- A key issue that needs to be addressed by the regulations is the slow burning of garbage in the designated landfill and the associated public health and environmental risks.

Protected Areas, Forest and Fires Regulations

Key needs, opportunities and challenges raised by participants included the following:

- There was consensus that regulations should be kept as simple as possible and, therefore, implementing regulations were not needed to detail the process for developing the Protected Area (PA) System Plan and designating PAs.
- In order to ensure a comprehensive system of PAs, participants agreed that marine PAs should be incorporated and addressed in these regulations under CEMA, which is meant to be a broad and inclusive framework environmental legislation. However, the regulations should specify that the Director of DOE must consult with the Chief Fisheries Officer before making any decisions regarding marine PAs.
- The process for proposing a “competent body” to manage designated PAs is currently unclear. Participants recommended that the process is formalised rather than left to the discretion of the Director of the DOE.
- Reporting requirements for PAs are not currently specified under the draft regulations. It was suggested that reporting on PAs and their current status be included as part of the Annual Stewardship Report by the Director of DOE.
- Buffer zones are not a priority at present. The only designated PA in the Centre Hills already extends right up to residential areas and there is little to no space to establish a buffer zone. However, there is potential to establish buffer zones up to 100 yards around catchment areas and ghauts to secure water supply.
- Permits for charcoal, timber and setting fires should only be regulated within PAs and forests on Crown Lands as per remit of DOE under CEMA. Fire permits are already specified for other areas and administered by the Fire Services.
Fig. 1 and 2: Workshop participants reviewing and making recommendations for regulations for CEMA
Noise Pollutant Regulations

Key needs, opportunities and challenges raised by participants included the following:

- The proposed standards of 3-5 decibels (dB) above ambient noise levels for Noise Zone 1 (non-industrial) and 75 dB above ambient noise levels for Noise Zone 2 (industrial) are potentially too restrictive. For example, participants noted that the noise from leaves rustling are about 20 dB and vehicles driving on a street are about 70 dB.
- Ambient noise level, and how it will be measured, needs to be clearly defined in the regulations.
- It was recommended that more noise zones be created than two zones for industrial and non-industrial uses to reflect current physical development zones. Participants highlighted the need to differentiate the non-industrial zone into zones for:
  - residential use
  - commercial use
  - mixed use – where commercial activities are currently being undertaken within residential areas, such as catering, hairdressing and car repair services, and it is difficult to enforce zoning where persons relocated from exclusion zone and had limited options.
- Restrictive covenants on land use on private property will need to be addressed and considered in zoning and setting standards for noise levels.
- New Noise Pollutant regulations should complement existing standards and regulations related to Public Nuisance under the Public Health Act.
- Participants also suggested the following for exemptions under the regulations:
  - A ‘catch all’ section that will allow the Governor to exempt certain activities on the advice of Cabinet was recommended to address any unforeseen activities that may arise in the future but are not specified for exemption in the regulations.
  - Extension of the time limits for sporting activities from 8am - 9pm up to midnight to accommodate late night T20 and other matches.

Given time constraints, the Fauna and Flora and Release of Substances regulations were not discussed in detail. Participants were invited to review these two sets of draft regulations after the workshop and submit any written comments to CANARI at their convenience. As the draft Fees regulations do not yet include any proposed fees, it was also decided that CANARI would first work with DOE to determine potential fees based on costs to administer permits, certificates and requests to access information in the NEIS and then circulate to other stakeholders.

5.2 Identification of priority areas for Action Plan and implementation budget for CEMA

The facilitator asked participants to recall and reflect on the five main objectives of CEMA, and highlighted the need to discuss how to achieve these objectives and what are the key priorities to include in an Action Plan and implementation budget (see Appendix 9 for overview of CEMA and its objectives).

Participants agreed that the Action Plan for CEMA will identify priorities and specific actions that must be undertaken, and the relevant lead and supporting stakeholders, to achieve the objectives and mechanisms outlined in CEMA. They also agreed that the Action Plan would span 2018-2030 with the following timeframe for specific actions:

- Short term (1-3 years)
• Medium term (4-10 years)
• Long term (10+ years)

Additionally, there was consensus that the implementation budget for CEMA would focus on short term actions within the priority areas as changing circumstances make it difficult to budget more than three years out.

The key priority areas and actions under CEMA were identified as follows based on voting by participants:

1. Sustainable financing
   a. Create a Special Fund / Environmental Trust Fund
   b. Develop a fee structure and system for permits, certificates and accessing information through Registers and National Environmental Information System (NEIS)

2. Governance and administration
   a. Develop a capacity building programme for Department of Environment and other key implementing agencies
   b. Establish a NEIS
   c. Update National Environmental Management Strategy
   d. Establish the National Conservation and Environmental Advisory Council

3. Conservation and sustainable use of natural resources
   a. Develop a National Biodiversity Strategy and Action Plan
   b. Conduct a baseline survey nationwide to assess current status and threats to biodiversity (currently only data for Centre Hills)
   c. Establish a national research and monitoring programme on biodiversity
   d. Develop a Protected Area System Plan
   e. Establish a comprehensive protected area system including forest, wetland and coastal and marine ecosystems

4. Environmental approvals, audits and monitoring
   a. Establish system for monitoring and ensuring compliance of activities under Certificate of Environmental Approvals
   b. Coordinate Environmental Impact Assessments (EIAs) effectively between Physical Planning Unit and Department of Environment

5. Enforcement and prosecution
   a. Appoint authorised offices to actively monitor and enforce CEMA regulations
   b. Operationalise Physical Planning and Environmental (Appeals) Tribunal

6. Pollution control and prevention
   a. Develop performance standards for the generation and release into environment of pollutants from home and garden appliances
   b. Establish a system for issuing and monitoring compliance with registration certificates and pollution release permits
Two areas, sustainable financing and effective governance, were highlighted as foundational and the most critical priorities in order to implement any of the other objectives specified under CEMA. Participants noted a number of opportunities and challenges to be addressed within these two areas, which are detailed below.

**Sustainable financing**

Participants discussed the need to set up a fund to support actions under CEMA and potential options for structuring this fund. The facilitator noted that CEMA speaks to a Special Fund, which is to be created under the Public Finance (Management and Accountability) Act. CEMA provides that all fees payable under the Act by regulation or administrative order, including those for access to the NEIS, certificates and permits, must be paid into this Special Fund. This Special Fund would be under the remit of the government with Cabinet having final decision on allocations and spending. Further, the Finance Secretary has advised that the fund must be self-financing, with all recurring costs covered by fees and other revenues generated by the Department of Environment, and cannot go into deficit. Further, it cannot accrue a significant surplus as this surplus would be directed into the consolidated fund for general use.

Participants were concerned that a Special Fund does not provide adequate flexibility to the Department of Environment or allow for surplus monies to be accrued. Additionally, participants noted that donors are unlikely to finance a Special Fund where there are no guarantees that funds will be earmarked for conservation and environmental management and could end up in the consolidated fund for general use by the government.
It was recommended that an Environmental Trust Fund be set up under the remit of an independent, quasi-governmental body, such as Montserrat National Trust. The Board of Trustees would be responsible for determining funding streams and allocations. Participants noted that this set up had been proposed in an earlier draft of CEMA with support from a number of stakeholders in government and civil society. CEMA would therefore need to be revised accordingly to allow for this Environmental Trust Fund. It was further noted that the Waitt Institute is considering a Trust Fund through the Montserrat National Trust to support marine conservation and management in Montserrat and there was need to coordinate with the Waitt’s Blue Halo Initiative in establishing such a fund.

Additionally, participants also brainstormed other options for financing. An environmental levy where Government of Montserrat adds $5 EC to departure tax or re-institutes a cruise line tax to support environmental management was suggested. It was noted that there are approximately 13,000 visitors to Montserrat annually based on 2016 data from Tourism Division. Carbon credits or a carbon tax were also suggested. Participants also noted the need to provide financial incentives for environmentally-friendly behaviour such as concessions or tax breaks.

**Governance and administration**

Participants highlighted the need for a comprehensive capacity building programme to enhance staff’s knowledge and skills within the Department of Environment and other key implementing agencies within MATHLE as well as the Environmental Health Unit, Tourism Division, Disaster Coordination Agency and Montserrat National Trust.

They noted that a capacity building strategy has been developed for the Montserrat public service and that annual performance development plans are developed for various departments in ministries. However, implementation of this strategy faces a number of constraints:

- Lack of finances - when staff put in requests to attend courses and training workshops as part of departmental budget, these requests are very rarely actioned due to lack of finances.
- Capacity building is not a political priority - Participants believed that capacity building was not seen as a priority by Cabinet and budget allocations were not forthcoming except for mandatory training.
- Lack of opportunities - Participants also noted that opportunities for capacity building are lacking in country and they almost always have to go abroad for courses and training workshops. They further lamented the decline of the University of the West Indies (UWI) agricultural extension training programme, which provided opportunities for staff to enhance field work and practical skills in agriculture, forestry and fisheries.

Participants also discussed the establishment and operation of the National Conservation and Environmental Advisory Council (NCEAC). They noted that the NCEAC would comprise of many of the same officers as the board of the Physical Planning and Development Authority and other standing committees related to the environment. The only difference being the inclusion of four civil society and private sector representatives on the NCEAC. Given the heavy workload and time constraints of these officers, participants highlighted the need to provide incentives for their participation on the NCEAC, noting that government representatives are currently not paid to serve on councils and committees while civil society and private sector representatives are reimbursed for their time.
5.3. Review and refining of implementation arrangements for CEMA and Action Plan

During the discussion on the priorities for action, DOE’s critical role in implementing CEMA and the supporting regulations was highlighted and the need to ensure the department is adequately staffed and its capacity strengthened.

Participants also noted the need for close coordination between the DOE and Physical Planning Unit regarding Certificates of Environmental Approval, EIAs and their monitoring and enforcement as well as the NEIS and inclusion of GIS databases and other land use and physical development data. Potentially, there is need for the development of a Memorandum of Understanding (MOU) between DOE and Physical Planning Unit. Additionally, the DOE will also need to coordinate closely with the Department of Agriculture and its Fisheries staff on coastal and marine conservation and management including marine PAs and protected and partially protected fish and other marine species.

6. Reflections and next steps

The facilitator reviewed what had been accomplished in this first workshop to develop regulations and an Action Plan and implementation budget for CEMA, and asked participants to reflect on the following questions:

- What was the most interesting or surprising part of the workshop?
- What areas need more work and discussion?
- What are key opportunities and challenges in moving forward and implementing CEMA?

Participants highlighted the following:

- The importance of human and financial resources for effective implementation, and the need for improved coordination among DOE and other implementing agencies.
- The need for effective public outreach and awareness raising about CEMA to ensure buy-in and compliance with regulations and to facilitate enforcement, including creating a more accessible version of CEMA such as posters or other products.
- The value of being proactive rather than reactive in addressing environmental issues.
- The need to improve the approach and format for public consultation to enable meaningful stakeholder input and engagement in environmental decision making.
- The need to develop mechanisms to enable civil society organisations as well as the private sector to actively engage in decision making and implementation related to CEMA through the NCEAC and other means.

The facilitator then outlined the next steps for the project. Copies of the draft regulations will be circulated for participants to provide written comments and submit to CANARI, particularly for the Fauna and Flora regulations and the Release of Substances and Pollutants regulations that were not discussed in detail during this workshop.

Stakeholder comments will then be synthesised and incorporated by CANARI into the revision of the six sets of draft regulations and the development of an Action Plan and implementation budget. A second round of consultations, including targeted interviews and a workshop, will then be organised in late 2017 or early 2018 to facilitate further stakeholder input. After this second consultation, CANARI would then further revise and finalise the regulations and Action Plan and implementation budget for submission by August 2018.
## Appendix 1: Participants List

<table>
<thead>
<tr>
<th>#</th>
<th>Name</th>
<th>Position</th>
<th>Organisation</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Claude Hogan</td>
<td>Minister</td>
<td>Ministry of Agriculture, Trade, Land, Housing and the Environment (MATHLE)</td>
<td><a href="mailto:hoganc@gov.ms">hoganc@gov.ms</a></td>
</tr>
<tr>
<td>2</td>
<td>Thiffanye Williams</td>
<td>Environment Officer</td>
<td>Department of Environment (DOE)</td>
<td>392-0121 or 491-9278 <a href="mailto:Williamst@gov.ms">Williamst@gov.ms</a></td>
</tr>
<tr>
<td>3</td>
<td>Stephen Mendes</td>
<td>Technician</td>
<td>DOE</td>
<td>443/392-5717 or 491-9278 <a href="mailto:Mendess@gov.ms">Mendess@gov.ms</a></td>
</tr>
<tr>
<td>4</td>
<td>Lloyd Martin</td>
<td>Technician</td>
<td>DOE</td>
<td>496-0061 or 491-9278 <a href="mailto:Martinl@gov.ms">Martinl@gov.ms</a> <a href="mailto:lloydiemartin@gmail.com">lloydiemartin@gmail.com</a></td>
</tr>
<tr>
<td>5</td>
<td>Melissa O’Garro</td>
<td>Director</td>
<td>Department of Agriculture (DOA)</td>
<td>492-2755 or 491-2600 <a href="mailto:Ogarrom@gov.ms">Ogarrom@gov.ms</a></td>
</tr>
<tr>
<td>6</td>
<td>Jerome Meade</td>
<td>Chief Physical Planner</td>
<td>Physical Planning Unit (PPU)</td>
<td>496-8719 <a href="mailto:meadecj@gov.ms">meadecj@gov.ms</a></td>
</tr>
<tr>
<td>7</td>
<td>Lavern Ryan</td>
<td>GIS Manager</td>
<td>PPU</td>
<td>495-2325 or 491-6495 <a href="mailto:Rogersl@gov.ms">Rogersl@gov.ms</a></td>
</tr>
<tr>
<td>8</td>
<td>Nicolas Tirard</td>
<td>Project Manager</td>
<td>Montserrat National Trust</td>
<td><a href="mailto:Nicolas.tirard@gmail.com">Nicolas.tirard@gmail.com</a> mнат<a href="mailto:rust@candw.ms">rust@candw.ms</a></td>
</tr>
<tr>
<td>9</td>
<td>Rosetta West</td>
<td>Manager</td>
<td>Tourism Division</td>
<td>491-4702 <a href="mailto:rosetta.west@montserrattourism.ms">rosetta.west@montserrattourism.ms</a></td>
</tr>
<tr>
<td>10</td>
<td>Carl Gomersall</td>
<td>Finance Officer</td>
<td>Finance</td>
<td><a href="mailto:gomersallc@gov.ms">gomersallc@gov.ms</a></td>
</tr>
<tr>
<td>11</td>
<td>Tyrell Duberry</td>
<td>Development Division</td>
<td></td>
<td><a href="mailto:duberryt@gov.ms">duberryt@gov.ms</a></td>
</tr>
<tr>
<td>12</td>
<td>Jamiel Greenaway</td>
<td>Crown Counsel Drafting</td>
<td></td>
<td>491-4686 <a href="mailto:GREENAWAYJM@gov.ms">GREENAWAYJM@gov.ms</a></td>
</tr>
<tr>
<td>13</td>
<td>Sheldon L. Carty</td>
<td>Valuation Officer</td>
<td>Inland Revenue (and Representative, Fishing Association)</td>
<td>493-1671 <a href="mailto:cartys@gov.ms">cartys@gov.ms</a></td>
</tr>
<tr>
<td>14</td>
<td>Rawlson Patterson</td>
<td>Senior Engineer</td>
<td>Public Works</td>
<td>496-0997 <a href="mailto:pattersonr@gov.ms">pattersonr@gov.ms</a></td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Position</td>
<td>Organization</td>
<td>Contact Information</td>
</tr>
<tr>
<td>---</td>
<td>---------------------</td>
<td>------------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>15</td>
<td>Deidre Allen</td>
<td>Environmental Health Officer</td>
<td>Environmental Health</td>
<td>491-6057 <a href="mailto:allendr@gov.ms">allendr@gov.ms</a></td>
</tr>
<tr>
<td>16</td>
<td>Yonette Hunte</td>
<td>Environmental Health Officer</td>
<td>Environmental Health</td>
<td><a href="mailto:huntey@gov.ms">huntey@gov.ms</a></td>
</tr>
<tr>
<td>17</td>
<td>Ainka Granderson</td>
<td>Consultant</td>
<td>Caribbean Natural Resources Institute (CANARI)</td>
<td>(+868) 626-6062 <a href="mailto:ainka@canari.org">ainka@canari.org</a></td>
</tr>
<tr>
<td>18</td>
<td>John Knechtle</td>
<td>Consultant</td>
<td>CANARI/UWI-St. Augustine</td>
<td>(+868) 662-2002 ext. 85250 <a href="mailto:John.Knechtle@sta.uwi.edu">John.Knechtle@sta.uwi.edu</a></td>
</tr>
</tbody>
</table>
Workshop to develop regulations and an action plan for the Conservation and Environmental Management Act (CEMA) in Montserrat

Agenda
June 21, 2017
Disaster Coordination Management Agency, Brades

Project background

This process is being supported under the Organisation of Eastern Caribbean States (OECS) Global Climate Change Alliance Project on Climate Change Adaptation and Sustainable Land Management in the Eastern Caribbean (the iLAND Resilience – Promoting a Climate for Change) funded by the European Union. The Caribbean Natural Resources Institute (CANARI) has been contracted to facilitate stakeholder consultations and develop regulations and an action plan and implementation budget for CEMA in Montserrat as part of its technical assistance work under the iLand Resilience project.

The focus of this process is to strengthen and operationalise CEMA through regulations, and to provide an accompanying Action Plan and implementation budget that identify priorities and specific actions that can realistically be undertaken given the resource constraints facing Montserrat.

Workshop goal
To enable stakeholder input into the development of supporting regulations and an action plan and implementation budget for CEMA for Montserrat

Workshop objectives
1. To review the current status of implementation of CEMA and key opportunities and challenges for implementation
2. To enhance stakeholder awareness of and buy in to the regulations drafted under CEMA
3. To review and refine specific needs to be addressed by the regulations drafted under CEMA
4. To identify priorities for implementation of CEMA for inclusion in an Action Plan and implementation budget

5. To refine implementation arrangements for CEMA, including stakeholder roles and responsibilities in coordination, implementation, financing and monitoring and evaluation, for inclusion in an Action Plan

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Presenter</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30 am</td>
<td>Welcome and Prayer</td>
<td>Department of Environment</td>
</tr>
<tr>
<td>8:35 am</td>
<td>Overview of the project, consultation process and objectives of the workshop</td>
<td>Ainka Granderson, CANARI</td>
</tr>
<tr>
<td>8:45 am</td>
<td>Overview of CEMA and its implementation status</td>
<td>Stephen Mendes, Department of Environment</td>
</tr>
<tr>
<td>9:00 am</td>
<td>Review and stakeholder recommendations for revision of draft CEMA regulations</td>
<td>John Knechtle, CANARI</td>
</tr>
<tr>
<td>10:15 am</td>
<td>BREAK</td>
<td></td>
</tr>
<tr>
<td>10:45 am</td>
<td>Review and stakeholder recommendations for revision of draft CEMA regulations (cont’d)</td>
<td>John Knechtle, CANARI</td>
</tr>
<tr>
<td>12:00 pm</td>
<td>LUNCH</td>
<td></td>
</tr>
<tr>
<td>1:00 pm</td>
<td>Plenary discussion to identify priority areas for inclusion in CEMA Action Plan</td>
<td>Ainka Granderson, CANARI</td>
</tr>
<tr>
<td>2:30 pm</td>
<td>BREAK</td>
<td></td>
</tr>
<tr>
<td>2:45 pm</td>
<td>Plenary discussion on implementation arrangements for CEMA: coordination, stakeholder roles and responsibilities, financing and monitoring and evaluation</td>
<td>Ainka Granderson, CANARI</td>
</tr>
<tr>
<td>3:45 pm</td>
<td>Next steps for drafting CEMA regulations and Action Plan</td>
<td>Ainka Granderson, CANARI</td>
</tr>
<tr>
<td>3:55 pm</td>
<td>Thanks and Close</td>
<td>Stephen Mendes, Department of Environment</td>
</tr>
</tbody>
</table>
# Appendix 3:
## Summary of Draft Certificate of Environmental Approval Regulations, 2013

<table>
<thead>
<tr>
<th>No.</th>
<th>Focus</th>
<th>Activities and Responsibilities</th>
</tr>
</thead>
</table>
| 3-5 | Revocation, Variation and Addition of Designated Activity | - The Department of Environment (DOE), on the advice of the Council, may propose to the Minister for the consideration of the Governor the revocation, variation or addition of an activity listed in Schedule 1 of CEMA  
- A Notice of Intent to revoke, vary or add an activity to Schedule 1 of CEMA must be published in one newspaper for at least two (2) weeks and announced for a period of one week on one radio station with island wide coverage and public comment invited for a period no less than forty five (45) days  
- The Governor can revoke, vary or add a designated activity on the advice of the Minister, Council and DOE by amending Schedule 1 of CEMA pursuant to section 104 |
| 6-8 | Application and Processing of Certificate of Environmental Approval | - An application for a Certificate pursuant to Sections 17(1) and 17(2) of CEMA must be completed in the form provided by DOE and submitted with the prescribed fee  
- DOE must issue to the applicant a notice acknowledging the application within fourteen (14) days after receipt of an application  
- DOE must submit to the applicant a statement setting out the particulars of further information required to assess the application for a Certificate within fourteen (14) days of issue of such notification  
- Where appropriate DOE may require any further information submitted by the applicant to be forwarded to an external expert for review |
| 9-13 | Environmental Impact Assessment (EIA) | - Where notification has been given that the application requires an EIA, the applicant must prepare a draft Terms of Reference (TOR) within twenty eight (28) days of receipt of such notification  
- DOE shall approve the draft TOR with any amendments that it deems necessary after an assessment of the comments received and consultation report from an external expert within eighteen (18) days from receipt of the draft TOR  
- An EIA required by DOE under Section 17(4) of CEMA must be carried out by persons with expertise and experience in the areas for which information is required  
- DOE must examine the submitted EIA report to determine whether it complies with the items specified in the Final TOR and regulation 11 and give notice to applicant if report complies or does not comply within sixty (60) days following receipt of the report |
<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td></td>
<td>DOE must provide for public consultation no later than fourteen (14) days after accepting the EIA Report. It must establish an administrative record of proposed activity and make it publicly available and publish a notice in one newspaper for a period of at least two (2) weeks and announce for a period of one week on a radio station with island wide coverage. DOE may conduct a public hearing on EIA report where there is sufficient public interest at end of written public comment period.</td>
</tr>
<tr>
<td>14</td>
<td>External Expertise</td>
<td>DOE may, where it deems necessary, identify an external expert for reviewing information submitted by an applicant in support of an application for a Certificate. Where reference is made to the use of external expertise under these Regulations, the costs of the external expert must be borne by the applicant.</td>
</tr>
<tr>
<td>15-16</td>
<td>Determination, Issues and Refusal of a Certificate</td>
<td>Director must notify the applicant in writing of its determination with respect to a Certificate which: 1) does not require further information or an EIA within twenty one (21) days after the receipt of the application. 2) requires further information but not an EIA within twenty eight (28) days after the receipt of further information. 3) requires an EIA within twenty eight (28) days after the end of the public comment period or public hearing. After a determination, DOE may issue of a Certificate in accordance with the form determined by the DOE or issue a notice of refusal setting out the reasons. A Certificate holder must display the Certificate in public view at the premises where the designated activity occurs.</td>
</tr>
<tr>
<td>17</td>
<td>Requirement to Prepare Secondary EIA or Further Information</td>
<td>Where a Certificate holder is required to submit further information or a Secondary EIA after the issue of a Certificate pursuant to Section 20(1) of CEMA, the procedures and requirements of regulations 8 and 11 to 14 will apply.</td>
</tr>
<tr>
<td>18-19</td>
<td>Responsibilities of Certificate Holders</td>
<td>The Certificate holder must provide DOE, where appropriate, with any information considered necessary to determine whether cause exists for varying, suspending, revoking or renewing the Certificate or to determine compliance with the Certificate. Where there has been non-compliance with the requirements of any Certificate, the Certificate holder must report it to DOE within 48 hours and submit a report within five (5) days describing the non-compliance and response taken. The Certificate holder must allow an authorised officer to inspect or monitor at reasonable times any designated activities under the Certificate.</td>
</tr>
<tr>
<td>20-25</td>
<td>Variation, Transfer, Revocation and Suspension of Permits</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• A Certificate holder must give the DOE notice in writing of changes in particulars provided in the application or cessation of activities under the Certificate within twenty one (21) days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• DOE may vary the conditions of a Certificate on their own initiative, on the application of a Certificate holder or after consideration of a Secondary EIA Report or further information</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Where the DOE varies a Certificate pursuant to regulation 20(1), it shall issue an amended Certificate within thirty (30) days of its decision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• No Certificate is assignable or transferable to any person without the written consent of DOE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Where a Certificate holder wishes to transfer a Certificate, an application for transfer must be submitted to the DOE in accordance with the form provided and the prescribed fee</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The DOE may revoke or suspend a Certificate if the Certificate holder has violated any conditions or a change of circumstances requires cessation of activities</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>26</th>
<th>Notice of Decisions of DOE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• DOE must inform by written notice the applicant or Certificate holder, as the case may be, of any decisions in relation to a permit or an application made under regulation 29</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>27</th>
<th>Appeals to the Tribunal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• A decision of the DOE mentioned in regulation 26 is subject to appeal to the Tribunal</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>28</th>
<th>Register of Certificates of Environmental Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• DOE must establish and maintain a Register of Certificates of Environmental Approval which shall be in any form and be part of the NEIS established pursuant to section 15(1) of CEMA</td>
</tr>
<tr>
<td></td>
<td>• The register shall be open to the public for inspection</td>
</tr>
<tr>
<td></td>
<td>• An extract from the register shall be supplied at the request of any person on payment of the prescribed fee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>29</th>
<th>Trade secrets and confidential business information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• An applicant, upon payment of the prescribed fee, may request that any of the information supplied to the DOE under these Regulations is a trade secret or confidential business information and that it be omitted from the Register of Certificates of Environmental Approval or administrative record established pursuant to regulation 13</td>
</tr>
<tr>
<td></td>
<td>• The DOE can omit information from the Register of Certificates of Environmental Approval or administrative record or reject the request for omission for a specified reason e.g. invalid basis for request</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>30</th>
<th>Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• It is an offence for any person to contravene the provisions of these Regulations or any Certificate</td>
</tr>
</tbody>
</table>
### Appendix 4:

**Summary of Draft Protected Areas, Forests and Fires Regulations, 2013**

<table>
<thead>
<tr>
<th>No.</th>
<th>Focus</th>
<th>Activities and Responsibilities</th>
</tr>
</thead>
</table>
| 3-5 | Designation of Protected Areas (PAs)       | - Department of Environment (DOE) must prepare a Statement of Intent to Designate a PA  
- A Notice of the Statement of Intent to Designate must be published in a newspaper/announced on radio station with island-wide coverage for at least three (3) days and public comments invited for a specified period no less than thirty (30) days  
- Governor can designate a PA on the advice of the Minister, Council and DOE by amending Schedule 4 of CEMA pursuant to section 106 |
| 6-8 | Revocation and Variation of PAs            | - Director of Environment can propose revocation or variation of a PA based on recommendation of competent body  
- A Notice of intention to revoke or vary must be published in a newspaper/announced on radio station with island-wide coverage for at least three (3) days, public comments invited for a specified period no less than thirty (30) days and a public hearing held  
- Governor can revoke or vary a PA on the advice of the Minister, Council and DOE by amending Schedule 4 of CEMA pursuant to section 106 |
| 9-10| Designation of Temporary PAs               | - An order for the designation of a Temporary PA pursuant to Section 37 of CEMA must be published in a newspaper/announced on radio station with island-wide coverage for at least three (3) days and provide justification for establishing the PA |
| 11-14| PA Management Plans                        | - DOE or a competent body responsible for a PA must prepare a management plan based on the best available scientific and other relevant information and the objectives of CEMA, including guidelines for a buffer zone  
- At least once every ten years after a PA management plan is approved, it shall be reviewed and, if appropriate, revised  
- Notice of the proposed or revised management plan must be published in a newspaper/announced on radio station with island-wide coverage for at least three (3) days and public comments invited for a specified period no less than thirty (30) days  
- Governor can approve the proposed or revised management plan for PA on the advice of the Minister, Council and DOE |
| 15-16| Buffer Zone Management Plans               | - A draft buffer zone management plan can be prepared in accordance with Section 43(2) of CEMA including a justification for establishing buffer zone  
- A Notice of a Draft Buffer Zone Management Plan must be published in a newspaper/announced on radio station with island-wide coverage for at least three (3) days and public comments invited for a specified period no less than thirty (30) days  
- Governor can approve the proposed or revised management plan for Buffer Zone on the advice of the Minister, Council and DOE |
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>comments invited for a specified period no less than thirty (30) days</strong></td>
<td></td>
</tr>
<tr>
<td><strong>DOE shall finalise the buffer zone management plan based on public comments and other representations</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>18-19</th>
<th>Timber Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application for a Timber Permit pursuant to Sections 49(1) and 50(2) of CEMA must be completed in the form provided by DOE and submitted with the prescribed fee</strong></td>
<td></td>
</tr>
<tr>
<td><strong>DOE may request oral or additional written information from an applicant within a specified time to support review of application</strong></td>
<td></td>
</tr>
<tr>
<td><strong>DOE must grant with or without conditions or refuse to grant a Timber Permit within thirty (30) days of receipt of a completed application</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>20-21</th>
<th>Charcoal Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application for a Charcoal Permit must be completed in the form provided by DOE and submitted with the prescribed fee</strong></td>
<td></td>
</tr>
<tr>
<td><strong>DOE may request oral or additional written information from an applicant within a specified time to support review of application</strong></td>
<td></td>
</tr>
<tr>
<td><strong>DOE must grant with or without conditions or refuse to grant a Charcoal Permit within thirty (30) days of receipt of a completed application</strong></td>
<td></td>
</tr>
<tr>
<td><strong>DOE must forward to the Chief Fire Officer a copy of every Charcoal Permit issued within seven (7) days of issuance</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>22-23</th>
<th>Fire Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application for a Fire Permit must be completed in the form provided by the Chief Fire Officer and submitted with the prescribed fee</strong></td>
<td></td>
</tr>
<tr>
<td><strong>The Chief Fire Officer cannot grant a fire permit for charcoal manufacture without first receiving a copy of the relevant charcoal permit</strong></td>
<td></td>
</tr>
<tr>
<td><strong>The Chief Fire Officer may request oral or additional written information from an applicant within a specified time to support review of application</strong></td>
<td></td>
</tr>
<tr>
<td><strong>The Chief Fire Officer must grant with or without conditions or refuse to grant a Charcoal Permit within thirty (30) days of receipt of a completed application</strong></td>
<td></td>
</tr>
<tr>
<td><strong>The Chief Fire Officer shall forward to DOE a copy of every Fire Permit issued within seven (7) days of such issuance</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>24-25</th>
<th>Responsibilities of Permit Holders</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permit holder must provide DOE or Chief Fire Officer, where appropriate, with any information considered necessary to determine whether cause exists for varying, suspending, revoking or renewing the permit or to determine compliance with any permit</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Where there has been non-compliance with the requirements of any permit, the permit holder must report it to DOE or Chief Fire Officer within 48 hours and submit a report within five (5) days describing the non-compliance and response taken</strong></td>
<td></td>
</tr>
<tr>
<td><strong>The permit holder shall allow an authorised officer to inspect and monitor at reasonable times any activities under the permit</strong></td>
<td></td>
</tr>
<tr>
<td>26-32</td>
<td>Variation, Transfer, Renewal and Revocation of Permits</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>• DOE or Chief Fire Officer may vary a permit on their own initiative or on the application of a permit holder</td>
</tr>
<tr>
<td></td>
<td>• Where the DOE or Chief Fire Officer varies a permit pursuant to regulation 26, it shall issue an amended permit within thirty (30) days of its decision</td>
</tr>
<tr>
<td></td>
<td>• No permit is assignable or transferable to any person without the written consent of DOE or Chief Fire Officer</td>
</tr>
<tr>
<td></td>
<td>• Where a permit holder wishes to transfer a permit or continue an activity beyond the expiration of a permit, an application for transfer or renewal must be submitted to the DOE or Chief Fire Officer in accordance with the form provided and the prescribed fee</td>
</tr>
<tr>
<td></td>
<td>• The DOE or Chief Fire Officer may revoke or suspend a permit if permit holder has violated any conditions or a change of circumstances requires cessation of activities</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>33</th>
<th>Notice of Decisions of DOE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• DOE must inform by written notice the applicant or permit holder, as the case may be, of any decisions in relation to a permit or an application made under regulation 36</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>34</th>
<th>Appeals to the Tribunal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• A decision of the DOE mentioned in regulation 33 is subject to appeal to the Tribunal</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>35</th>
<th>PAs, Forests and Fires Register</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• DOE must establish and maintain a PAs, Forests and Fires Register which shall be in any form and be part of the NEIS established pursuant to section 15(1) of CEMA</td>
</tr>
<tr>
<td></td>
<td>• The register shall be open to the public for inspection</td>
</tr>
<tr>
<td></td>
<td>• An extract from the register shall be supplied at the request of any person on payment of the prescribed fee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>36</th>
<th>Trade secrets and confidential business information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• An applicant, upon payment of the prescribed fee, may request that any of the information supplied to the DOE or Chief Fire Officer under these Regulations is a trade secret or confidential business information and that it be omitted from the PAs, Forests and Fires Register</td>
</tr>
<tr>
<td></td>
<td>• The DOE or Chief Fire Officer can omit information from the PAs, Forests and Fires Register or reject the request for omission for a specified reason e.g. invalid basis for request</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>37</th>
<th>Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• It is an offence for any person to contravene the provisions of these Regulations, or any permit, management plan or buffer zone management plan</td>
</tr>
</tbody>
</table>
Appendix 5:

<table>
<thead>
<tr>
<th>No.</th>
<th>Focus</th>
<th>Activities and Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-4</td>
<td>Noise Zones and Prescribed Standards</td>
<td>• For these Regulations, Montserrat comprises two Noise Zones: 1. Non-industrial areas and premises 2. Industrial areas and premises • No person shall emit any sound for a cumulative period of more than fifteen (15) minutes in any hour which exceeds the prescribed standards without a Noise Permit • In Zone 1, standard is 5dB above ambient noise level (7am-10pm) and 3dB above ambient noise level (10pm-7am) • In Zone 2, standard is 75 dB above ambient noise level</td>
</tr>
<tr>
<td>5</td>
<td>Noise Level Measurement</td>
<td>• Ambient noise level must be measured at the location and approximate time at which a comparison with the alleged offensive noise level is to be made during a fifteen (15) minute period and with a precision sound level meter • Measurement and reporting of ambient noise level and noise level measurement data shall be in accordance with the conditions stipulated in a Noise Permit or contained in directions that are published by DOE from time to time</td>
</tr>
<tr>
<td>6</td>
<td>Exempt Activities</td>
<td>• Sounds from the following activities, including religious events (6am-11pm), sporting activities (8am-9pm), educational classes in schools (7am-9pm), use of moto-operated equipment (7am-7pm) and emergency work, are exempt from the standards stipulated in regulation 4</td>
</tr>
<tr>
<td>7-10</td>
<td>Applying for Noise Permit</td>
<td>• A person must submit an application for a Noise Permit if they plan to hold an event/activity that will cause sound in excess of prescribed standards or if notified by DOE • Application for a Noise Permit must be completed in the form provided by DOE and submitted no less than twenty eight (28) days before the event or activity with the prescribed fee • DOE may request oral or additional written information from an applicant within a specified time to support review of application • DOE’s Director may, at his or her discretion, require the applicant for a Noise Permit to publish or announce a Notice of Intent to apply for a Noise Permit in one newspaper and radio station with island wide coverage for a period of at least three (3) consecutive days and no less than fourteen (14) days before the activity/event requiring a Noise Permit and public comments invited for a period no less than five (5) days • DOE must grant with or without conditions or refuse to grant a Noise Permit within fourteen (14) days of receipt of a completed application</td>
</tr>
<tr>
<td>11-12</td>
<td>Responsibilities of Permit Holders</td>
<td>• Permit holder must provide DOE, where appropriate, with any information considered necessary to determine whether cause exists for varying, suspending, revoking or renewing the permit or to determine compliance with any permit</td>
</tr>
<tr>
<td>Regulation</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>13-19</td>
<td>Variation, Transfer, Renewal and Revocation of Noise Permits</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Notice of Decisions of DOE</td>
<td></td>
</tr>
<tr>
<td>21-22</td>
<td>Prohibition of Excessive Noise</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Appeals to the Tribunal</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Noise Pollutants Register</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Trade secrets and confidential business information</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Offences</td>
<td></td>
</tr>
</tbody>
</table>

13-19 Variation, Transfer, Renewal and Revocation of Noise Permits
- Where there has been non-compliance with the requirements of any permit, the permit holder must report it to DOE within 48 hours and submit a report within five (5) days describing the non-compliance and response taken.
- The permit holder must allow an authorised officer to inspect or monitor at reasonable times any activities under the permit.
- A permit holder must give the DOE notice in writing of changes in particulars provided in an application or cessation of activities under a permit within twenty one (21) days.

20 Notice of Decisions of DOE
- DOE must inform by written notice the applicant or permit holder, as the case may be, of any decisions in relation to a Noise Permit or an application made under regulation 25.

21-22 Prohibition of Excessive Noise
- It is unlawful for any person without a Noise Permit to wilfully make or continue any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighbourhood.
- The standards which may be considered in determining whether a violation of the provisions of regulation 21 exists include the intensity, origin and timing of noise.

23 Appeals to the Tribunal
- A decision of the DOE mentioned in regulation 20 is subject to appeal to the Tribunal.

24 Noise Pollutants Register
- DOE must establish and maintain a Noise Pollutant Register which shall be in any form and be part of the NEIS established pursuant to section 15(1) of CEMA.
- The register shall be open to the public for inspection.
- An extract from the register shall be supplied at the request of any person on payment of the prescribed fee.

25 Trade secrets and confidential business information
- An applicant, upon payment of the prescribed fee, may request that any of the information supplied to the DOE under these Regulations is a trade secret or confidential business information and that it be omitted from the Noise Pollutant Register.
- The DOE can omit information from the Noise Pollutant Register or reject the request for omission for a specified reason e.g. invalid basis for request.

26 Offences
- It is an offence for any person to contravene the provisions of these Regulations or any Noise permit.
### Appendix 6:
Summary of Draft Fauna and Flora Regulations, 2013

<table>
<thead>
<tr>
<th>No.</th>
<th>Focus</th>
<th>Activities and Responsibilities</th>
</tr>
</thead>
</table>
| 3-6 | Designation of Fauna and Flora Species as Protected or Partially Protected | • The Department of Environment (DOE) may propose designating or de-designating a fauna or flora species as protected or partially protected  
• A Notice of Intent to Designate or De-Designate must be published in a newspaper for at least two (2) weeks or announced on radio station with island-wide coverage for at least five (5) days and public comments invited for a specified period no less than thirty (30) days  
• DOE must consult with the Fisheries Officer and the Council where the designation or de-designation is with respect to any fish or other marine species  
• Governor can designate or de-designate species on the advice of the Minister and DOE by amending Schedule 2 or 3 of CEMA pursuant to section 106 |
| 7-8, 13-14 | Harvesting Permit and Possession of Flora Permit | • Application for a Harvesting Permit for a partially protected flora species must be completed in the form provided by DOE and submitted with the prescribed fee  
• Possession of a live specimen of a partially protected flora species taken pursuant to a Harvesting Permit requires a Possession Permit, which must be applied for using form provided by DOE and with prescribed fee  
• DOE may request oral or additional written information from an applicant within a specified time to support review of application  
• DOE must grant with or without conditions or refuse to grant a Harvesting Permit within thirty (30) days and a Possession Permit within ten (10) days of receipt of a completed application  
• Harvesting permit holders are required to submit to the DOE, in accordance with form provided, information on the harvesting of partially protected flora including quantity of individuals collected, common and scientific names, methods of collection, within thirty (30) days of the expiration of the Harvesting Permit |
| 9-12 | Hunting Permit and Possession of Fauna Permit | • The closed season for hunting of partially protected fauna species must be determined by the Governor and published in the Gazette prior to January 31st of every calendar year, and no Hunting Permits must be issued during the closed season  
• Application for a Hunting Permit for a partially protected fauna species must be completed in the form provided by DOE and submitted with the prescribed fee  
• DOE may require anyone applying for a Hunting Permit to submit a medical certificate and proof of competence and a license to possess a firearm  
• Possession of a live specimen of a partially protected fauna species taken pursuant to a Hunting Permit requires a Possession Permit,
which must be applied for using form provided by DOE and with prescribed fee

- DOE may request oral or additional written information from an applicant within a specified time to support review of application
- DOE must grant with or without conditions or refuse to grant a Hunting Permit within thirty (30) days and a Possession Permit within ten (10) days of receipt of a completed application
- Hunting permit holders are required to submit to the DOE, in accordance with form provided, information on the partially protected fauna species hunted including the number, age and gender, within thirty (30) days of the expiration of the Hunting Permit

<table>
<thead>
<tr>
<th>15</th>
<th>Stop Notice for Unprotected Fauna and Flora Species</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• A person served with a Stop Notice pursuant to Section 28 of CEMA must immediately stop the activity involving the unprotected species and make representations to the DOE regarding the matters specified in the Stop Notice within fourteen (14) days of the date of receipt.</td>
</tr>
<tr>
<td></td>
<td>• If matter specified in the Stop Notice satisfactorily explained or otherwise resolved between the person and DOE, Stop Notice may be cancelled or a consent agreement established allowing activities to continue subject to terms and conditions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>16-17</th>
<th>Trade Permit and Quarantine</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Application for a Protected and Partially Protected Specimen Trade Permit or an Unprotected Specimen Trade Permit must be completed in the form provided by DOE and submitted with the prescribed fee</td>
</tr>
<tr>
<td></td>
<td>• DOE may request oral or additional written information from an applicant within a specified time to support review of application</td>
</tr>
<tr>
<td></td>
<td>• DOE may grant a Protected and Partially Protected Specimen Trade Permit or an Unprotected Specimen Trade Permit to the applicant where it is satisfied that any live specimen is handled so as to minimise the risk of injury, damage to health or cruel treatment</td>
</tr>
<tr>
<td></td>
<td>• DOE must grant with or without conditions or refuse to grant a Trade Permit within thirty (20) days of receipt of a completed application</td>
</tr>
<tr>
<td></td>
<td>• DOE may require, as part of the terms and conditions of any Trade Permit, that the protected, partially protected or unprotected specimen be quarantined under such conditions and for such period of time as deemed necessary and that any costs are borne by the permit holder</td>
</tr>
<tr>
<td></td>
<td>• If DOE reasonably believes that any protected, partially protected or unprotected specimen that is quarantined should be destroyed, it must provide the permit holder with ten (10) days notice of its intention and the reasons for its decision</td>
</tr>
<tr>
<td></td>
<td>• Permit holders may appeal to the Tribunal within five (5) days of being advised of a decision to place any protected and partially protected specimen and unprotected specimen under quarantine or to destroy a specimen that is quarantined</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>19-21</th>
<th>Responsibiliti es of Permit Holders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Permit holder must provide DOE, where appropriate, with any information considered necessary to determine whether cause</td>
</tr>
<tr>
<td>22-28</td>
<td>Variation, Transfer, Renewal and Revocation of Permits</td>
</tr>
<tr>
<td>-------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>DOE may vary a permit on their own initiative or on the application of a permit holder</td>
</tr>
<tr>
<td></td>
<td>Where DOE varies a permit, it must issue an amended permit within thirty (30) days of its decision</td>
</tr>
<tr>
<td></td>
<td>No permit is assignable or transferable to any person without the written consent of DOE</td>
</tr>
<tr>
<td></td>
<td>Where a permit holder wishes to transfer a permit or continue an activity beyond the expiration of a permit, an application for transfer or renewal must be submitted to DOE in accordance with the form provided and the prescribed fee</td>
</tr>
<tr>
<td></td>
<td>Renewal of a Protected and Partially Protected Specimen Trade Permit or Unprotected Specimen Trade Permit can only occur where any such Trade Permit is for a period in excess of one year and must be made at least thirty (30) days before the expiration of the permit</td>
</tr>
<tr>
<td></td>
<td>The DOE may revoke or suspend a permit if permit holder has violated any conditions or a change of circumstances requires cessation of activities</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>29</th>
<th>Notice of Decisions of DOE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DOE must inform by written notice the applicant or permit holder, as the case may be, of any decisions in relation to a permit or an application made under regulation 31</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>30</th>
<th>Appeals to the Tribunal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A decision of the DOE mentioned in regulation 29 is subject to appeal to the Tribunal</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>31</th>
<th>Fauna and Flora Register</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DOE must establish and maintain a Fauna and Flora Register which shall be in any form and be part of the NEIS established pursuant to section 15(1) of CEMA</td>
</tr>
<tr>
<td></td>
<td>The register shall be open to the public for inspection</td>
</tr>
<tr>
<td></td>
<td>An extract from the register shall be supplied at the request of any person on payment of prescribed fee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>32</th>
<th>Trade secrets and confidential business information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>An applicant, upon payment of the prescribed fee, may request that any of the information supplied to the DOE under these Regulations is a trade secret or confidential business information and that it be omitted from the Fauna and Flora Register</td>
</tr>
<tr>
<td></td>
<td>The DOE can omit information from the Fauna and Flora Register or reject the request for omission for a specified reason</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>33</th>
<th>Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>It is an offence for any person to contravene the provisions of these Regulations, or any Permit, Stop Notice or Consent Agreement</td>
</tr>
</tbody>
</table>
# Appendix 7:
Summary of Draft Release of Substances and Pollutants Regulations, 2013

<table>
<thead>
<tr>
<th>No.</th>
<th>Focus</th>
<th>Activities and Responsibilities</th>
</tr>
</thead>
</table>
| 3-4, 6-7 | Registration Certificate and Registrable Releases | 1. Without a Registration Certificate, persons are not allowed to release any substance from any premises into the environment identified in Schedule 1 of CEMA in a specified quantity, concentration or condition which falls within the prescribed range stipulated.  
2. An application for a Registration Certificate together with the prescribed fee must be submitted by a person who plans to release any substance identified in Schedule 1 at least forty-five (45) days prior to such release or by a person who is already releasing any substance in Schedule 1 within forty-five (45) days of Regulations commencing.  
3. Application for a Registration Certificate must be for one premises.  
4. DOE may request oral or additional written information from an applicant within a specified time to support review of application.  
5. DOE must grant with or without conditions or refuse to grant a Registration Certificate within thirty (30) days of receipt of a completed application. |
| 5 | Exempt Releases of Substances | 1. Substances identified in the Second Column of Schedule 1 are exempt from the requirement to apply for and obtain a Registration Certificate, including releases from operation of motor vehicles and households. |
| 8-9, 11-12 | Pollution Release Permit | 1. A person must submit an application for a Pollution Release Permit if they plan to release or already releasing any pollutant identified in Schedule 2 in excess of the permissible limits once these Regulations commence.  
2. Application for a Pollution Release Permit must be completed in the form provided by DOE and submitted with the prescribed fee no less than forty-five (45) days prior to such release or within forty-five (45) days of these Regulations commencing for releases already occurring.  
3. DOE may request oral or additional written information from an applicant within a specified time to support review of application.  
4. DOE must grant with or without conditions or refuse to grant a Pollution Release Permit within thirty (30) days of receipt of a completed application.  
5. In determining the conditions of a Pollutant Release Permit, the factors to be considered by DOE should include, but not be limited to, release rates, nature of receiving environment and pollution control technology. |
<p>| 10 | Exempt Pollutants | 1. Substances identified in the Second Column of Schedule 2 are exempt from the requirement to apply for and obtain a Registration Certificate, including releases from operation of motor vehicles and households. |
| 13-14 | Responsibilities of Registrants and Permit Holders | 1. Registrants and permit holders must provide DOE, where appropriate, with any information considered necessary to determine whether cause exists for varying, suspending, revoking or renewing the Registration Certificate or Pollution Release Permit or to determine compliance with any Registration Certificate or Pollution Release Permit. |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
</table>
| 15-21 Variation, Transfer, Renewal and Revocation of Registration Certificate and Pollution Release Permits | - Where there has been non-compliance with the requirements of any permit, the registrant or permit holder must report it to DOE within 48 hours and submit a report within five (5) days describing the non-compliance and response taken  
- The registrant or permit holder must allow an authorised officer to inspect or monitor at reasonable times any activities under the Registration Certificate or Pollution Release Permit  
- A registrant or permit holder must give DOE notice in writing of changes in particulars provided in an application or cessation of activities under a permit within twenty one (21) days |
| 22 Notice of Decisions of DOE | - DOE may vary a Registration Certificate or Pollution Release Permit on their own initiative or on the application of a registrant or permit holder  
- Where the DOE varies a Registration Certificate or Pollution Release Permit pursuant to regulation 15, it must issue an amended Registration Certificate or Pollution Release Permit within thirty (30) days of its decision  
- No Registration Certificate or Pollution Release Permit is assignable or transferable to any person without the written consent of DOE  
- Where a registrant or permit holder wishes to transfer a Registration Certificate or Pollution Release Permit or continue an activity beyond the expiration date, an application for transfer or renewal must be submitted to the DOE in accordance with the form provided and the prescribed fee  
- The DOE may revoke or suspend a Registration Certificate or Pollution Release Permit if the registrant or permit holder has violated any conditions or a change of circumstances requires cessation of activities |
| 23 Appeals to the Tribunal | - A decision of the DOE mentioned in regulation 25 is subject to appeal to the Tribunal |
| 24 Substances and Pollutants Release Register | - DOE must establish and maintain a Substances and Pollutants Release Register which shall be in any form and be part of the NEIS established pursuant to section 15(1) of CEMA  
- The register shall be open to the public for inspection  
- An extract from the register shall be supplied at the request of any person on payment of the prescribed fee |
| 25 Trade secrets and confidential business information | - An applicant, upon payment of the prescribed fee, may request that any of the information supplied to the DOE under these Regulations is a trade secret or confidential business information and that it be omitted from the Substances and Pollutants Release Register  
- The DOE can omit information from the Substances and Pollutants Release Register or reject the request for omission for a specified reason e.g. invalid basis for request |
| 26 Offences | - It is an offence for any person to contravene the provisions of these Regulations or any Registration Certificate or Pollutant Release Permit |
Appendix 8:
Summary of Draft Fees Regulations, 2013

Permit and Certificate Application Fees
Fees are payable to the Department of Environment (DOE) for applications for the following:

- a Noise Permit under regulation 8 of the Noise Pollutants Regulations
- a Timber Permit under regulation 17 of the Protected Areas (PAs), Forests and Fires Regulations
- a Charcoal Permit under regulation 19 of the PAs, Forests and Fires Regulations
- a Fire Permit under regulation 21 of the PAs, Forests and Fires Regulations
- a Registration Certificate under regulation 6 of the Release of Substances and Pollutants Regulations
- a Pollutant Release Permit under regulation 11 of the Release of Substances and Pollutants Regulations
- a Certificate of Environmental Approval under regulation 6 of the Certificate of Environmental Approval Regulations
- a Harvesting Permit under regulation 7 of the Fauna and Flora Regulations
- a Hunting Permit under regulation 9 of the Fauna and Flora Regulations
- a Possession Permit pursuant to regulation 11 of the Fauna and Flora Regulations
- a Protected and Partially Protected Specimen Trade Permit under regulation 14 of the Fauna and Flora Regulations
- an Unprotected Specimen Trade Permit under regulation 14 of the Fauna and Flora Regulations
- a Registration Certificate under regulation XX of the Convention on International Trade in Endangered Species (CITES) Regulations
- an Import Permit under regulation XX of the CITES Regulations
- an Export Permit under regulation XX of the CITES Regulations
- a Re-export Certificate under regulation XX of the CITES Regulations
- a Certificate of Personal Ownership under regulation XX of CITES Regulations
- a Certificate of Introduction from the Sea under regulation XX of the CITES Regulations
- a Certificate of Transfer or Sale under regulation XX of the CITES Regulations
- a Pre-convention Certificate under regulation XX of the CITES Regulations
- a Travelling Exhibition Certificate under regulation XX of the CITES Regulations
- a Certificate of Scientific Institution under regulation XX of the CITES Regulations

Annual Permit and Certificate Fees
A person receiving a permit, Registration Certificate or Certificate is required to pay to the DOE annual fees on the anniversary date of each permit, Registration Certificate or Certificate or on such other date as stipulated for the following:

- a Pollutant Release Permit granted under regulation 12 of the Release of Substances and Pollutants Regulations
- a Certificate of Environmental Approval granted under regulation 16 of the Certificate of Environmental Approval Regulations
- a Registration Certificate granted under regulation XX of the CITES Regulations
- a Travelling Exhibition Certificate granted under regulation XX of the CITES Regulations
• a Certificate of Scientific Institution granted under regulation XX of the CITES Regulations

Application Fees for Variation, Transfer or Renewal of a Permit and Certificate
Fees are payable to the DOE for an application for a variation, transfer or renewal of the following:
• a Noise Permit under regulation 13 of the Noise Pollutants Regulations
• a Timber Permit under regulation 25 of the PAs, Forests and Fires Regulations
• a Charcoal Permit under regulation 25 of the PAs, Forests and Fires Regulations
• a Fire Permit under regulation 25 of the PAs, Forests and Fires Regulations
• a Registration Certificate under regulation 15 of the Release of Substances and Pollutants Regulations
• a Pollutant Release Permit varied under regulation 15 of the Release of Substances and Pollutants Regulations
• a Certificate of Environmental Approval under regulation 20 of the Certificate of Environmental Approval Regulations
• a Harvesting Permit under regulation 21 of the Fauna and Flora Regulations
• a Hunting Permit under regulation 21 of the Fauna and Flora Regulations
• a Possession Permit under regulation 21 of the Fauna and Flora Regulations
• a Protected and Partially Protected Specimen Trade Permit under regulation 21 of the Fauna and Flora Regulations
• an Unprotected Specimen Trade Permit under regulation 21 of the Fauna and Flora Regulations

Annual Permit and Certificate Renewal Fees
A person receiving a renewed permit, Registration Certificate or Certificate is required to pay to the DOE annual fees on the anniversary date of each renewed permit, Registration Certificate or Certificate or on such other date as stipulated for the following:
• a Pollutant Release Permit renewed under regulation 18 of the Release of Substances and Pollutants Regulations
• a Registration Certificate renewed under regulation 18 of the Release of Substances and Pollutants Regulations
• a Travelling Exhibition Certificate under regulation XX of the CITES Regulations
• a Certificate of Scientific Institution under regulation XX of the CITES Regulations

Extract from Register and Application for Claim of Confidentiality Fees
Fees are payable to the DOE for extracts or to claim that any of the information supplied to the Department is a trade secret or confidential business information within the following registers:
• Release of Noise Pollutants Register under regulation 24 of the Noise Pollutants Regulations
• PAs, Forests and Fires Register under regulation 34 of the PAs, Forests and Fires Regulations
• Release of Substances and Pollutants Register under regulation 24 of the Release of Substances and Pollutants Regulations
• Certificate of Environmental Register under regulation 28 of the Certificate of Environmental Approval Regulations
• Fauna and Flora Register under regulation 30 of the Fauna and Flora Regulations
• CITES Register under regulation 85 of the CITES Regulations
Appendix 9:
Summary of the Conservation and Environmental Management Act, 2014

The Government of Montserrat enacted the Conservation and Environmental Management Act (CEMA) in 2014 as the framework environmental legislation to address:

1. Allocation and coordination of administrative responsibilities for conservation and environmental management in Montserrat.
2. Conservation and sustainable use of biological diversity, natural resources and the natural heritage of Montserrat.
3. Prevention and mitigation of pollution of the environment for the purposes of protecting human health and maintaining the quality of the environment.
4. Implementation of obligations to which Montserrat is subject under MEAs by facilitating their incorporation into national law.
5. Provision of stable, adequate, secure and sustainable funding to finance the management of the environment in Montserrat.

CEMA specifies institutional arrangements and activities relating to nine focal areas. Issues and challenges for each of these are identified in the table below for discussion.

<table>
<thead>
<tr>
<th>Focal area</th>
<th>Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Establishment and role of the NCEAC and Department of the Environment</td>
<td>CEMA seeks to establish a clear governance arrangement for implementation of the law and its supporting regulations. The Director of the Environment, and the Department of the Environment, are responsible for implementing the main provisions in the Act on behalf of the Minister responsible for the environment (currently in the Ministry of Agriculture, Trade, Housing, Lands and Environment (MATHLE)). CEMA also provides for a National Conservation and Environmental Advisory Council (NCEAC) which serves to advise the Minister on conservation and environmental management policies.</td>
</tr>
<tr>
<td>2. Environmental Management</td>
<td>CEMA contains several components to centralise and coordinate national regulations, policies and strategies related to environmental management. The key components include development of a National Environmental Management Strategy and a National Environmental Information System for information management and sharing relevant to the activities of the Department of the Environment, including documents related to applications for Certificates of Environmental Approval, monitoring data, permits, notices of violation, and multi-lateral agreements.</td>
</tr>
<tr>
<td>3. Certificate of Environmental Approval</td>
<td>CEMA mandates that a Certificate of Environmental Approval be obtained before conducting certain activities that may lead to environmental degradation or loss. Schedule 1 specifies a list of activities for which a Certificate is required.</td>
</tr>
</tbody>
</table>
4. Conservation of biological diversity  | One of the key purposes of CEMA is to enable the conservation and sustainable use of biological diversity, natural resources and the natural heritage of Montserrat. It identifies a number of components to enable conservation, including development of a national strategy, a research and monitoring programme and a system of protected areas.

5. Forests and fires  | CEMA provides for the effective management and use of forests on Crown lands, which are not within protected areas, based on the principles and practices of sustainable tropical forestry.

6. Pollution control  | One of the key purposes of CEMA is the prevention and mitigation of pollution to protect human health and maintain the quality of natural ecosystems in Montserrat. It proposes a suite of tools, including pollution permits, performance standards and monitoring of compliance, for pollution control.

7. Environmental auditing and monitoring  | CEMA authorises the Governor on the advice of Cabinet to create regulations providing standards and procedures for environmental auditing and monitoring, when these activities may be necessary, and the action that the Director of Environment can take based on the results.

8. Enforcement and prosecution of offences  | CEMA sets out a uniform enforcement and penalty structure for environmental offences, including provisions for “authorised officers” to enforce the Act and criminal penalties for breach of select provisions of the Act and of any regulations. Specific violations for protected species, hazardous waste, and obstruction of authorised officers have substantial listed criminal penalties. Appeals and civil actions under CEMA are overseen by the Physical Planning and Environmental (Appeals) Tribunal. The Tribunal is a non-judicial dispute resolution mechanism, established under the Physical Planning Act. CEMA provides for an extensive list of claims that can be referred to the Tribunal, ranging from civil claims brought by the public to appeals of permit denial or conditions.

9. Special Fund  | A Special Fund is to be created under the Public Finance (Management and Accountability) Act to provide for sustainable financing for conservation and environmental management in Montserrat. CEMA provides that all fees payable under the Act by regulation or administrative order, including those for access to the NEIS, certificates and permits, must be paid into the Special Fund. The government retains control over allocation of fund assets.