

*Statutory Instrument No. 30 of 2021*

**ENVIRONMENTAL ASSESSMENT ACT**  
(Cap. 65:07)

**ENVIRONMENTAL ASSESSMENT (AMENDMENT)  
REGULATIONS, 2021**  
(Published on 26th March, 2021)

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

1. Citation
2. Amendment of regulation 5 of Cap. 65:07 (Sub. Leg.)
3. Insertion of regulation 5A in the Regulations
4. Amendment of regulation 6 of the Regulations
5. Amendment of regulation 7 of the Regulations
6. Amendment of Schedules

IN EXERCISE of the powers conferred on the Minister of Environment, Natural Resources Conservation and Tourism by section 73 of the Environmental Assessment Act, the following Regulations are hereby made —

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| <p>1. These Regulations may be cited as the Environmental Assessment (Amendment) Regulations, 2021.</p>  | <p>Citation</p>  |
| <p>2. The Environmental Assessment Regulations are amended in regulation 5 by substituting for the words, "section 6 (5), the words, "section 6 (5) (c)".</p>  | <p>Amendment of regulation 5 of Cap. 65:07 (Sub. Leg.)</p> |
| <p>3. The Regulations are amended by inserting immediately after regulation 5, the following new regulation —<br/>"Waste management and rehabilitation plan 5A. The waste management plan and rehabilitation plan provided for in section 6 (5) (b) of the Act shall be in Form C1 set out in Schedule 2".</p> | <p>Insertion of regulation 5A in the Regulations</p>       |
| <p>4. The Regulations are amended by substituting for regulation 6, the following new regulation —<br/>"Scoping exercise and report 6. The scoping exercise provided in sections 6 (10) (a), 7 (1) and 8A (1) of the Act shall be in Form C set out in Schedule 2".</p>  | <p>Amendment of regulation 7 of the Regulations</p>        |
| <p>5. Regulation 7 is amended by substituting for the words "section 8 (1)", the words "section 8 (2)"</p>   | <p>Amendment of regulation 6 of the Regulations</p>        |
| <p>6. The Regulations are amended under the Schedules by —<br/>(a) substituting for Schedule 1, the following new Schedule —</p>   | <p>Amendment of Schedule 1</p>                             |

"SCHEDULE 1  
(reg. 3)

**Activities that require Strategic Environmental Assessment**

- a) District land use and structural plans;
- b) National policies, legislation and development strategies and programmes

**Activities that require a Statement**

Projects	EMP	EIA
<b>Environmentally Sensitive Areas</b>		
Any development in national parks, game reserves, wildlife management areas, wetlands, within 0.5km of open surface water, flood plains, important breeding areas for fauna, within 1 kilometre of important archaeological, historical, religious or cultural sites, areas protected under legislation, hilly areas and areas containing rare or endangered flora and fauna		all projects
<b>Transboundary Projects</b>		
Projects that have transboundary impacts such as fences, bridges, water transfer schemes and power plants and power lines.	Power lines outside urban areas or industrial complexes with a voltage of more than 132kV and less than 230kV or less than 15km in length rehabilitation, reconstruction, or modernization of the transboundary power lines projects	Power lines outside urban areas or industrial complexes with a voltage of 230kV and above or more than 15km
<b>Extractive and Associated Industry</b>		
a. Prospecting and exploration for oil, coal bed methane, and natural gas, heavy metals and radioactive minerals	when prospecting and exploration is on a freehold land	when prospecting and exploration is on tribal or state land

b. Operations for the extraction of pit sand, gravel and clay	when extraction is on a freehold land or from an existing burrow pits	all new activities where extraction is on tribal or state land
c. Mining within a river system or wetland regardless of the size of the mining project		all projects
d. Exploration of minerals where geothermal drilling and blasting is involved	when exploration is on a freehold land	when exploration is on tribal or state land
e. Exploitation of minerals, including quarrying		all projects
f. Extraction and processing of hydrocarbons including coal		all projects
g. Mineral processing	processing plants with capacity of less than 500,000 tonnes per year non-metallic mineral processing (crushing, grinding, milling or separation) when production capacity is less than 10,000 tonnes per year	processing plants with capacity of more than 500,000 tonnes per year. non-metallic mineral processing (crushing, grinding, milling or separation) when production capacity is more than 10,000 tonnes per year
h. Metallurgical and chemical plants associated with mining, including cement and lime kilns manufacturing	installations with a production capacity equal or less than 50 tonnes per day  installations for melting mineral substances including the production of mineral fibres with a melting capacity equal or less than 20 tonnes per day	installations with a production capacity of more than 50 tonnes per day  installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day.

i. Processing plants for smelting or alloying of non-ferrous metals, including recovered products	foundry plants with smelting capacity below 4 tonnes per day	foundry plants with a smelting capacity exceeding 4 tonnes per day
j. Ferrous metal foundries	ferrous metal foundries with production capacity below 4 tonnes per day	ferrous metal foundries with a production capacity exceeding 4 tonnes per day
k. Scrap metal recovery	<p>metal melting or casting: premises on which metal or scrap metal is melted in furnaces or cast when production capacity is more than 100 tonnes per year,</p> <p>premises on which metal scrap is fragmented or melted, including premises on which lead acid batteries are reprocessed when production capacity is less than 100 tonnes per year</p>	<p>metal melting or casting: premises on which metal or scrap metal is melted in furnaces or cast when production capacity is more than 100 tonnes per year</p> <p>premises on which metal scrap is fragmented or melted, including premises on which lead acid batteries are reprocessed when production capacity is more than 100 tonnes per year</p>
l. Establishment of plants for plate and container glass manufacturing and glass fibre	<p>when production for plate and glass containers is more than 200 tonnes/year</p> <p>glass or glass fibre manufacturing: premises on which glass or glass fibre is manufactured when production capacity is less than 200 tonnes/year</p>	<p>when manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day, or</p> <p>installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day.</p>

m. Establishment of large scale brick moulding and ceramic products manufacturing plants; premises on which refractory products, tiles, pipes or pottery are manufactured	when production capacity is more than 1,000 tonnes/year	when production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4m <sup>3</sup> and with a setting density per kiln exceeding 300 kg/m <sup>3</sup>
<b>Waste Management</b>		
a. Establishment or expansion of waste management facilities	<p>dump sites</p> <p>incineration plants, boilers or similar activities processing less than 50kg/hr</p> <p>Waste Management Facilities (WMF) for recycling of electronic waste</p>	<p>landfills</p> <p>incineration plants, boilers or similar activities processing more than 50kg/hr</p> <p>recovery (for energy) or recycling plants</p>
b. Radioactive waste storage and disposal facilities		all projects
c. Sewer networks (excluding individual connections to main sewer lines) and associated manholes, sewage pumps stations		all projects

<p>d. Management of hazardous waste</p>	<p>below 5tons facilities for storage/pre-treatment/treatment/disposal of hazardous waste such as chemicals, (for example, obsolete pesticides or fertilizers), and asbestos or products containing asbestos, electronic equipment, batteries, fluorescent and energy saving bulbs, clinical wastes and other obsolete equipment containing hazardous waste.</p> <p>New treatment technologies for clinical waste e.g. converters, auto claves, microwaving etc.)</p>	<p>5tons or more facilities for storage/pre-treatment/treatment/disposal of hazardous waste such as chemicals, (for example, obsolete pesticides or fertilizers), and asbestos or products containing asbestos, electronic equipment, batteries, fluorescent and energy saving bulbs, clinical wastes and other obsolete equipment containing hazardous waste</p>
<p>e. Facilities for the treatment or processing of waste such as used tyres, used oil</p>		<p>all projects</p>
<p>f. Facilities for the treatment or processing waste water or polluted ground water</p>		<p>all projects</p>
<p><b>Energy Industry</b></p>		
<p>a. Construction of facilities for electricity generation</p>	<p>thermal power stations with electricity generation of output equal to or less than 15MW</p> <p>construction of facilities for electricity generation using solar with output of less than 5MW</p> <p>expansion/upgrading of facilities for electricity generation</p>	<p>thermal power stations with electricity generation of output more than 15MW</p> <p>construction of facilities for electricity generation using solar with output of more than 5 MW</p>

b. Construction of radioactive energy facilities		all projects
c. Construction of petroleum service stations	commercial petroleum service stations and consumer installations with a total capacity of 92 000 litres or more but less than 200 000 litres	commercial petroleum service stations with capacity more than 200 000 litres
d. Bulk storage petroleum installations (including storage installations for bio-fuels)		all projects
e. Construction of liquid petroleum gas facilities	(i) liquid petroleum gas (LPG) marketing or commercial installations for distribution to dealers or retailers with total capacity exceeding 92 000 litres and,  (ii) fixed transport structures including LPG pipelines	
f. Manufacturing or processing plants for the production of energy including coal to liquids, crude oil refining and coal bed methane harvesting		all projects
g. Commercial plants for the manufacture of charcoal and coal briquettes	all projects	
h. Construction of all commercial or industrial facilities for the generation, transportation and utilization of natural gas		all projects
i. Installations for production of biofuels	all commercial facilities with capacity of more than 20 000 litres	

<b>Infrastructure Developments</b>		
a. Construction of roads (primary, secondary, tertiary and access)	<p>construction of a tarred new road of less than 20 km in length</p> <p>construction of new gravel road of less than 60 km in length</p> <p>widening of existing roads by less than 6 meters or the lengthening of an existing road by more than 20 km</p>	<p>construction of a tarred new road of more than 20 km in length</p> <p>construction of new gravel road of more than 60 km in length</p>
b. Fencing of roads	fencing of roads of less than 20 km in length not located in wildlife reserves or migration routes	<p>fencing of roads of more than 20 km in length</p> <p>fencing of roads located in protected areas and in known migration routes for wildlife</p>
c. Construction of tunnels	construction of tunnels less than 100 m	construction of tunnels longer than 100 m
d. Construction of bridges over water courses	When length is more than 100 m but less than 1 km	When length is more than 1 km
e. Infrastructure developments such as aerodromes, air fields, airports, airstrips	airstrips, aerodromes	airports and air fields
f. Construction of dams, levees, barrages, or weirs affecting the flow of river	levees, barrages, or weirs affecting the flow of river	construction of dams with capacity of more than 50,000 m <sup>3</sup> or wall higher than 5 m
g. Construction of well-fields	construction of well-fields where total abstraction of water will be less than 10 000 m <sup>3</sup> per day	construction of well-fields where total abstraction of water will be more than 10,000 m <sup>3</sup> per day

h. Intention recharging of an aquifer with any waste water		all projects
i. Construction of canals, channels, river diversions or water transfer schemes between catchments	construction of canals or channels equal or longer than 250 m and shorter than 1,000 m	construction of canals or channels equal or longer than 1,000 m
j. Development of flood control schemes		all projects
k. Construction of water pipelines and reticulation networks (excluding individual connections)	water pipelines with length of less than 30 km	water pipelines with length exceeding 30 km
l. Construction of storm water drainage facilities		all projects
m. Construction of telecommunication cables and networks	local access loops and FTTx within one locality. depth 750-800 mm width 300-400 mm	Backbone projects which stretches from one locality to another depth 1200 mm width 400-450 mm
n. Installation of power lines	power lines outside built up areas with voltage above 66 K Vs Or inside urban areas with voltage above 132 KVs  expansion of existing power lines when the expanded voltage will be 132KVs or more	power lines outside built up areas or industrial complexes with voltage of 132KV or more
o. Installation of power substations	installation of power substations with voltage less than 66 KVs	installation of power substations with voltage of 66 KVs and above

<p>p. Land reclamation works</p>	<p>area to be transformed larger than 5 Ha in a built up area or larger than 1 Ha outside a built up area</p> <p>expansions of land reclamation works when the expansion transforms a total area equal or larger than the thresholds mentioned</p>	<p>area to be transformed larger than 20 Ha in a built up area or larger than 10 Ha outside built up area</p>
<p>q. Development of industrial estates</p>	<p>area equal or larger than 5 Ha in a serviced area or equal or larger than 10 Ha outside unserviced area</p> <p>expansions of industrial estates when the expansion transforms a total area equal or larger than the thresholds mentioned</p>	<p>area equal or larger than 20 Ha in a serviced area or equal or larger than 10 Ha unserviced area</p>
<p>r. Development of residential estates</p>	<p>area equal or larger than 5 Ha in an urban area or equal or larger than 1 Ha outside an urban area</p> <p>expansions of development of industrial estates when the combination of the expansion phases transforms a total area equal or larger than the thresholds mentioned</p>	<p>area is equal or larger than 20 Ha in an urban area or equal or larger than 10 Ha outside an urban area</p> <p>expansions of development of industrial estates when the combination of the expansion phases transforms a total area equal or larger than the thresholds mentioned</p>
<p>s. Development of institutional facilities (such as schools, hospitals, etc.)</p>	<p>when the total area to be transformed is larger than 5 Ha inside a built up area or serviced area or larger than 1 Ha outside a built up or serviced area</p>	<p>when the total area to be transformed is larger than 20 Ha inside a serviced or built up area or larger than 10 Ha outside a built up or serviced area</p>

t. Development of shopping centres or complexes	when the total area to be transformed is larger than 5 Ha inside a built up area or serviced area or larger than 1 Ha outside a serviced area	when the total area to be transformed is larger than 20 Ha inside a built area or serviced area larger than 10 Ha outside a serviced area
u. Construction of railway lines	when length is longer than 10 km and less than 50 km  upgrade or expansion of railway line to more than 10 km and less than 50 km	when length is longer than 50 km  upgrade or expansion of railway line to more than 50 km
v. Plants for the manufacture and assembly of motor vehicles	when the total area to be transformed is larger than 5 Ha inside a built up or serviced area or larger than 1 Ha outside an urban area	when the total area to be transformed is larger than 20 Ha inside a built up or serviced area or larger than 10 Ha outside a built up area or serviced area
w. Establishment of cemeteries and crematoria	when area is more than 2500 m <sup>2</sup>  expansion of existing cemeteries by more than 2500 m <sup>2</sup>  establishment of crematoria	
x. Construction of facilities for storage of radioactive materials		all projects
y. Construction of subways		all projects
z. Construction camps and camping facilities	all projects	
<b>Chemical, Rubber and Plastic Industry</b>		
a. Chemical manufacturing or processing plants	when quantity of processed chemicals is less than 2000 kg/month or  when production capacity is less than 50,000 tonnes/year	when quantity of processed chemicals is more than 2000 Kg/month  or when production capacity is more than 50,000 tonnes/year

b. Chemical manufacturing: premises (other than pesticide manufacturing) on which chemical products are manufactured by a chemical process	when production capacity is more than 100 tonnes/year or	when production capacity is more than 1000 tonnes/year or
c. Oil refining plants		all projects
d. Plants for the manufacturing or processing of plastic and rubber where a chemical reaction is involved		all projects
e. Large scale fertilizer, herbicides and pesticide manufacturing or processing plants		all projects
f. Facilities for the manufacture of pharmaceutical products		all projects
g. Bulk storage facilities for hazardous chemicals that: i. Contain at least one carbon to carbon bond; and/or are toxic, harmful, flammable, supporting combustion, corrosive, irritant, sensitizing, carcinogenic, mutagenic, toxic for reproduction or hazardous for the environment ii. are liquid (or solid) at STP (standard temperature and pressure),	when stored quantities more than 10 cubic metres but less than 1000 cubic metres in aggregate	when stored quantities are more than 1000 cubic metres in aggregate
<b>Food Industry</b>		
a. Milk processing	milk processing with a production output of more than 500 000 litres to 1 000 000 litres per month	milk processing with a production output of more than 1 000 000 litres per month
b. Installations of abattoirs		all projects

c. Fish processing plant	with production capacity of more than 100 tons a year but less than 1000 tons per year	with production capacity of more than 1000 tons a year
<b>Leather and Textile Industry</b>		
a. Premises on which animal skins or hides are dried, cured or stored	production or storage capacity of more than 48,000 skins or 12,000 hides per year	production or storage capacity of more than 480,000 skins or 120,000 hides per year
b. Tanneries		all projects
c. Textile manufacturing operations where dyes are to be used	all projects	
<b>Wood and Paper Industry</b>		
a. Pulp and paper mills	all projects	
b. Wood processing operations or expansion of existing wood processing operations	all projects	
<b>Firing Ranges and Explosives</b>		
a. Outdoor firing ranges	when located at less than 2 km from a populated zone	when located at more than 2 km from a populated zone
b. Installations for manufacture of explosives, arms or ammunition or Production of explosive substances	quantity produced or stored is more than 250 kg/day	quantity produced or stored is more than 2500 kg/day
c. Installations for storage or disposal of explosives and ammunition/substances	quantity produced or stored is greater than 250 kg/day	quantity produced or stored is greater than 2500 kg/day
<b>Tourism Enterprises</b>		
a. Hospitality facilities	200 or more guestrooms in an un serviced land	

<b>Recreation Related Infrastructure</b>		
a. Sports complexes	when the total area to be transformed is larger than 5 Ha but less than 20 Ha inside a built up area  when the total area to be transformed is larger than 2 Ha but less than 10 Ha outside a serviced area	when the total area to be transformed is larger than 20 Ha inside a built up area  when the total area to be transformed is larger than 10 Ha outside a serviced area
b. Golf courses		all projects
c. Establishment of routes or tracks for outdoor racing of motor powered vehicles such as motorcars, trucks and motorcycles		all projects
d. Amusement parks	all projects	
<b>Agricultural Projects</b>		
a. Land developments for rain-fed agriculture		land developments for rain-fed agriculture in an area larger than 100 Ha
b. Land developments for irrigated crop farming	large scale horticulture projects in an area measuring more than 50 and less than 100 hectares	large scale irrigated farming projects in an area measuring more than 100 hectares
c. Fibre and oil (biofuel) crops	land developments for the purpose of fibre and oil (biofuel) crop production in an area less than 50 Ha	land developments for the purpose of fibre and oil (biofuel) crop production in an area larger than 50 Ha
d. Large scale horticulture projects	large scale horticulture projects in an area measuring more than 50 and less than 100 hectares	large scale horticulture projects in an area measuring more than 100 hectares
e. Large scale dairy farms	stock rate of more than 50 cows and less than 100	stock rate of 100 or more cows

f. Large scale feedlots	with stock rate of more than 250 and less than 500 cows	with stock rate of 500 or more cows
g. Large scale ostrich farms	stock rate of more than 250 and less than 500 birds	stock rate of 500 or more birds
h. Large scale pig farms	stock rate of more than 50 sow units but less than 300 sow units	large scale pig farms with stock rate of more than 300 sow units
i. Large scale pig farms of piglets for weaner scheme	more than 500 and less than 1000 piglets for weaner scheme	more than 1000 piglets for weaner scheme
j. Large scale crocodile farming production systems	less than 4000m <sup>3</sup> pond capacity where there is direct discharge from the production system to the environment; or farms with a capacity for more than 200 and less than 1200 crocodiles	more than 4000m <sup>3</sup> pond capacity where there is direct discharge from the production system to the environment; or farms with a capacity for more than 1200 crocodiles
k. Establishment game or livestock farm or ranch	in an area measuring more than 100 hectares and less than 5 000 hectares	in an area measuring more than 5 000 hectares
l. Large scale poultry farms	with stock rate of more than 20 000 birds but less than 40 000 birds	with stock rate of more than 40 000 birds
m. Irrigation of any land with waste water generated through industrial activity or by any water works		all projects
n. Introduction of new crops, plants and animals, including Genetically Modified Organisms and Living Modified Organisms		all projects

o. Establishment of fences which are designed to control wildlife and livestock diseases	When fence is more than 5 km in length but less than 20 km	when fence is more than 20 km in length
p. Construction of fish-farming systems	with pond capacity of less than 4000 m <sup>3</sup> ; where there is any direct discharge from the production system to a receiving water body; or commercial fish farming venture with an annual production more than 20 tonnes but less than 40 tonnes	with pond capacity of more than 4000 m <sup>3</sup> ; where there is any direct discharge from the production system to a receiving water body; or commercial fish farming venture with an annual production of more than 40 tonnes
q. Logging operations	establishments covering area of more than 50 hectares but less than 500 hectares	establishments covering an area of more than 500 hectares
r. Forest plantations, woodlots and tree nurseries	establishments covering an area of more than 50 hectares but less than 500 hectares	establishments covering an area of more than 500 hectares
s. Small stock (goats and sheep) farms	farms with stock rate of more than 1000,	farms with stock rate of more than 5000,
<b>Others</b>		
a. A project likely to affect any area protected by the laws of Botswana or such other regional or international laws or conventions		all projects
b. A project whose implementation will likely cause a public outcry or will result in the displacement of people		all projects

c. A project likely to give rise to particular complex or adverse effects whose management is not well understood		all projects
d. A project whose implementation will result in substantial use of a natural resource in a way that prevents the use or potential use of the resources for any other purpose		all projects
e. any activity aimed at the modification of atmospheric precipitation		All projects.”.

(b) inserting under Schedule 2, immediately after Form C, the following new Form –

“SCHEDULE 2  
FORM C1  
(reg. 5A)

Contents of the Rehabilitation Plan

i. Rehabilitation Plan

Rehabilitation Plan means an outline of measures for the treatment or management of disturbed land, air or water for the purpose of establishing a safe and a stable environment. Information on the description of the project should include but not limited to the following —

- purpose of project;
- location of proposed project on a map;
- area to be rehabilitated;
- anticipated duration of the project;
- transport and access arrangements;
- overall processes involved in the rehabilitation;
- type and quantity of resources needed for rehabilitation; and
- expected outcome of the rehabilitation process.

ii. Contents of the Waste Management Plan

Waste Management plan means an outline of waste stream and treatment options comprising of the collection, temporary storage and safe disposal of the waste streams associated with an activity and includes provisions for the recovery, re-use and recycling of waste.

Information on the description of the project should include but not limited to the following —

- purpose of project;
- location of the proposed project on a map;
- preliminary design (if available), infrastructural requirements and the size of the development;
- transport and access arrangements; and
- overall operation of processes involved.

The Waste Management Plan should be presented in a manner in which impact will be managed. This should at the minimum contain —

- process flow diagram;
- type(s) of waste;
- estimated quantities;
- anticipated types of residues or emissions;
- containment measures on site;
- methods for treatment; and
- disposal methods.”.

(c) amending under Schedule 4, in Form C, under the heading “Certification fee”, for the “non-resident” column, by substituting for the figure “2 000”, under EAP, the figure “1 500” and by substituting for the figure “1 500” under ‘Senior EAP’, the figure, “2 000”.”.

MADE this 15th day of March, 2021.

PHILDA N. KERENG,  
*Minister of Environment, Natural Resources  
Conservation and Tourism.*