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དཔལ་ལྷན་འབྲུག་གཞུང་།
National Environment Commission
Royal Government of Bhutan



June 30, 2022

Internal Office Memo

To: Chief Environment Officer & EACD staff

From: Secretary, National Environment Commission Secretariat

Subject: Standard operating procedure for review and assessment of applications for environmental clearance

In order to ensure that the assessments of applications for Environmental Clearance (EC) are carried out in a transparent and efficient manner based on the professional mandates and position level of the employees, the Standard Operating Procedure (SOP) is endorsed in the 93rd Environment Assessment Technical Committee meeting of National Environment Commission Secretariat (NECS). Further, it must be noted that the SOP closely aligns with the objective of enhancing the EC service delivery.

Therefore, the self-explicit SOP is attached herewith for necessary implementation and strict compliance by the Environment Assessment and Compliance Division of NECS.



National Environment Commission Secretariat

STANDARD OPERATING PROCEDURE (SOP) FOR REVIEW
AND ASSESSMENT OF APPLICATIONS FOR
ENVIRONMENTAL CLEARANCE - June 2022



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Abbreviations

AI	Additional Information
AS	Administrative Staff
CA	Competent Authority
CEO	Chief Environment Officer
DIP	Detail Implementation Plan
EACD	Environment Assessment and Compliance Division
EATC	Environment Assessment Technical Committee
EC	Environmental Clearance
RMR	Revenue Money Receipt
RO	Reviewing Officer
RECOP 2016	Regulation for Environmental Clearance of Projects 2016
SOP	Standard Operating Procedure
TAT	Turn Around Time
ToR	Terms of Reference



1.0 Purpose

The purpose of this SOP is to establish a coherent workflow for review, assessment and decision making of EC applications in a transparent and efficient manner.

2.0 Procedures

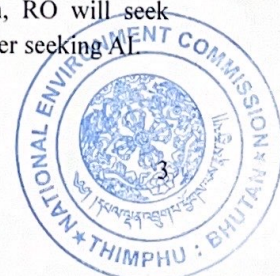
Upon receipt of an application for EC, the following steps will be observed/implemented:

2.1 Screening and acknowledgment of application

- Administrative Staff (AS) will review completeness of the application as per the *Checklist for processing Environmental Clearance (Annex I)*.
- If the application is incomplete, AS will communicate in writing to the applicant within 2 working days.
- If the application is complete, AS will calculate the fee (if requested by the applicant) and inform the applicant to remit application fees as per the *Fee schedules to cover the cost of Administering the Environmental Assessment Act 2000* and submit a copy of RMR along with the application.
- On submission of complete application along with RMR receipt of application fees, AS will acknowledge the application within 2 working days from the receipt of an application. The Chief Environment Officer (CEO) will sign the acknowledgment letter within 1 working day from the date of drafting of the acknowledgement letter.
- AS will maintain record of the application inclusive of project and applicant details, actions taken related to the application, and turnaround time (TAT) to communicate a decision on EC as per the format.

2.2 Review/assessment of application

- The CEO will assign the application to the Reviewing Officer (RO). In case of complex projects, CEO may assign the application to a group of ROs or instruct senior officers to guide RO during assessment.
- In line with Chapter III of RECOP 2016, the RO will ensure the following:
 - Review application as per the reviewer's guideline, sectoral environmental assessment guidelines, and other applicable guides/SOPs;
 - Conduct site verification visit/compliance monitoring. RO will draft and send a request signed by the CEO to the relevant Competent Authority (CA) to conduct a site visit, where appropriate.
 - If any clarification/information is required on the application, RO will seek additional information (AI). The CEO will verify and sign the letter seeking AI.



- If the applicant requests an in-person meeting with EACD to discuss the AI sought, RO will arrange in-person discussion in presence of the CEO or provide clarification through email with a copy to the CEO.
- As much as possible, all communication/correspondence relating to the application will be carried out through official mail with copies of each email/correspondence to the CEO or through the office phone.
- RO will send a reminder letter signed by the CEO to the applicant one month before the deadline to submit the AI.
- In case an applicant requests a deadline extension to submit AI, RO will send a letter extending the deadline signed by the CEO based on the justification and timeframe requested.
- If the applicant fails to submit AI within the deadline, RO with approval from the CEO will hand over the file to AS. AS will close the file and update the EC status/register.
- If views/clarification from any agencies is required on the application, RO will send a letter signed by the CEO to the concerned agencies. RO will also follow up on the response of the concerned agencies.
- RO will periodically update the application status or update any changes to the application status on Google sheets/other platforms as applicable.
- Upon completion of the review process, the RO shall submit the application for decision.

2.3 Decision on EC

2.3.1 For new applications:

- ROs, in consultation with the CEO, will prepare an agenda for the Environment Assessment Technical Committee (EATC) meeting, which will be conducted fortnightly Tuesdays.
- CEO will seek concurrence from the EATC chairperson on the agenda and schedule the meeting.
- Based on roster, respective officers will share the agenda, EC status, and decisions and minutes of the preceding minutes to the EATC members prior to the meeting.
- ROs will prepare the EATC paper as per the EATC form and present it to the EATC.
- Concerned ROs coordinating the EATC meeting will maintain minutes of the EATC meeting inclusive of project details, discussion, EATC decision, and follow-up action.
- Concerned ROs will circulate the draft minutes of the meeting to EATC members for comments within 3 working days from the date of meeting.
- Concerned RO should ensure the EATC papers and minutes are signed by the members present during the meeting and filed for record.



- Concerned ROs will communicate the decision of the EATC signed by the EATC chairperson to the applicant. If EC is approved, concerned RO will seek legal undertaking from the applicant within seven working days from the date of decision.
 - If legal undertaking is not submitted within the deadline, the application will be referred back to the EATC for directive.
 - If legal undertaking is received within seven days, issue EC signed by the EATC chairperson. EC will be prepared by a RO in consultation with the CEO and signed by the EATC chairperson.
 - RO will share the EC along with Detail Implementation Plan (DIP) form and self-monitoring format for renewal to the applicant.

2.3.2 For renewal applications:

- ROs will prepare an agenda for the renewal meeting.
- The agenda for the meeting will be shared to the sub-committee members prior to the meeting.
- RO will prepare renewal paper as per the renewal paper form and present it to the sub-committee.
- Concerned ROs coordinating the renewal meeting will maintain minutes of the meeting inclusive of project details, discussion, decision, and follow-up action.
- Concerned RO should ensure the renewal papers and minutes are signed by the members present during the meeting and filed for record.
- Concerned ROs will communicate the decision of the renewal meeting signed by the CEO to the applicant. In case a penalty for late renewal application is imposed, concerned RO will calculate the penalty as per the late renewal penalty slab (**Annex II**). ROs will also share a copy of notification for penalties and a copy of RMR receipt to AS for record.
- RO will share the EC along with DIP form and self-monitoring format for renewal with the applicant.

2.4 Terms of Reference

- AS will instruct the proponent to remit application fees of Nu.500 and submit a copy of RMR receipt along with the draft ToR.
- The CEO will assign the ToR application to RO or several ROs to review and draft the ToR.
- The RO(s) will prepare ToR in line with sectoral environmental assessment guidelines and share final draft ToR with the proponent.
- If the proponents requests for negotiation/clarification on the final draft ToR, RO will coordinate the meeting.
- The CEO will endorse the ToR.



- RO will file the endorsed ToR in the ToR file.
- AS will maintain a record of ToR endorsed and fees collected.

2.5 Other applications (name change/ownership change)

- AS will instruct the applicant to remit application fees of Nu.500 and submit a copy of RMR receipt.
- The CEO will assign the application to RO.
- For name change applications, RO will draft the EC, and the CEO will sign the EC.
- For ownership change applications:
 - RO will seek legal undertaking from the applicant within seven working days.
 - RO will draft the EC and the CEO will sign the EC.

2.6 Post assessment-of-application

- RO will calculate TAT for each project as per the TAT calculation sheet and note (**Annex III**) and hand over the project file along with project documents and TAT to AS for further action.
- AS will update the EC status and EC register and archive/store project files and project documents.

3.0 Compliance monitoring

- Officers shall prepare an annual compliance monitoring plan to monitor projects that are more than one year old and submit to the CEO for approval.
- Concerned officers will conduct compliance monitoring, prepare monitoring reports and submit reports to the CEO.
- Concerned officers may issue non-compliance memos during the monitoring visit.
- In case non-compliance or violations are observed during the compliance monitoring, the concerned officer shall refer the matter to the EATC for appropriate actions in accordance with NEPA 2007, EA Act 2000 and RECOP 2016.
- Concerned officers will communicate decisions and keep a record of the correspondences and completion report for any non-compliances or violations in the project file.

4.0 File/record keeping and report generation

- AS will maintain records of application and fees/fines and generate reports as and when required.
- AS will compile and maintain records of annual reports from CAs.
- AS will collect and file reports of DIP and self-monitoring reports from holders of EC.



- To keep track of project files/documents, AS will maintain a register of files taken by staff for reference. Respective staff and AS will counter-sign the register while taking and returning the files/documents.

5.0 Help Desk

- A help desk will be instituted to guide and facilitate applicants in submitting EC applications.
- AS/Officers will be assigned to the help desk based on a roster.



6.0 Annexures

Annex I: Checklist for processing Environmental Clearance

Checklist for processing Environmental Clearance (New and Renewal Applications)

November, 2020

In expediting the service delivery and to ease the application process for Environmental Clearance and Renewal, the National Environment Commission Secretariat hereby issues the Checklist as per 'Notification on the amendment to sections under Chapter II of the Regulation for Environmental of Projects 2016'. Henceforth, the applicants are required to ensure that the requirements under the checklist are fulfilled.

Sl.no.	New application for EC	Renewal of EC
1.	Duly filled IEE form/EA form/EIA report	Copy of Environmental Clearance
2.	Records of public consultation signed by members of the concerned local authority present during the public consultation	Compliance report
3.	Written consent from individual or juristic person if activity has direct impact on a property authenticated by the concerned local authority	Forwarding letter from the concerned Competent Authority
4.	Water abstraction permits from concerned local authority, if there is any water abstraction activity	Revenue Money Receipt (RMR) of the application fees
5.	Forwarding letter from the concerned Competent Authority	
6.	Revenue money receipt (RMR) of the application fees	



Annex II: Late renewal penalty slab

Less than 1 month from the date of expiry of EC (Nu. 5000 + renewal fee) only
1-6 months lapse after the EC expiry date : Nu. 5000 (formula: 5000 + renewal fee + 5000)
More than 6 months to 12 month lapse after the EC expiry date: Nu. 10,000 (formula; 5000 + renewal fee+ 10,000)
More than 12 months after the EC expiry date: Nu. 20,000 (formula: 5000 + renewal fee + 20,000)
In case the activity has not yet commenced/not in operation within the EC validity period, impose flat fine only (formula: 5000+ renewal fee)

Annex III: TAT calculation sheet/note

Note: The number of days is counted from the date the application is acknowledged and additional information/clarification is sought and from the date additional information is received until a decision is communicated. The time taken by the proponent/relevant agencies to furnish additional information/clarification shall not be counted in the time taken by the NECS.

New application	Renewal application
Time taken to acknowledge the application	Time taken to acknowledge the application
Time taken to mark/assign application to RO	Time taken to marke/assign application to RO
Time taken to seek AI	Time taken to seek clarification
Time taken to review AI	Time taken to review clarification
Time taken to share legal undertaking with the applicant	Time taken to renew EC
Time taken to issue EC	-
Total no. of days taken	Total no. of days taken

