

Key aspects of EIA legislation and EMP in Honduras

This resource summarizes key aspects of Environmental Impact Assessment (EIA) legislation in Honduras and provides details on Environmental Management Plans (EMP) in general and in Honduras.

Brief History

In 1993, the Secretariat of Natural Resources and the Environment (Formerly SERNA, now MiAmbiente) was mandated with the responsibility of establishing and maintaining a National Environmental Impact Assessment Evaluation System (SINEIA) through the General Law of the Environment (Decree 104-93) passed by the national congress that year. Further to this, Decree 189-2009 established that SINEIA was responsible for providing environmental assessment and control of all new human activities or operations that may potentially cause negative environmental impacts. In 1997, to undertake this task, SERNA created two sub-secretaries. The Department of Environmental Evaluation and Control (DECA) is charged to oversee the technical aspects of an EIA review and licensing, as well as ensure that environmental service providers adhere to the standards and protocols in place. The Environmental Units (UNA) assist with this regulatory and monitoring processes. Under the Law for the Registry of the National Environmental Service Providers (Agreement No. 1205-2002), only parties registered in MiAmbiente's Environmental Service Provider system are able to undertake and submit EIAs to be considered for an environmental licence.

In 2009, the environmental licensing process was decentralized. Articles 4.46, 7 and 19 of ED-189-2009 allow DECA and MiAmbiente to participate in the functions of SINEIA and, where possible, hand over duties to their Environmental Municipal Units (UMA) or other administrative institutions associated with the Environmental Management Units (UGA).

Legislation Related to the EIA process in Honduras

EIA Process	Law	Description
Screening	Decree 189-2009, Article 24	All projects, construction or activity, public or private must have an environmental licence before execution.
	Decree 189-2009, Articles 32.2 and 33.3	All projects classified as Categories 1, 2 and 3 must present the necessary information to SINEIA and fulfill all the outlined requirements.
	Decree 189-2009, Article 30	Projects categorized by SINEIA as Category 1, low environmental impact or risk project, will not be subject to a formal EIA to obtain an environmental licence but must still comply with existing environmental legislation and Honduran Good Environmental codes of best practice. The SINEIA F-01 form must be completed (Article 4.19)
	Decree 189-2009, Articles 32, 33	Projects categorized by SINEIA as Category 2 and 3 are subject to a formal Environmental Assessment Plan or, based on SINEIA discretion, are subject to best practices of the corresponding sector.
	Decree 189-2009, Articles 4.19, and 4.20	SINEIA Form F-01 shall be completed for all Category 1 projects; Form F-02 is necessary for all Category 2 and 3 projects.



EIA Process	Law	Description
	Decree 189-2009, Article 30	An Environmentally Sensitive Area is rated due to its nature or special administrative condition and/or environmental sensitivity and which therefore needs special consideration if development is to take place.
Scoping	Decree 189-2009, Article 33	The <i>Manual of Environmental Assessment and Control</i> (of SINEIA) acts as a terms of reference for Category 2 and 3 projects for developing an Environmental Management Plan (EMP).
	Decree 189-2009, Article 34	All Category 4 projects must present to MiAmbiente one of the following: An Environmental Impact Study based on information from the <i>Manual of Environmental Assessment and Control</i> . A formal request for MiAmbiente to establish a specific terms of reference for the project.
Assessment and Reporting	Decree 189-2009, Article 38	Once the terms of reference are set for a project, the project coordinator must contract an Environmental Service provider to carry out the Environmental Impact Assessment (EsiA) or EMP and report all information to DECA.
	Decree 189-2009, Articles 16 and 86	All Providers of Environmental Services must be accredited by a suitable legal and technical entity and be inscribed in the Providers' Record of Environmental Services of MiAmbiente in order to be able to assist with an EIA, EsiA, or Environmental Audit or Monitoring and Control.
Review	Decree 189-2009, Article 23 and 34	Once all legal and technical requirements for the project Report have been handed to MiAmbiente or SINEIA (including payment for the environmental assessment and publication in local/national newspapers), the Authority will proceed with the document review.
	Decree 189-2009, Article 55	The EsiA will be reviewed by a multidisciplinary team of professionals following a standardized review process found in the <i>Manual for Environmental Assessment and Control</i> .
Decision Making	Decree 189-2009, Article 56	Once all documents have been reviewed by the MiAmbiente/SINEIA team, a technical opinion will be issued that forms part of the project's profile and indicating whether or not modifications to the environmental plan are necessary.
	Decree 189-2009, Article 59	Once the project has been approved and an Environmental Licence granted for a two-year term with the understanding that the licence has been granted based on the environmental conditions reported in the documents provided.
Monitoring	Decree 189-2009, Article 71	Self-regulation is mandatory throughout the lifetime of the project once the licence has been granted. Monitoring can be carried out by the proponent, a qualified consultancy by DECA or the Environmental Units or a firm contracted by MiAmbiente
	Decree 189-2009, Article 72	If unexpected impacts arise during the life of the project, mitigation measures determined by DECA must be implemented
	Decree 189-2009, Article 4.7, 4.9 and 4.38	The person responsible for environmental monitoring must keep a record of fulfillment of environmental commitments pertinent to all current environmental legislation and practices of the Good Environmental Practices Code of Honduras.
	Decree 189-2009, Articles 75, and 4.12	All projects granted environmental licences and have been started will be subject to environmental inspection and audits. As part of the control and follow-up, SINEIA will issue a technical opinion.



EIA Process	Law	Description
Payments	Decree 189-2009, Article 24.3 and 109	Before any Environmental Licence request is considered by SINEIA, an expedition fee must be paid. The fee depends on the size of the project.
	Decree 189-2009, Article 41, 42 and 43	All Category 4 projects must pay a guarantee bond for potential environmental risks and impacts identified by the EIA. This guarantee can be made by depositing funds into a national guarantee fund (in the General Treasury of the Republic) or by buying environmental insurance through an insurance company.
Public Participation	Decree 189-2009, Article 88	Public participation in the EIA process is encouraged at all phases. Neighbouring populations to the project area of impact must be consulted about the project.
	Decree 189-2009, Article 37	All Category 2, 3 and 4 projects must notify NGOs and the public who can send suggestions about TORs to MiAmbiente for the EsIA.
	Decree 189-2009, Article 52 and 89	All Category 4 project EsIA information must be published and, if deemed necessary by MiAmbiente, be presented in public meetings, forums and discussions and published to allow for exchange of ideas.
	Decree 189-2009, Article 54	Anyone who thinks the EsIA has not addressed important impacts or proposed suitable mitigation measures can ask MiAmbiente to include amendments.

The Current Environmental Licensing Process in Honduras

In October of 2015, MiAmbiente and DECA launched a new online platform aimed to help streamline the EIA licensing process, effectively reducing waiting times for potential projects. MiAmbiente has put out a number of comprehensive information pamphlets and videos, clearly outlining the steps and documents that are required to progress through the system. The steps for the pre-licensing or “screening” portion of the EIA include:

Step 1: Register with the new online system, SINEACP.

Step 2: Verify the coordinates of the area of impact.

Step 3: Provide the following information to SINEACP:

- Information about the company, amount of money to be invested and an estimate of jobs to be created.
- Information about the type of project and its size. This information is provided through a matrix where it is required to check off the appropriate boxes to indicate the sector, subsector, activity and size of the project.

Step 4: Once the necessary information is provided, the system will analyze the information.

Geospatial maps are used that will indicate if the area where the project is located has any restrictions—i.e., being protected, indigenous lands, or coastal—that may automatically disqualify the licence or require the project to undertake a full EIA. The project is also categorized using an algorithm that weighs the information based on project viability, magnitude and environmental impact.

Once the initial documents for the project have been completed, SINEIA will review and determine the project category based on potential environmental risk or impact. These standards are set based on the *Uniform International Industry Classification of all Economic Activities-CIIU* (ED 189-2009, Article 24 and 4.43). For reference see Table 34).



Step 5: SINEACP runs an analysis of the information and provides an official report with the case number of the project.

Step 6: At this point an Environmental Service Provider registered with MiAmbiente must provide an official opinion about the project to verify the location of the project along with the results of the SINEACP official report.

Step 7: The final step to starting the licensing process requires the project coordinator to present all the required documents and receipt of payment for a DECA field inspection to an Environmental Licensing Window in *MiAmbiente*. The project lead must then sign a contract and instructions regarding Measures of Environmental Control that must be followed—this includes a legal document accepting responsibility in the event that environmental controls are not followed. This will allow MiAmbiente to fine the company or individual responsible for negligence.

For more information, MiAmbiente has the following video posted on their website as well as brochures and other Frequently Asked Questions to help with the pre-licensing process:

<http://www.miambiente.gob.hn/>

Environmental Management Plan (EMP)

An EMP is the part of the EIA that outlines how the environmental and social impacts documented in the EIA will be managed and monitored. Even when a project does not require a full IEA, the proponent is still required to develop an EMP.

In different countries the detailed requirements for the EMP content may differ, but generally the content can be listed as follows:

- Summary of mitigation measures to minimise identified adverse impacts in the previous steps.
- Linkages to the national and subnational legislation to set environmental commitments thresholds for acceptable impacts and to frame the mitigation and monitoring measures.
- Description of the recommended mitigation measures.
- Statement of their compliance with relevant standards.
- Allocation of resources and responsibilities for plan implementation.
- Schedule of the actions to be taken.
- Program for monitoring and auditing.
- Contingency plan to address additional risks and emergencies.

In Honduras, once a project's impacts have been rated using the SINEIA F-01 and F-02 forms, SINEIA will determine whether or not a complete EIA is necessary or if an Environmental Management Plan (EMP) is sufficient to ensure safe environmental practices. The EMP is guided by the Honduran Good Environmental Codes of Practice; modelled after the ISO 14000 standard.

If a project is evaluated as a Category 1, or low-impact/low-risk project, an EIA is not required. However, under Article 30 of ED 189-2009, the project must still comply with national and state environmental legislation and Good Environmental Codes of Practice for each sector.

An Environmental Management Plan is a “set of technical operations and proposed actions, whose objectives ensure that the operation of a human activity remains within the legal technical and



environmental norms that prevent, correct and mitigate negative environmental impacts or risks and ensure that improvements continue and are compatible with the environment” (Environmental Evaluation and Control Manual for Honduras, 2009, p. 42).

In the EMP, an evaluation process must be implemented that considers environmental mitigation measures to ensure the lowest possible impact to the environment. In essence, the EMP is an assessment that complements and builds on the information provided in SINEIA form F-01 and F-02.

The following must be included in an EMP:

1. Environmental terms of reference—how air, water, soil etc. will be protected.
2. Which environmental aspects are linked to the project? This may be emissions, water consumption, land use, distance from communities and more.
3. Identified environmental impacts—what environmental elements will be affected and how.
4. Rating of the identified environmental impacts; low, moderate, or high.
5. Legal frameworks (e.g. laws, regulations or best practices) that apply to the environmental impacts in question within the sector.
6. In the case that there is no legal framework, the standards or environmental parameters should be identified.
7. Environmental measures—any orders or regulations dealing with the identified environmental impact must be noted and complied with.
8. Deadlines to implement the environmental measures for the project.
9. The necessary human and financial resources to implement environmental measures.
10. Identification of the persons responsible for carrying out the environmental measures.
11. Summary of the environmental commitment which includes the deadlines and description of how the measures to improve the environmental situation will be carried out.

It is suggested in the Environmental Evaluation and Control Manual for Honduras (2009) that a summary table be developed to assist SINEIA to review the EMP thoroughly and in a timely manner.

Monitoring for this plan is based on self-regulation and the notion that environmental responsibility is shared by everyone, not only the authorities.



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Source: EIA Online Learning Platform - <http://www.iisd.org/learning/eia>