

Stakeholders' Briefing on NRCA Decision on SML 173

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Salutation

On behalf of the Chairman and Members of the NRCA/TCPA, the executive management team and staff of the NEPA, let me wish you

Happy New Year!

And, let me also say a very special thanks to you valued stakeholders for joining this briefing. The briefing is convened at the request of the chairman and members of the NRCA to brief you on its decision on the environmental permit applications by Noranda Jamaica Bauxite Partner II for mining in an area commonly referred to as SML173 totalling 8,335 hectares. Display the SML173 vis-à-vis the CCPA, SML 172 and SML 165.

Background

By way of background, you may recall that environmental permit applications for mining and quarrying and clearing of six hectares or more of vegetation (**application categories**) was received by the NEPA in 2018.

Even without the triggering of this requirement by the Agency's own screening process, the preparation of an EIA report was mandated in keeping with the 2017 policy decision of the Cabinet.

Set ToR were developed and signed-off on after full consultation and the agreement of key regulatory partners: the WRA, the FD and the JHNT. The ToR for the EIA was designed to cover all those lands **excluding** the forest reserves – now a **modified** total of 7,054 hectares - straddling the parishes of St. Ann and Trelawny.

As you know the EIA process was involved, time-consuming and tiring. **(Graphic of the process)**. The Agency having to review four previous iterations of the Report before accepting the fifth version to form the basis of the public consultation.

The EIA review process benefitted tremendously from the full participation and involvement of stakeholders who put forward written submissions on issues and concerns. Subsequently, in-depth reviews of stakeholders' inputs, consolidation of the many issues and concerns submitted by

stakeholder groups and individuals were submitted to the consultants for further attention, clarification and resolution.

We signed-off on, and oversaw, the two mandatory public meetings. The second public meeting resulted from an intervention by the Ministry of Transport and Mining to “*claw-back*” an area totalling 891 hectares thereby reducing the size of the SML available for mining to 6,163 hectares of land (show map with clawed-back’ area).

The involved technical inputs from key commenting agencies/departments bolstered the process. The review benefitted also from intense scrutiny by the Internal Review and Technical Review Committees. Also deliberated on and resolved were the comments and feedback received during the public consultation process. The recommendations from both the IRC and the TRC were captured and developed in the submission and recommendations considered by the NRCA.

It is worth emphasising that the submission and recommendations to the NRCA were the considered joint position of key government agencies having taken into account the substantial technical submissions and recommendations made by these key commenting agencies/departments: the Water Resources Authority, the Forestry Department, the Jamaica National Heritage Trust and the National Works Agency. The Mines and Geology Division and the Jamaica Bauxite Institute also made submissions and recommendations.

Naturally, the submission and recommendations to the NRCA came in for intense scrutiny and interrogation. After lengthy and robust deliberations, over two full meetings – excluding the monthly updates and discussions - and after careful consideration of all the issues and concerns, the NRCA arrived at a final decision at an unscheduled meeting held on 31 December 2021 which we will now share with you as stakeholders.

The Decision

The NRCA approved the release of a very limited geographical area to Noranda Jamaica Bauxite Partners II - totalling approximately 1,324 hectares – exclusively in the parish of St. Ann.

(Display map of SML173 and the area/s to be released pointing out the boundaries as best as possible and the exclusion of the school and the surrounding district of Madras)

Highlights of the decision

Here are highlights of the decision:

- i. The area released totals approximately 1,324 hectares of 6,163 hectares and is located exclusively in the St. Ann parish. The geographical area will exclude the district of Madras and the school.
- ii. The Agency is mandated by the NRCA to describe the boundaries of the very limited geographical area released including GPS coordinates.

- iii. The geographical area is the most disturbed area in the SML, and in fact, the area overlaps with the study area where the most detailed assessments were carried out by the consultants, thus allowing for this informed decision. **Show the mapping to support same.**
- iv. The area primarily consists of secondary forests and fields. No 'disturbed broadleaf forest' vegetation cover will be impacted in the geographical area released as can be seen from the land use cover.
- v. Noranda proposed mining in five-year cycles. This geographical area was included in the 2020 to 2024 phase 1 and is described in detail in the EIA.
- vi. The NRCA/NEPA will mandate additional studies to inform the renewal of the environmental permit and for consideration of any future applications for mining outside the very limited geographical area released as phase 1. This means that the ToR is to developed and agreed. The thinking is that the process to develop such ToR should involve stakeholders drawn from

- academia and environmental non-government organizations (ENGOS).
- vii. The environmental permit is to be prepared in line with the NRCA decision and will include specific and general conditions.
 - viii. The levying of a substantial environmental performance bond (EPB).
 - ix. Collaborative and structured compliance monitoring oversight by multiagency partners, particularly the NEPA, WRA, FD and JNHT.
 - x. The NRCA has directed and agreed to incentivise NEPA to engage a qualified environmental professional to act as focal point to oversee compliance and monitoring.

Stakeholders, you may be interested to hear that the NRCA decision took into account the following wider recommendations included in the submission it considered:

1. That the Forestry Department (FD) would be mandated to ground-truth and validate the clawed-back area and, on completion, Cabinet be asked to agree that the clawed-back area be included in the

declared Cockpit Country Protected Area (CCPA), that is, the 891 hectares be sterilized and completely removed from the SML.

2. That the CCPA be gazetted with urgency.
3. That the declared setback/buffer from the sensitive receptors in CCPA be maintained as directed by the Cabinet.
4. That the JNHT will oversee the work of Noranda's consultant undertaking the development and implementation of a mechanism for the protection of the cultural and archeological heritage sites.
5. That the implementation of the UNDP/GEF Conserving Biodiversity and Reducing Land Degradation Using an Integrated Approach Project (Cockpit Country Project) for oversight of that area inclusive of the preparation of the management plan for the CCPA.
6. That a compensation mechanism be developed and executed to address the loss of livelihoods.
7. That the Ministry of Health and Wellness be mandated to issue ToR for the conduct of a Health Impact Assessment Report.
8. That MoUs with MGD, FD, NEPA and the WRA be established in regard to depth of mining and restoration of mined areas.

9. That a multi-agency monitoring and reporting framework be developed and implemented amongst the NEPA, WRA, FD, JNH, MGD and the JBI.

*******END OF STATEMENT*******