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# The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1641/28 - 2010 පෙබරවාරි 17 වැනි බදාදා - 2010.02.17

No. 1641/28 - WEDNESDAY, FEBRUARY 17, 2010

(Published by Authority)

## PART I : SECTION (I) — GENERAL

### Government Notifications

L.D.-B 4/81 (ii).

THE NATIONAL ENVIRONMENTAL ACT, No. 47 OF 1980

Order under Section 24C and Section 24D

BY virtue of the powers vested in me by Section 24C and Section 24D of the National Environmental Act, No. 47 of 1980, I, Patali Champika Ranawaka, Minister of Environment and Natural Resources, do by this order, declare -

- (a) that the area of land, the limits of which are described in schedule I hereto shall be an Environmental Protection Area for the purposes of the aforesaid Act and shall be called the “Hanthana Environmental Protection Area”; and
- (b) that for so long as this Order is in force ,—
  - (i) any planning scheme or project within the aforesaid Hanthana Environmental Protection Area which is in conflict with the provisions of the aforesaid Act, shall cease to operate from the date of the making hereof ;
  - (ii) no person other than the Central Environmental Authority shall exercise any powers or discharge any functions within the limits of the aforesaid Hanthana Environmental Protection Area ;
  - (iii) the powers and functions of the Central Environmental Authority (Premitted Uses) shall in relation to the aforesaid Hanthana Environmental Protection Area be limited to those specified in Schedule II to this Order and shall be exercised and discharged in accordance with the conditions specified in Schedule III hereto.

For the purposes of this Order “Central Environmental Authority” means the Authority established under the National Environmental Act, No. 47 of 1980.

PATALI CHAMPIKA RANAWAKA,  
Minister of Environment and Natural Resources.

Ministry of Environment and Natural Resources,  
Colombo,  
10th February, 2010.

### SCHEDULE I

#### LIMITS OF THE AREA OF LAND COMPRISING THE HANTHANA ENVIRONMENTAL PROTECTION AREA

- North* : from Galaha Junction at Peradeniya along the Colombo - Kandy Road till it meets the junction at the Hanthana, Uragala, Uduwela Road
- East* : from the last mentioned point along the Hanthana, Uduwela, Uragala Road up to Uragala ;
- South* : from the last mentioned point along Hanthana Uduwela, Uragala Road up to Galaha junction ; and
- West* : from the last mentioned point along Hindagala up to Galaha junction at the University of Peradeniya.

### SCHEDULE II

#### PERMITTED USES

1. Uses permitted within the area described in Schedule 1, situated above the 3000 feet contour line :-
  1. Reforestation ;
  2. Existing Perennial crops (Pepper and Tea) ;
2. Uses permitted within the area described in Schedule 1, situated between the 2500 feet contour line and the 3000. feet contour line :-
  1. Reforestation
  2. Animal Husbandry
  3. Perennial Crops
  4. Semi- perennial crops
  5. Development of infrastructure and development activities which are not of a commercial scale, within the existing traditional villages
  6. Felling of Trees (only from plantations which are grown to fulfill the fuel wood requirement of tea factories).
3. Uses permitted within the area described in Schedule I, situated below the 2500 feet contour line :-

Projects and industries and development activities as are approved by the Hanthana Environmental Protection Area Management Committee.

### SCHEDULE III

#### CONDITIONS SUBJECT TO WHICH PERMITTED USES ARE TO BE CARRIED OUT

1. A Management Committee hereafter called Hanthana Environmental Protection Area Management Committee (HEPAMC) consisting of representatives who are nominated by the Heads of the Institutions of the Ministry of Environmental and Natural Resources, the Natural Resources Management Centre (NRMC) of the Department of Agriculture, the Department of forest, the Ministry of Plantations, the Urban Development Authority, the relevant Local Authorities, the relevant Divisional Secretaries, a person to represent the Non-Governmental organizations which area

actively engaged in the implementation of environmental activities within the area described in Schedule I, who shall be proposed by the Committee and nominated by the Secretary to the Ministry of the Minister to whom the subject of Environment is assigned, and representatives who are directly involved in activities relevant to the permitted uses who shall be nominated to evaluate project proposals as are relevant to project activities and make recommendation for the implementation of project activities. The Central Environmental Authority shall formulate guidelines with regard to the functions and duties of the Committee. The Committee shall function under the Chairmanship of the District Secretary of the Administrative District of Kandy. The Director of the Central Environmental Authority of the Central Province shall act as the Secretary to the Committee.

2. All the applications with regard to proposed development, extension and alteration and activities within this area, received by the local authorities shall be forwarded to the Director of the Central Province of the Central Environmental Authority with a copy to the District Secretary of the Administrative District of Kandy, for obtaining the license / approval from the HEPAMC which is specified in Schedule III.

3. If any of the permitted uses described in Schedule II is a prescribed project under part IVc of the National Environmental Act, the necessary approval should be obtained from the Central Environmental Authority.

4. If any of the permitted uses described Schedule II is not a prescribed project under the Part IVc of the National Environmental Act, an Environmental Assessment should be carried out in accordance with provision of 10H of the said Act, prior to obtaining the approval of the HEPAMC. The decision of the HEPAMC shall be final regarding these projects.

5. Execution of all development activities should be in total compliance with the stipulated conditions approved by the HEPAMC.

6. The Management Committee specified in Schedule III shall act as the Monitoring Committee.

7. The areas within the Environmental Protection Area situated above the 3000 feet contour lines shall consist only of forest vegetation or perennial crops. But no permission should be given for the clearing of new area for the cultivation of perennial crops. The approved activities should be limited to the maintenance of the existing plantations of perennial crops (pepper and tea). The existing cultivations should be maintained in accordance with the Soil and Water Conservation Plan prepared in consultation with the Tea Research Institute of Sri Lanka and the NRMC of the Department of Agriculture.

8. The existing grasslands, forest and vegetation within the Environmental Protection Area situated between the 2500 feet and 3000 feet contour lines should be maintained.

9. The areas having natural forest patches within the Environmental Protection Area situated below the 2500 feet contour lines should be maintained.'

10. Only native species should be used for the purpose of reforestation within the Environmental Protection Area.

11. The removal of Eucalyptus and Pinus plantations within the Hanthana Environmental Protection Area should be encouraged. Thus subject to conditions imposed by the HEPAMC, the removal of Eucalyptus and Pinus plantations should be carried out in phases. Permission for the removal of Eucalyptus and Pinus plantations should be granted only after native trees are planted in the permitted areas to the satisfaction of the Committee.

12. The existing plantations within the Environmental Protection Area shall be maintained only for the purposes of meeting the requirement of fuel wood by the tea factories within the area. The felling of trees should thus be limited to the monthly fuel wood requirement. These activities should be carried out in accordance with the Management Plan and should be approved by the Forest Department.

13. The cultivation of perennial crops in highly sloped areas should be prohibited in terms of the regulations published in *Gazette Extraordinary* No. 1456/35 of August 04, 2006.

14. The use of any area of land within the Environmental Protection Area, covered by natural forests and plantations or areas of abandoned land with a dense vegetation cover of natural plant species for any activity shall be totally prohibited.

15. Reclamation of wetlands, marshes and paddy lands within the Environmental Protection Area shall be totally prohibited.

16. The prescribed reservations for all waterways be maintained and that no permanent or temporary structures or activities be permitted within such reservations.

17. The Central Environmental Authority shall take necessary action to forthwith stop the carrying out of any existing project or project activity within the Environmental Protection Area which results in the causing of damage within such area or has an impact to the environment within such area. The Central Environmental authority shall issue guidelines for the mitigation or minimization of such damage or impact.

18. No approval shall be granted for the extraction of minerals in the area above 2500 feet within the Environmental Protection Area.

19. Organic farming should be encouraged within the Environmental Protection Area.

20. An Administrative Levy Scheme shall be prepared and adopted by the Central Environmental Authority, in order to process and evaluation of project proposal and monitor the project activities.