



REPUBLIC OF GHANA

**ENVIRONMENTAL PROTECTION
(MINING IN FOREST RESERVES)
REGULATIONS, 2022
(L.I. 2462)**

ENVIRONMENTAL PROTECTION (MINING IN FOREST RESERVES) REGULATIONS, 2022

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IN exercise of the power conferred on the Minister responsible for the Environment and on the advice of the Board under subsection (1) of section 62 of the Environmental Protection Agency Act, 1994 (Act 490), these Regulations are made this 23rd day of June, 2022.

Preliminary Provisions

Application of Regulations

1. (1) These Regulations apply to mining activities in a forest reserve.
- (2) These Regulations shall be read together with other relevant enactments including the

- (a) Forests Act, 1927 (CAP 157);
- (b) Forests Protection Act, 1974 (N.R.C.D. 243);
- (c) Minerals Commission Act, 1993 (Act 450);
- (d) Water Resources Commission Act, 1996 (Act 522);
- (e) Forestry Commission Act, 1999 (Act 571);
- (f) Minerals and Mining Act, 2006 (Act 703);
- (g) Minerals Development Fund Act, 2016 (Act 912);
- (h) Ghana Geological Survey Authority Act, 2016 (Act 928);
- (i) Land Act, 2021 (Act 1036);
- (j) Timber Resources Management Act, 1997 (Act 547);
- (k) Wildlife Animals Preservation Act, 1961 (Act 43);
- (l) Forest Protection Act, 1974 (NRCD 243); and
- (m) legislative instruments made under the enactments specified in paragraphs (a) to (l).

Purpose of Regulations

2. The purpose of these Regulations is to
 - (a) provide for the environmental management of mining activities in forest reserves through
 - (i) efficient use and protection of natural resources;
 - (ii) effective stakeholder consultation and participation on issues relating to mining in forest reserves;
 - (iii) effective and efficient administration and disbursement of the zero point six per cent of the value of minerals mined and paid as the environmental and ecological services commitment by mining companies operating in forest reserves;

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- (b) provide for the modalities for accessing and the disbursement of the portion of the funds meant for the development of the local community;
- (c) ensure that benefits of the local community from mining in forest reserves are maximised;
- (d) provide for controlled mining, in the permissible area of forest reserves in the country;
- (e) provide the criteria to address environmental constraints, challenges and issues related to mining within forest reserves; and
- (f) identify environmental management tools which promote environmental protection and stakeholder confidence.

Prohibited areas

3. (1) A person shall not issue a licence or permit to any person to undertake mining activity including exploration activity in the following areas:

- (a) a globally significant biodiversity area;
- (b) a protected provenance area;
- (c) an institutional research plot;
- (d) a hill sanctuary;
- (e) a high conservation value area;
- (f) a seed orchard;
- (g) swamp sanctuary;
- (h) plantation sites; and
- (i) cultural sites.

(2) Despite paragraph (a) of subregulation (1), the President may, subject to article 268 of the Constitution, give approval, in writing, to a mining company to undertake mining activity in a globally significant biodiversity area in the national interest.

(3) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both and in the case of a continuing offence an additional penalty of not more than ten penalty units in respect of each day during which the offence is continued.

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Permitting and Licensing Requirements

Regulatory requirements for mining in a forest reserve

4. A person shall, before undertaking a mining activity in a forest reserve, obtain sequentially the permits and approvals specified in the First Schedule.

Emergency response plan

5. (1) A mineral right holder shall develop an emergency response plan as specified in the Second Schedule.

(2) The emergency response plan under subregulation (1) shall ensure that mining within a forest reserve may not be unduly affected by unexpected events including fires, vehicular accidents or fuel spillages.

Exploration in a Forest Reserve

Exploration activities in a forest reserve

6. (1) A person who is issued with a reconnaissance or prospecting licence shall in carrying out reconnaissance or prospecting activities in a forest reserve ensure that

- (a) grid lines for geological, geochemical and geophysical surveys are
 - (i) established without the use of heavy equipment or earth moving equipment in the forest reserve; and
 - (ii) marked by wooden pegs or biodegradable flagging tape;
- (b) cutting of shrubs and other vegetation is kept at an absolute minimum not exceeding one meter in width, in cases where lower storey to ground vegetation has to be cut to provide a line of sight;
- (c) chain sawing is not undertaken in the forest reserve;
- (d) cut lines for access shall not exceed one-metre-wide and may only be established using hand held tools;
- (e) rather than clear-cutting and bulldozing for access, the vegetation is driven over to preserve rootstock and prevent soil erosion;

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- (f) trees, larger than five centimetres in diameter breadth height or taller than three meters are preserved where practicable and merchantable trees are not felled or damaged or are to be paid for at a commensurate rate determined by the Forestry Commission, if damage is inevitable;
- (g) construction or drilling of any type does not take place within a distance as prescribed by the Riparian Buffer Zone Policy for Managing Freshwater Bodies in Ghana;
- (h) drill pads and other access routes are to be constructed during dry seasons;
- (i) earthworks are carried out using best engineering practices so as to minimise erosion;
- (j) construction is scheduled progressively to ensure that land is not cleared of vegetation more than six months in advance of when the land is required; and
- (k) overburden material from road construction or stripping or test pits are conserved for backfilling and revegetation and excavated material is segregated into topsoil and subsoil.

(2) A person who contravenes paragraph (a), (b), (f), (g) or (k) of subregulation (1) commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both and in the case of a continuing offence an additional penalty of not more than ten penalty units in respect of each day during which the offence is continued.

Construction of access routes, bridges, tracks and drill pads

7. (1) A mineral right holder issued with a reconnaissance licence shall consult the District Manager of the respective area of the forest reserve at least one month before the construction of a new access route, bridge, track or drill pad.

(2) The mineral right holder shall ensure that the access route or place selected

- (a) is not within an area of local environmental or cultural sensitivity, and

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- (b) conforms with guidelines issued by the Forestry Commission on the construction of a forest road, bridge and log storage site.

(3) Where steep access roads are necessary but are not feasible to follow natural contour, a mineral right holder shall construct the required dips to collect run-offs from the access surface and ditches to stable outlets to prevent erosion and minimise the pollution of streams and rivers downstream.

(4) The maximum grade of a cross drain under subregulation (1) shall not exceed ten per cent over fifty metres at any one point.

(5) A person who contravenes subregulation (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both and in the case of a continuing offence an additional penalty of not more than ten penalty units in respect of each day during which the offence is continued.

Excavation and drilling in a forest reserve

8. (1) A mineral right holder shall, in carrying out excavation and drilling activities in a forest reserve,

- (a) avoid areas which are environmentally or culturally sensitive when positioning drill holes;
- (b) ensure that all trenches and pits
 - (i) are fenced appropriately, at all times during exploration, to prevent humans and animals from falling into the trenches; and
 - (ii) are covered within thirty days after use by backfilling with overburden and capping with topsoil;
- (c) ensure that all drill rigs and other machines are
 - (i) maintained in good condition in order to prevent oil leaks and spillages; and
 - (ii) equipped with functional fire extinguishers and efficient exhaust pipes fitted with spark arresters;

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- (d) ensure that all fuel, oils and drilling fluids are stored outside the forest reserve and only sufficient supplies for daily operations are allowed in the forest reserve;
- (e) ensure that standard safety practices for the storage and handling of all fuel and lubricants in storage areas are maintained at all times;
- (f) construct a sump to contain fuel, hydraulic oil and drilling fluids from the drill pads;
- (g) ensure that uncontaminated water used as drilling fluid is allowed to settle in a sump located down the slope of the drill rig before discharge into the natural drainage;
- (h) ensure that uncontrolled discharge of drilling fluids to the natural environment is not permitted within the forest reserve;
- (i) remove all litter, rubbish and steel drums moving from one drill pad to another and dispose of such waste in an approved manner outside the forest reserve; and
- (j) ensure that an area which is contaminated by fuel, oils or other chemical spills is cleared and the contaminants are removed and disposed of in an approved manner outside the forest reserve.

(2) Despite paragraph (g) of subregulation (1), where there is the need for drilling additives, the mineral right holder shall ensure that the sump is

- (a) lined with biodegradable plastic sheeting, and
- (b) allowed to dry before removal of the lining and filling with earth.

(3) A person who contravenes paragraph (a), (c), (d), (e), (f), (g), (h), (i) or (j) of subregulation (1) commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both and in the case of a continuing offence an additional penalty of not more than ten penalty units in respect of each day during which the offence is continued.

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Preservation of water resources

9. (1) A mineral right holder who undertakes exploration activities within a forest reserve shall ensure that the exploration activity does not affect the flow regime of perennial water bodies except in accordance with

- (a) the Water Resources Commission Act, 1996 (Act 522) and Regulations made under the Water Resources Commission Act, 1996 (Act 522);
- (b) Guidelines issued by the Water Resources Commission; and
- (c) the Ghana Standard for Environment and Health Protection – Requirements for Effluent Discharge (GS 1212, 2019).

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not less than two hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both and in the case of a continuing offence an additional penalty of not more than ten penalty units in respect of each day during which the offence is continued.

Cessation of exploration

10. (1) Exploration is considered to have ended where a person

- (a) fails or refuses to renew a reconnaissance or prospecting licence issued in accordance with the Minerals and Mining Act, 2006 (Act 703);
- (b) ceases to carry out further exploration activities; or
- (c) informs the Minerals Commission, Water Resources Commission, the Agency and the Forestry Commission of the decision not to carry out any further exploration within the forest reserve.

(2) A person specified under subregulation (1) shall, after the completion of exploration,

- (a) remove all exploration equipment from the forest reserve within two months; and
- (b) rehabilitate the exploration site within six months in accordance with the Environmental Management Plans approved by the Forestry Commission and the Agency.

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(3) A person who contravenes subregulation (2) commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both and in the case of a continuing offence an additional penalty of not more than ten penalty units in respect of each day during which the offence is continued.

Mining and Processing Operations

Operational phase of mining activities in forest reserves

11. The operational phase of mining activities in forest reserves shall be as set out in the Third Schedule.

Maintenance of drainage, slopes and engineered structures

12. A person who undertakes a mining activity in a forest reserve shall, in order to minimize the adverse impact on the surrounding forest,

- (a) protect the surface drainage systems against contamination and disturbance;
- (b) maintain interception, storage and treatment systems in respect of surface waters in contact with working areas and roadways;
- (c) construct impoundments and water channels with regard to safety of the public, authorised workers and wildlife; and
- (d) construct any approved ancillary structures having regard to long-term access outside a forest reserve.

Operation of a mine in a forest reserve

13. (1) A mineral rights holder shall ensure that the mine is operated in accordance with the approvals granted by the

- (a) Agency;
- (b) Forestry Commission;
- (c) Minerals Commission; and
- (d) Water Resources Commission.

(2) The mineral rights holder shall in addition to approvals under subregulation (1) consider the following in operating in a forest reserve:

- (a) adherence to approved limits on working areas and road routings;

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- (b) provision against creation of fire hazards;
- (c) mitigation against operational impact on adjacent forest;
- (d) maintain excavations, shafts, declines and berms in a safe and stable condition; and
- (e) create safe and stable slopes having regard to potential access by the public and authorised workers.

Siting of ancillary mining facilities

14. (1) A mineral right holder who has been granted a permit or licence to mine in a forest reserve shall ensure that all ancillary facilities are sited outside the forest reserve.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both and in the case of a continuing offence an additional penalty of not more than ten penalty units in respect of each day during which the offence is continued.

Reclamation and Closure

Environmental permit

15. A mineral right holder shall conduct an Environmental Impact Assessment, in accordance with the Environmental Assessment Regulations, 1999 (L.I. 1652) for purposes of obtaining an environmental permit.

Reclamation and decommissioning

16. (1) A mineral right holder shall submit to the Liaison Group established under regulation 26 a reclamation and decommissioning plan in accordance with the Environmental Assessment Regulations, 1999 (L.I. 1652).

(2) In addition to the requirements specified in the Environmental Assessment Regulations, 1999 (L.I. 1652), a mineral right holder shall

- (a) establish and manage an area at least three times the size of the concession as a biodiversity offset;
- (b) consider the long-term viability of the end-use of the decommissioned site including provision for post-closure management.

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(3) Where the requirements in subregulations (1) and (2) are not possible, the mineral right holder shall ensure that reclamation works provide for the creation of an acceptable end-use, as approved by the Forestry Commission and the Environmental Protection Agency.

(4) Where an area is non-restorable, the mineral right holder shall in consultation with the Forestry Commission, in the short or long term offset the reclamation by establishing outside the impacted area plantation, at least three times the size of the area impacted.

End-use considerations

17. Subject to approval of the Environmental Protection Agency and the Forestry Commission, compliance with permit and reclamation bond conditions and in consultation with appropriate stakeholders, a mineral rights holder shall consider the following end-use options for a mined-out area within a forest reserve:

- (a) re-establishment of native forest cover;
- (b) creation of varied wildlife habitat which may include wetland, shrub vegetation and stable rock faces;
- (c) creation of lakes or ponds, with due consideration for use by people and wildlife;
- (d) provision for wildlife reserve, public or tourist amenity area for recreation;
- (e) retention of selected access roads and bridges, buildings and any other structures, where this is compatible with the approved end-use; and
- (f) retention of selected stable and safe mine infrastructure in line with the goal of preserving the history of the area for future generations.

Post-closure management

18. The Agency shall consider the following for post-closure management in forest reserves:

- (a) financing of post-closure;
- (b) terms of post-closure management;
- (c) monitoring; and
- (d) hand-over criteria.

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Mining in Forest Reserve Committees

Establishment of the Mining in Forest Reserve Steering Committee

19. There is established by these Regulations, the Mining in Forest Reserves Steering Committee referred to in these Regulations as the "Steering Committee".

Object of the Steering Committee

20. The object of the Steering Committee is to ensure effective and efficient management of the activities of the Liaison Group established under regulation 26.

Functions of the Steering Committee

21. To achieve the object of the Steering Committee, the Steering Committee shall

- (a) supervise the activities of the Liaison Group;
- (b) approve the budget of the Liaison Group;
- (c) ensure the implementation of exploration and mining policies in forest reserves; and
- (d) give general directives to the Liaison Group.

Composition of the Steering Committee

22. (1) The Steering Committee is composed of the

(a) heads of the following institutions:

- (i) the Agency;
- (ii) the Forestry Commission;
- (iii) the Forest Services Division;
- (iv) the Minerals Commission;
- (v) the Water Resources Commission;
- (vi) the Ghana Geological Survey Authority; and
- (vii) the Ghana Chamber of Mines; and

(b) Chief Director of the Ministry responsible for forestry and mines.

(2) The Executive Director of the Agency shall be the chairperson of the Steering Committee.

(3) The chairperson of the Liaison Group shall be the secretary of the Steering Committee.

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Meetings of the Steering Committee

23. (1) The members of the Steering Committee shall meet for the conduct of business at a time and in a place determined by the chairperson.

(2) The chairperson shall preside over meetings of the Steering Committee and in the absence of the chairperson, a member of the Steering Committee elected by the members present from among their number shall preside over meetings.

(3) The quorum at a meeting of the Steering Committee is five members.

(4) Matters before the Steering Committee shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(5) The Steering Committee may co-opt a person to attend a meeting of the Steering Committee but that person shall not vote on a matter for a decision at the meeting.

(6) The proceedings of the Steering Committee are not invalidated by reason of a vacancy among the members of the Steering Committee or by a defect in the appointment or the disqualification of a member.

(7) Subject to this regulation, the Steering Committee shall regulate the procedure for the meetings of the Steering Committee.

Finance Sub-committee

24. (1) The Steering Committee shall have a Finance Sub-committee consisting of

- (a) the chairperson of the Liaison Group;
- (b) one finance officer from the Agency;
- (c) one finance officer from the Minerals Commission;
- (d) one finance officer from the Forestry Commission;
- (e) one finance officer from Water Resources Commission; and
- (f) one finance officer from the Ghana Chamber of Mines.

(2) The finance officer from the Minerals Commission shall chair the Finance Sub-committee.

Function of the Finance Sub-committee

25. The function of the Finance Sub-committee is to advise the Steering Committee on the financial management of the zero point six per cent environmental and ecological services commitment paid by a mining company operating in a forest reserve.

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Establishment of the Mining in Forest Reserve Technical Committee

26. There is established by these Regulations, the Mining in Forest Reserve Technical Committee referred to in these Regulations as the "Liaison Group" to operate under the Agency.

Object of the Liaison Group

27. The object of the Liaison Group is to ensure effective and efficient exploration and mining in forest reserves.

Functions of the Liaison Group

28. To achieve the object of the Liaison Group, the Liaison Group shall

- (a) ensure that a mineral right holder operating within a forest reserve complies with relevant laws;
- (b) ensure a satisfactory environmental outcome from mining projects in a forest reserve;
- (c) ensure that environmental management procedures of a project are developed and implemented in accordance with Guidelines issued by the Agency;
- (d) provide input during the preparation of Environmental Impact Documentation including Scoping and Terms of Reference and Environmental Management Plans;
- (e) review Environmental Impact Statements, Environmental Management Plans and Annual Environmental Reports;
- (f) facilitate the disbursement and supervise the utilisation of the zero point six per cent environmental and ecological services commitment;
- (g) commission independent research to address relevant issues emanating from mining operations;
- (h) identify community development projects in consultation with relevant stakeholders;
- (i) liaise with mining companies in a forest reserve on any modifications to plans that may be necessary through the life of the project;
- (j) liaise with mining companies within a forest reserve for the purpose of monitoring and evaluating the operations of the mining companies to ensure that all relevant environmental requirements are complied with; and

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- (k) perform any other functions that are ancillary to the object of the Liaison Group or that may be assigned to the Liaison Group by the heads of member institutions.

Composition of the Liaison Group

29. (1) The Liaison Group is composed of the following:

- (a) the head of the Department of the Agency responsible for mining;
- (b) two representatives from the Agency;
- (c) one representative of senior managerial level from the following:
 - (i) the Forestry Commission;
 - (ii) the Forest Services Division;
 - (iii) the Minerals Commission;
 - (iv) the Inspectorate Division of the Minerals Commission;
 - (v) the Water Resources Commission;
 - (vi) the Ghana Geological Survey Authority; and
 - (vii) the Ministry responsible for Lands and Natural Resources;
- (d) one representative of the Ghana Chamber of Mines; and
- (e) the technical officer in charge of the Secretariat.

(2) The members of the Liaison Group shall be nominated by the heads of member institutions.

(3) The head of the Department of the Agency responsible for mining shall chair the Liaison Group.

(4) Members of the Liaison Group shall elect a vice chairperson from among their number.

(5) The members of the Liaison Group shall be appointed by the Steering Committee.

Tenure of office of members of the Liaison Group

30. (1) A member of the Liaison Group shall hold office for a term of four years and is eligible for re-appointment.

(2) Subregulation (1) does not apply to the technical officer in charge of the Secretariat.

(3) A member of the Liaison Group may at any time resign from office in writing addressed to the head of the respective institution.

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(4) A member of the Liaison Group who is absent from three consecutive meetings of the Committee without sufficient cause ceases to be a member of the Liaison Group.

(5) The head of the member institution may, by a letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Liaison Group is, for a sufficient reason, unable to act as a member, the head of the respective institution shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subregulation (3), (4), (5), or subregulation (2) of regulation 32,

(b) as a result of a declaration under subregulation (6), or

(c) by reason of the death of a member,

the head of the respective institution shall appoint a person to fill the vacancy for the unexpired term.

Meetings of the Liaison Group

31. (1) The members of the Liaison Group shall meet for the conduct of business at a time and in a place determined by the chairperson.

(2) The members of the Liaison Group shall hold strategic meetings twice a year at a time and place determined by the chairperson.

(3) The chairperson shall, at the request in writing of not less than one-third of the membership of the Liaison Group, convene an extraordinary meeting of the Liaison Group at a time and in a place determined by the chairperson.

(4) The chairperson shall preside over meetings of the Liaison Group and in the absence of the chairperson, the vice chairperson shall preside over meetings of the Liaison Group and in the absence of the chairperson and the vice chairperson, a member of the Liaison Group, elected by the members present from among their number shall preside over meetings.

(5) The quorum at a meeting of the Liaison Group is seven members.

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(6) Matters before the Liaison Group shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(7) The Liaison Group may co-opt a former member of the Liaison Group or any other person to attend a meeting of the Liaison Group but that person shall not vote on a matter for a decision at the meeting.

(8) The proceedings of the Liaison Group are not invalidated by reason of a vacancy among the members of the Liaison Group or by a defect in the appointment or the disqualification of a member.

(9) Subject to this regulation, the Liaison Group shall regulate the procedure for the meetings of the Liaison Group.

Disclosure of interest

32. (1) A member of the Liaison Group who has an interest in a matter for consideration by the Liaison Group

(a) shall disclose in writing the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) is disqualified from participating in the deliberations of the Liaison Group in respect of that matter.

(2) Where a member contravenes subregulation (1), the chairperson shall notify the chairperson of the Steering Committee in writing to revoke the appointment of that member.

(3) Without limiting any further cause of action that may be instituted against the member, the Agency shall recover the benefit derived by a member who contravenes subregulation (1) in addition to the revocation of the appointment of the member by the Steering Committee.

Sub-committees

33. (1) The Liaison Group may establish sub-committees consisting of members of the Liaison Group or non-members or both to perform a function.

(2) Without limiting subregulation (1), the Liaison Group shall have the following sub-committees:

(a) Procurement Sub-committee;

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- (b) Communication Sub-committee; and
- (c) Legal Sub-committee.

(3) A member of the Liaison Group may chair the meetings of a sub-committee.

(4) Regulation 32 applies to members of a sub-committee.

Allowances

34. Members of

- (a) the Steering Committee;
- (b) the Finance Sub-committee of the Steering Committee;
- (c) the Liaison Group; and
- (d) Sub-committees of the Liaison Group

shall be paid allowances approved by the Steering Committee.

Administrative and Financial Provisions

Liaison Group Secretariat

35. (1) There is established by these Regulations a Liaison Group Secretariat.

(2) The Liaison Group Secretariat shall operate under the Agency.

Functions of the Secretariat

36. The Secretariat shall

- (a) prepare the annual reports of the Liaison Group;
- (b) prepare and submit an annual budget to the Steering Committee for approval; and
- (c) perform any other duties that are necessary for carrying out the functions of the Liaison Group.

Head of the Secretariat

37. (1) The Secretariat shall have an officer of the Department of the Agency responsible for mining with a background in mining, environmental science or related field as the head of the Secretariat.

(2) The head of the Secretariat shall be appointed by the Steering Committee.

(3) The head of the Secretariat shall hold office on the terms and conditions specified in the letter of appointment.

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(4) The head of the Secretariat shall act as Secretary to the Liaison Group.

Functions of the head of the Secretariat

38. (1) The head of the Secretariat is responsible for the day-to-day administration of the Liaison Group Secretariat.

(2) The head of the Secretariat may delegate a function to a staff of the Secretariat but shall not be relieved of the ultimate responsibility for the performance of the delegated functions.

Other staff of the Secretariat

39. (1) The Secretariat shall have other staff that are necessary for the effective and efficient performance of the functions of the Liaison Group.

(2) The Liaison Group in consultation with the Steering Committee, may engage the services of a consultant or an expert.

Funds of the Liaison Group

40. (1) The funds of the Liaison Group include

(a) zero point six per cent of the value of minerals mined and paid as environmental and ecological services commitment by a company undertaking a mining activity in a forest reserve; and

(b) donations, gifts, endowments and grants.

(2) The Liaison Group shall retain moneys that accrue to the Liaison Group in the performance of the functions of the Liaison Group to defray the expenses of the Liaison Group.

Bank account

41. (1) Moneys for the Liaison Group shall be paid into a bank account opened for the purpose by the Agency on behalf of the Liaison Group with the approval of the Controller and Accountant-General.

(2) Payment from the bank account shall be by cheque and signed by the heads of any two of the following institutions:

(a) Forestry Commission;

(b) Environmental Protection Agency;

(c) Minerals Commission; and

(d) Water Resources Commission.

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Disbursement of funds

42. The funds under regulation 40 shall be disbursed based on a formula

- (a) agreed on between the chiefs within the area of a forest reserve where mining activities take place and the Liaison Group; and
- (b) set out in the Fourth Schedule.

Expenses of the Liaison Group

43. The administrative and other related expenses of the Liaison Group shall be charged on the funds of the Liaison Group.

Accounts and audit

44. (1) The Liaison Group shall keep books, records, returns and other documents relevant to the accounts in the form approved by the Auditor-General.

(2) The Liaison Group shall submit the accounts of the Liaison Group to the Auditor-General for audit at the end of the financial year.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy each of the audit report to the Steering Committee and the Liaison Group.

(4) The financial year of the Liaison Group is the same as the financial year of Government.

Annual report and other reports

45. (1) The Liaison Group shall, within thirty days after the receipt of the audit report, submit an annual report to the Steering Committee covering the activities and operations of the Liaison Group for the year to which the annual report relates.

(2) The annual report shall include

- (a) the report of the Auditor-General; and
- (b) a summary of feedback on activities and services carried out and delivered by the Liaison Group.

(3) The Liaison Group shall submit to the Minister any other report which the Minister may require in writing.

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Local Liaison Group

Establishment of Local Liaison Group

46. (1) The Liaison Group shall in consultation with a District Assembly establish a Local Liaison Group for each forest reserve.

(2) A Local Liaison Group consists of the following from the catchment area of the forest reserve:

- (a) a representative of the District Assembly.
- (b) a representative of each traditional council or traditional authority, where applicable; and
- (c) a representative of the following:
 - (i) women's groups nominated by the traditional council; and
 - (ii) youth groups nominated by the traditional council.

(3) The Local Liaison Group shall appoint a chairperson from the members of the Local Liaison Group.

(4) Regulation 32 applies to members of the Local Liaison Group.

Functions of a Local Liaison Group

47. The functions of a Local Liaison Group are to

- (a) assist the Liaison Group to identify sustainable development projects;
- (b) coordinate development projects within the catchment area;
- (c) communicate unresolved community complaints to the Liaison Group;
- (d) communicate environmentally-related issues to the Liaison Group;
- (e) accompany the Liaison Group during official monitoring of the mining and processing operations; and
- (f) perform any other function that may be assigned to the Local Liaison Group by the Liaison Group.

Tenure of office of members of the Local Liaison Group

48. (1) A member of the Local Liaison Group shall hold office for a term of two years and is eligible for re-appointment for another term only.

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(2) A member of the Local Liaison Group may at any time resign from office in writing addressed to the Liaison Group.

(3) A member of the Local Liaison Group who is absent from three consecutive meetings of the Local Liaison Group without sufficient cause ceases to be a member of the Local Liaison Group.

(4) The Local Liaison Group may, by a letter addressed to a member, revoke the appointment of that member.

(5) Where a member of the Local Liaison Group is, for a sufficient reason, unable to act as a member, the Liaison Group shall determine whether the inability would result in the declaration of a vacancy.

(6) Where there is a vacancy

(a) under subregulation (2), (3), (4), or subregulation (2) of regulation 32;

(b) as a result of a declaration under subregulation (5); or

(c) by reason of the death of a member,

the Liaison Group shall, in accordance with these Regulations, appoint a person to fill the vacancy for the unexpired term.

Meetings of the Local Liaison Group

49. (1) The members of the Local Liaison Group shall meet four times in a year for the conduct of business at a time and in a place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Local Liaison Group, convene an extraordinary meeting of the Local Liaison Group at a time and in a place determined by the chairperson.

(3) The chairperson shall preside at meetings of the Local Liaison Group and in the absence of the chairperson, a member of the Local Liaison Group, elected by the members present from among their number shall preside.

(4) The quorum at a meeting of the Local Liaison Group is two thirds of members.

(5) Matters before the Local Liaison Group shall be decided by a simple majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

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(6) The proceedings of the Local Liaison Group are not invalidated by reason of a vacancy among the members of the Local Liaison Group or by a defect in the appointment or the disqualification of a member.

(7) Subject to this regulation, the Local Liaison Group shall regulate the procedure for the meetings of the Local Liaison Group.

Allowances of the Local Liaison Group

50. Members of the Local Liaison Group shall be paid allowance approved by the Steering Committee.

Miscellaneous Provisions

Power of entry

51. For the purposes of carrying out the functions of the Liaison Group, the Liaison Group may, enter a forest reserve where mining is being undertaken to ensure compliance with these Regulations.

Guidelines

52. (1) The chairperson of the Liaison Group, in consultation with the Steering Committee shall issue guidelines on

- (a) post closure management;
- (b) reclamation;
- (c) biodiversity offset; and
- (d) any other matter necessary for the effective and efficient implementation of these Regulations.

(2) A person who contravenes a provision of the Guidelines commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both and in the case of a continuing offence an additional penalty of not more than ten penalty units in respect of each day during which the offence is continued.

Interpretation

53. In these Regulations, unless the context otherwise requires,
“ancillary mining facilities” include processing facilities, offices, residence, tailings dam, workshops and water dam;

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“biodiversity offset” means conservation activities that are designed to give biodiversity benefits to compensate for losses by ensuring that when a developmental activity damages nature and the damage cannot be avoided new, bigger or better nature sites will be created;

“cultural site” includes sacred groves, cemeteries, taboo sites, heritage sites, shrines and grottoes;

“developmental project” includes health, education, water and sanitation, social infrastructure and economic and livelihood projects;

“drilling additives” means a material added to a drilling fluid to perform one or more functions such as weighting agent, viscosifier or lubricants;

“earthworks” means excavation, removal or construction of embankment out of earth material that affect the contours of the land;

“Environmental Impact Statement” means a document prepared by an applicant to present the case for the assessment of a proposal as part of the environmental impact assessment process;

“forest reserve” means an area of land designated under section 2 of the Forests Act, 1927 (CAP 157);

“globally significant biodiversity area” means a contiguous portion of the forest reserve with a high concentration of rare flora and fauna or of an unusual forest type set aside for the protection of biodiversity;

“high conservation value area” means a natural habitat which is of outstanding significance or critical importance due to the high biological, ecological, social or cultural value of the habitat;

“hill sanctuary” means all contiguous forested areas with a slope greater than thirty per cent of the slope which are protected in order to reduce soil erosion, protect watersheds or areas where a number of rivers take their source;

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- “institutional research plot” means an area in a forest reserve in which research is being undertaken;
- “Local Liaison Group” means representatives of project-affected communities either directly or indirectly and established under regulation 46;
- “mining activity in forest reserve” means mineral operations and processing of minerals in the forest reserve, under the forest reserve, outside the forest reserve where the mining activity is linked or originated from the forest reserve or within the environs of the reserve;
- “mineral right” means a reconnaissance licence, a prospecting licence, a mining lease, a restricted reconnaissance licence, a restricted prospecting licence or a restricted mining lease under the Minerals and Mining Act, 2006 (Act 703);
- “mineral right holder” means a holder of a reconnaissance licence, a prospecting licence, a mining lease, a restricted reconnaissance licence, a restricted prospecting licence or a restricted mining lease under the Minerals and Mining Act, 2006 (Act 703);
- “provenance protection area” means an area set aside for the protection of specific species provenance that is an economic gene bank or as a provenance of a threatened ecological zone;
- “reclamation” means the restoration of a site to an agreed land-use;
- “Secretariat” means the Liaison Group Secretariat established under regulation 35;
- “seed orchard” means an intensively-managed plantation or forest stand of specific tree species for the mass production of improved seeds to create plants, or seeds for the establishment of new forests; and
- “swamp sanctuary” means perennial wet areas delineated to be excluded from logging and treated as coarse grained protected areas.

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Transitional provision

54. A person who is in possession of any money meant for the Liaison Group established under these Regulations shall within six months of the coming into force of these Regulations transfer the moneys to the bank account established under regulation 41.

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FIRST SCHEDULE

**PERMITS AND APPROVALS REQUIRED BEFORE
UNDERTAKING A MINING ACTIVITY IN A FOREST RESERVE
(regulation 4)**

No.	Permit/Approval	Issuing Institution	Legal Basis
1.	Mineral Right	Ministry of Lands and Natural Resources	Minerals and Mining Act, 2006 (Act 703) Minerals and Mining (Licensing) Regulations, 2012 (L.I 2176)
2.	Environmental Permit	Environmental Protection Agency	Environmental Protection Agency Act, 1994 (Act 490) Environmental Assessment Regulations, 1999 (L.I.1652)
3.	Water Use Permit	Water Resources Commission	Water Resources Commission Act, 1996 (Act 522) Water Use Regulations, 2001 (L.I 1692)
4.	Mining Operating Permit	Inspectorate Division of Minerals Commission	Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I. 2182)
5.	Forest Entry Permit	Forestry Commission	Minerals and Mining Act, 2006 (Act 703) Forestry Commission Act, 1999 (Act 571)

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SECOND SCHEDULE

EMERGENCY RESPONSE PLAN
(regulation 5(1))

Issue	Requirement
Fires	Submit Fire Management Plan to the Forestry Commission for approval prior to the commencement of mining and processing operation. Resubmit Fire Management Plan to the Forestry Commission for approval every two years.
Vehicular accidents	Accident Management Plan as part of the Environmental Management Plan to the Environmental Protection Agency within the timeframe specified in the Environmental Assessment Regulations, 1999 (L.I.1652)
Fuel spillages	Spillage Management Plan as part of Environmental Management Plan to the Environmental Protection Agency within the timeframe specified in Environmental Assessment Regulations, 1999 (L.I.1652)

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THIRD SCHEDULE

**OPERATIONAL PHASE OF MINING ACTIVITIES IN FOREST
RESERVES**
(*regulation 11*)

ACTIVITY	IMPACT	MITIGATION	INDICATORS
Pre-mining/ Vegetation Clearance (topsoil removal and storage, stream/river diversion, etc.)	Loss of biodiversity	Biodiversity offset Restrict clearance to needed areas only Creation of topsoil stockpiles	Acquisition of a site for biodiversity offset Planting of tree species and the presence of fauna in the offset Air and water quality monitoring Regular maintenance of machinery
	Erosion	Restrict clearance to needed areas only Adoption of appropriate erosion control measures	Stable soils and slopes
	Hydrological changes	Ensure adequate drainage channels	Runoff contained within drainage channels
	Air quality changes	Noise attenuation equipment	Air quality monitoring
	Water quality changes	Preventive maintenance	Water quality monitoring
	Climate change due to removal of carbon sinks	Reafforestation	Increase in tree cover

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Mining (rock fragmentation/ excavation)	Blast induced vibration resulting in cracks in buildings/ structures	Adoption of appropriate blasting techniques Fixing of structures impacted by blasting activities	Ground vibration monitoring Structural assessment
	Air overpressure (noise)	Adoption of appropriate blasting techniques Vegetation buffer	Noise monitoring
	Air quality changes	Dust suppression Progressive revegetation Vegetation buffer Noise attenuation equipment Preventive maintenance	Air quality monitoring
	Topographical changes	Vegetation buffer	
	Water quality impact	Zero discharge of impacted water Installation of sediment control structures Appropriate in-pit water management systems	Water quality monitoring

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Waste Rock	Topographical change	Design height of WRD should be in line with surrounding topography	Final elevation in conformity to design limit
	Air quality changes	Dumping sequence in relation to predominate wind direction Progressive revegetation Vegetation buffer Noise attenuation equipment	Air quality monitoring
	Water quality changes (leachate and Acid Rock Drainage)	Drainage systems to intercept leachate and treat Selective dumping of acid generating material and encapsulation	Water quality monitoring
	Aesthetics	Concurrent reclamation Vegetation buffer	Blending in to natural environment
	Subsidence	Appropriate underground support systems	Stable ground conditions

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Haulage	Air quality	Dust suppression and use of appropriate machinery to minimise emissions Noise attenuation equipment Adoption of appropriate speed control measures	Air quality monitoring
	Accidents	Use of road worthy vehicles Appropriate category of drivers' license Training of drivers	Reduced frequency of accidents
	Spillage of hydrocarbons	Spill control measures	Monitoring of incidents of spills
Processing (crushing, milling, classification, separation, reagent use)	Air quality impacts	Dust suppression Noise attenuation equipment Preventive maintenance Appropriate storage, handling and use of reagents in line with material safety data sheet	Air quality monitoring

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	Water quality	No discharge of impacted water Installation of containment structures Installation of water treatment plant Appropriate storage, handling and use of reagents in line with material safety data sheet	Water quality monitoring
	Soil contamination	No discharge of impacted water Installation of containment structures Appropriate storage, handling and use of reagents in line with material safety data sheet	Soil monitoring
Tailings Disposal	Air quality impacts (dust, hydrogen cyanide)	Cyanide attenuation Progressive revegetation	Air quality monitoring

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	Water quality impacts	No discharge of impacted water Installation of containment structures Secondary containment for pipelines/Installation of Leak detectors systems Installation of leachate collection systems	Water quality monitoring
	Soil contamination (from spills)	No discharge of impacted water Installation of containment structures	Soil monitoring
	Public safety risk	No unauthorised entry Appropriate security measures Appropriate signages to warn people	Visible signages
	Dam breach impacts	Inundation assessment Implementation of emergency response procedures	Dam breach analysis

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Auxiliary (offices, residence, workshops, fuel storage, explosive magazine)	Air quality impact	Dust suppression Progressive revegetation Vegetation buffer Noise attenuation equipment Preventive maintenance	Air quality monitoring
	Water quality impacts	No discharge of impacted water Installation of sediment control structures Appropriate in-pit water management systems	Water quality Monitoring
	Soil contamination	Waste segregation and management practices Spill prevention measures	Soil monitoring
	Fire or explosion risk	Creation of Fire belts Appropriate storage of hydrocarbons and explosives	Fire belts maintained Presence of appropriate firefighting equipment
	Waste generation	Waste segregation and management practices	Presence of appropriately labelled waste bins

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FOURTH SCHEDULE

FORMULA FOR DISBURSEMENT OF FUNDS
(regulation 42(b))

Percentage Allocation	Purpose
Fifty percent	Managed by the LG and used for development projects in the local community or local communities directly impacted by the mining activities
Thirty percent	(a) LG administration (b) Research, capacity building and development (c) Rehabilitation of degraded areas within Forest Reserves
Twenty percent	For impact and sustainable projects in consultation with major stakeholders like the chiefs, civil societies and District Assemblies.

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DR. KWAKU AFRIYIE
Minister responsible for Environment

Date of *Gazette* notification: 27th July, 2022.

Entry into force: 25th November, 2022.

PRINTED BY GHANA PUBLISHING COMPANY LIMITED (ASSEMBLY PRESS), ACCRA
Website: www.ghanapublishing.com E-mail: info@ghanapublishing.com Tel: 0302-664338/9