

PROCEDURE FOR OBTAINING AN ENVIRONMENT IMPACT ASSESMENT (E.I.A) NEMA LICENSE IN KENYA

1. What is an Environmental Impact Assessment (EIA)?

Environmental Impact Assessment (EIA) is a critical examination of the effects of a project on the environment. An EIA identifies both negative and positive impacts of any development activity or project, how it affects people, their property and the environment. EIA also identifies measures to mitigate the negative impacts, while maximizing on the positive ones.

2. What are the Fees charged for an EIA license?

Application Fee: No fee is charged for the EIA license which is a mandatory document for all developers.

3. For how long is the EIA license valid?

Licenses are valid for 24 months within which the project must start. If it does not start within the two years validity can be extended for a maximum of 4 years at a fee of Kshs. 5,000.

4. What is the procedure for applying an EIA license?

1.) The first step will involve the preparation of a project report by a registered environmental impact assessment expert. This report will state:

- The nature of the project;
- The location of the project including the physical area that may be affected by the project's activities;
- The type of activities to be carried out during the project construction, operation and decommissioning phases;
- The project design;
- The materials to be used, products and by-products, including waste to be generated by the project and the respective disposal methods;
- The project's potential environmental impacts and the mitigation measures to be taken during and after project implementation;
- An action plan for the prevention and management of possible accidents during the project cycle;
- A plan to ensure the health and safety of the workers and neighboring communities;

- The economic and socio-cultural impacts to the local community and the nation in general;
- The project budget;
- Any other information the authorities may require.

2.) The report will then be submitted to NEMA with the payment of 0.1% of the total project cost.

3.) NEMA receives EIA project report and dispatches to Lead Agencies for review.

NEMA will issue the license when they consider that the project will have no significant environmental impacts or that the project report discloses sufficient mitigation measures. On the other hand, when the project will have a significant environmental impact and the project report discloses no sufficient mitigation measures, the authorities will request that an environmental impact assessment study (Full Study) be done.

4.) During the process of conducting an environmental assessment study, the proponent and the expert will, in consultation with the authorities, seek the views of persons who may be affected by the project.

5.) After NEMA has approved the project report, the expert and the proponent will obtain a public opinion by:

- Publicizing the project and its anticipated effects and benefits;
- Holding at least three public meetings with the affected parties and communities to explain the project and its effects and to obtain their oral or written comments;
- Ensuring that appropriate notices are sent out at least one week prior to the meetings and that the venue and times of the meetings are convenient for the affected communities and other concerned parties;

6.) NEMA then requires any project proponent to carry out, at his own expense, further evaluation or environmental impact assessment studies, reviews or submit additional information to ensure that the environmental impact assessment study, review or evaluation report is as accurate and comprehensive as possible.

7.) If all conditions are met, NEMA will approve and issue a license stating conditions of approval that have to be adhered to during and after completion of the project.

NEMA will monitor and audit conditions of approval on a yearly basis

What is contained in the EIA project report?

The report should be in 10 hard copies and 1 soft copy. The details of the report should include:

- Name of the project proponent, PIN, address and contact person
- A plan to ensure the health and safety of the workers and neighboring community
- An action plan for the prevention and management of foreseeable accidents and ways of mitigating the same during the project cycle.
- The entire design of the project.
- The economic and social benefits to the local community and also at the national level
- Physical location of the proposed project
- Waste disposal methodologies
- Mitigation measures to be taken during and after the implementation of the project
- Objectives and scope of the project
- Potential environmental impact
- Project budget
- Views from the public indicating representativeness of the affected people

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