

WHAT IS 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. EIA is basically a preventive process. It seeks to minimize adverse impacts on the environment and reduces risks. If a proper EIA is carried out, then the safety of the environment can be properly managed at all stages of a project- planning, design, construction, operation, monitoring and evaluation as well as decommissioning.

Environment Impact Assessment2

EIA, WHAT FOR?

The goal of an EIA is to ensure that decisions on proposed projects and activities are environmentally sustainable.

WHY AN EIA?

EIA is conducted in order to: -

- a) Identify impacts of a project on the environment
- b) Predict likely changes on the environment as a result of the development
- c) Evaluate the impacts of the various alternatives on the project
- d) Propose mitigation measures for the significant negative impacts of the project on the environment.
- e) Generate baseline data for monitoring and evaluating impacts, including mitigation measures during the project cycle.
- f) Highlight environment issues with a view to guiding policy makers, planners, stakeholders and government agencies to make environmentally and economically sustainable decisions.

WHICH PROJECTS REQUIRE EIA?

The projects to be subjected to EIA are specified in the Second Schedule of EMCA 1999, and include:

1. General: –
 - a) an activity out of character with its surrounding;
 - b) any structure of a scale not in keeping with its surrounding;
 - c) major changes in land use.
2. Urban Development including:-
 - a) designation of new townships;
 - b) establishment of industrial estates;
 - c) establishment or expansion of recreational areas;
 - d) establishment or expansion of recreational townships in mountain areas, national parks and game

reserves;

e) shopping centres and complexes.

3. Transportation including –

a) all major roads;

b) all roads in scenic, wooded or mountainous areas and wetlands;

c) railway lines;

d) airports and airfields;

e) oil and gas pipelines;

f) water transport.

4. Dams, rivers and water resources including –

a) storage dams, barrages and piers;

b) river diversions and water transfer between catchments;

c) flood control schemes;

d) drilling for the purpose of utilising ground water resources including geothermal energy.

5. Aerial spraying.

6. Mining, including quarrying and open-cast extraction of –

a) precious metals;

b) gemstones;

c) metalliferous ores;

d) coal;

e) phosphates;

f) limestone and dolomite;

g) stone and slate;

h) aggregates, sand and gravel;

i) clay;

j) exploitation for the production of petroleum in any form;

k) extracting alluvial gold with use of mercury.

7. Forestry related activities including –

a) timber harvesting;

b) clearance of forest areas;

c) reforestation and afforestation.

8. Agriculture including –

a) large-scale agriculture;

b) use of pesticide;

c) introduction of new crops and animals;

d) use of fertilizers;

e) irrigation.

9. Processing and manufacturing industries including:-

a) mineral processing, reduction of ores and minerals;

b) smelting and refining of ores and minerals;

c) foundries;

d) brick and earthenware manufacture;

e) cement works and lime processing;

f) glass works;

g) fertilizer manufacture or processing;

h) explosive plants;

i) oil refineries and petro-chemical works;

j) tanning and dressing of hides and skins;

k) abattoirs and meat-processing plants;

l) chemical works and process plants;

m) brewing and malting;

n) bulk grain processing plants;

o) fish-processing plants;

p) pulp and paper mills;

q) food-processing plants

r) plants for the manufacture or assembly of motor vehicles;

s) plants for the construction or repair of aircraft or railway equipment;

t) plants for the manufacture of tanks, reservoirs and sheet-metal containers;

u) plants for the manufacture of coal briquettes;

v) plant for manufacturing batteries;

10. Electrical infrastructure including –

a) electricity generation stations;

b) electrical transmission lines;

c) electrical sub-stations;

d) pumped-storage schemes.

11. Management of hydrocarbons including:-

the storage of natural gas and combustible or explosive fuels.

12. Waste disposal including –

a) sites for hazardous waste disposal;

b) sewage disposal works;

- c) works involving major atmospheric emissions;
 - d) works emitting offensive odours;
 - e) sites for solid waste disposal.
13. Natural conservation areas including –
- a) creation of national parks, game reserves and buffer zones;
 - b) establishment of wilderness areas;
 - c) formulation or modification of forest management policies;
 - d) formulation or modification of water catchment management policies;
 - e) policies for the management of ecosystems, especially by use of fire;
 - f) commercial exploitation of natural fauna and flora;
 - g) introduction of alien species of fauna and flora into ecosystems.
14. Nuclear Reactors.
15. Major developments in biotechnology including the introduction and testing of genetically modified organisms.

WHEN SHOULD AN EIA BE DONE?

EIA is part of the project development process and is usually done at the initial stages of the project development. It is a decision making tool and should guide whether a project should be implemented, abandoned or modified prior to implementation.

EIA AS A LEGAL REQUIREMENT

- a) A proponent or investor shall not implement a project likely to have a negative environmental impact, or for which an EIA is required by the Environmental Management and Coordination Act or regulations issued under it unless an EIA has been concluded and approved in accordance with the law.
- b) No licensing authority under any law in force in Kenya shall issue a trading, commercial or development permit or license for any project for which an EIA is required or for a project/ activity likely to have a cumulative significant negative environmental impacts unless the applicant produces an EIA licence issued by the Authority.

ISSUES TO BE CONSIDERED IN EIA?

1. Ecological considerations, including:
 - a) Biological diversity
 - b) Sustainable use
 - c) Ecosystem maintenance
2. Social considerations
 - a) Economic impacts

- b) Social cohesion or disruption
- c) Effect on human health
- d) Immigration or emigration
- e) Communication – roads opened up, closed, rerouted
- f) Effect on culture and objects of cultural value
- 3. Landscape
 - a) Views opened up or closed
 - b) Visual impacts
 - c) Compatibility with surrounding area
 - d) Amenity opened up or closed e.g. recreation possibilities
- 4. Land uses, including:
 - a) Effect of proposal on current land uses and land use potentials in the project area
 - b) Effects of proposal on surrounding land uses and land use potentials
 - c) Possibility of multiple uses.
- 5. Water
 - a) Water sources (quantity and quality) – rivers, springs, lakes, underground water, and oceans.
 - b) Drainage patterns / drainage systems.

WHO ADMINISTERS EIA?

The National Environment Management Authority (NEMA) is mandated by the Environmental Management and Coordination Act EMCA) no 8 of 1999 to administer the EIA.

WHO PAYS FOR THE EIA?

The project proponent pays for the entire EIA process.

The fee payable to NEMA is 0.05% of the project cost.

WHO QUALIFIES TO CARRY OUT AN EIA?

Individual Experts or Firm of Experts registered by NEMA are the only ones to do all EIA/ EA studies. A register of the EIA experts is available in the Authority's headquarters, District and Provincial offices and can be accessed upon payment of a fee of Ksh. 200.

HOW DOES THE PUBLIC PARTICIPATE IN EIA?

The law requires that during the EIA process a proponent shall in consultation with the Authority seek the views of persons who may be affected by the project or activity through posters, newspapers and radio; hold at least three public meetings with the affected parties and communities.

The public participates by either submitting written or by making oral comments. Such comments are considered in reviewing the EIA Study Report.

EIA PROCESS:-WHAT STEPS ARE INVOLVED IN EIA?

The key elements in the EIA process include: -

- 1) Development and submission of a Project Report for projects or activities which are not likely to have significant environmental impacts or those for which no EIA study is required. However, if the Authority considers that an EIA study is required, then the ensuing EIA process is as follows:
 - a) Scoping and drawing-up of Terms of Reference (TOR) for the study for approval by the Authority.
 - c) Gathering of baseline information through investigation/ research and subsequent submission of EIA Study Report to the Authority.
 - d) Review of EIA Study Report by the Authority and relevant lead agencies.
- 2) Decision on EIA Study Report includes approval, approval with conditions or rejection.
- 3) Appeals
- 4) Implementation of project.
- 5) Monitoring the project
- 6) Auditing the project

UPON COMPLETION OF THE PROJECT, WHAT NEXT?

Thereafter, an Annual Environmental Audit (EA) Study Report will be done on the project.

It is Your Responsibility to Implement Environmental Impact Assessment (EIA)

Notwithstanding any licence, permit or approval granted under any written law, any person who commences, proceeds with, executes or conducts any project without approval granted under the Act (EMCA) or regulations issued under the Act commits an offence and on conviction is liable to the penalty prescribed under the Act.

FEES RELATING TO EIA

- 1) Lead Experts: Registration - Ksh 3000 and annual practicing licence Ksh 5000(Ksh 9000 and Ksh 15000 for non-citizens respectively).
- 2) Associate Experts: Registration - Ksh 2000 and annual practicing licence Ksh 3000(Ksh 6000 and Ksh 9000 for non-citizens respectively).
- 3) Firm of Experts: Registration - Ksh 5000 and annual practicing licence Ksh 20000
- 4) EIA Licence: 0.05% of the total cost of the project. (now reviewed to 0.1% of the total cost of the project to a minimum of KSh.10,000 with no upper capping.GAZETTE NOTICE NO. 13211
- 5) EIA Licence Surrender, Transfer or Variation: Ksh 5000.

For further information please contact:

Director General,National Environment Management Authority (NEMA)

Popo Road,off Mombasa Road

P.O Box 67839, Nairobi, Kenya

Tel: 020-6005522/6/7, 6001945 Fax: 254-02-6008997

e-mail: dgnema@nema.go.ke

website: www.nema.go.ke