REPUBLIC OF KENYA

NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY

DRAFT

ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT
(No 8 of 1999)

ENVIRONMENT IMPACT ASSESSMENT GUIDELINES AND ADMINISTRATIVE PROCEDURES

NOVEMBER 2002

CHAPTER 1: INTRODUCTION

1.1   Background

Kenya has since independence pursued policies and strategies aimed at achieving reasonably high levels of development for its rapidly increasing population. Over time, the natural resource base has become severely stressed due to unstainable use of the resources leading to scarcities of vital environmental goods and services in many parts of the country. This has made it imperative to harmonize environmental laws in Kenya under EMCA for the purpose of coordinating environmental management. The National Environment Action Plan (GoK, 1994) and the National Policy on Environment emphasize the need for environmental impact assessment (EIA) on development projects.   The Environmental Management and Coordination Act (1999) clearly makes EIA mandatory for all projects specified in the Act. In the NEAP (GoK, 1994), the Government proposes to "integrate environmental conservation in economic development to provide sustainable development for posterity. This includes integration of environmental considerations in development planning at all levels; promotion of environmentally sound use of both renewable and non-renewable resources in the process of national development; establishment of an institutional framework for coordinating, monitoring, and enforcing environmental regulations and standards; and finally providing human and financial resources to support an environment and development coordinating agency and an EIA institution".

These EIA Guidelines and Administrative procedures have been developed in response to the above policy framework and legal provisions. Their major purpose is primarily to assist in the integration of environmental concerns in economic development to foster sustainable development in Kenya. EIA identifies potential environmental impacts of proposed development activities as well as policies, plans and programmes of the Government, including those undertaken jointly with bi-lateral and multi-lateral institutions. In addition EIA identifies measures to mitigate the negative impacts, while maximizing on the positive ones.   EIA is essentially a tool that facilitates informed decisions-making on sustainable development in Kenya.

1.2   Legal Framework and Administration of EIA

The projects to be subjected to EIA are specified in the Second Schedule of the Environmental Management and Coordination Act (1999). Environmental audit is also a legal requirement under Sections 68 and 69 of the Act. Strategic Environmental Assessment (SEA) aimed at guiding implementation of policies, plans and programmes as well as groups of projects is also mandatory under Part IV Sections 37 – 41 of the Act. Besides the schedule activities, the Act empowers the Minister for the time being responsible for environmental matters to prescribe for EIA appraisal any other activity which in his view may cause significant adverse environmental impacts.

NEMA is ultimately responsible for issuing, varying or cancelling environmental impact assessment licenses, will coordinate the EIA process.   NEMA is also responsible for coordinating powers over all public and private sectors. However, each sector plays a role in

the implementation of the EIA Guidelines. This requires the establishment of Environmental Liaison Units (ELU's). Each sector is responsible for the costs of maintaining their ELU. For the purpose of overseeing implementation of the EIA Guidelines at Provincial and District levels, the NEMA will set up environmental committees. These committees will be close allies and strong partners at the local levels and are empowered in the Act.

The administrative and decision-making process regarding formal submissions of project proposal is schematically illustrated in Fig. 1. The project approval process will involve decision-making at various levels and the necessary authorization will be given once all EIA requirements have been fulfilled and accepted by NEMA and the relevant lead agencies. The EIA license will be issued when NEMA are satisfied that an EIA has been satisfactorily conducted and a statifsfactory Environmental Management Plan (EMP) to developed.

The relevant lead agencies and NEMA will ensure that the EMP is implemented. In addition, NEMA will provide a framework for conflict resolution with respect to:
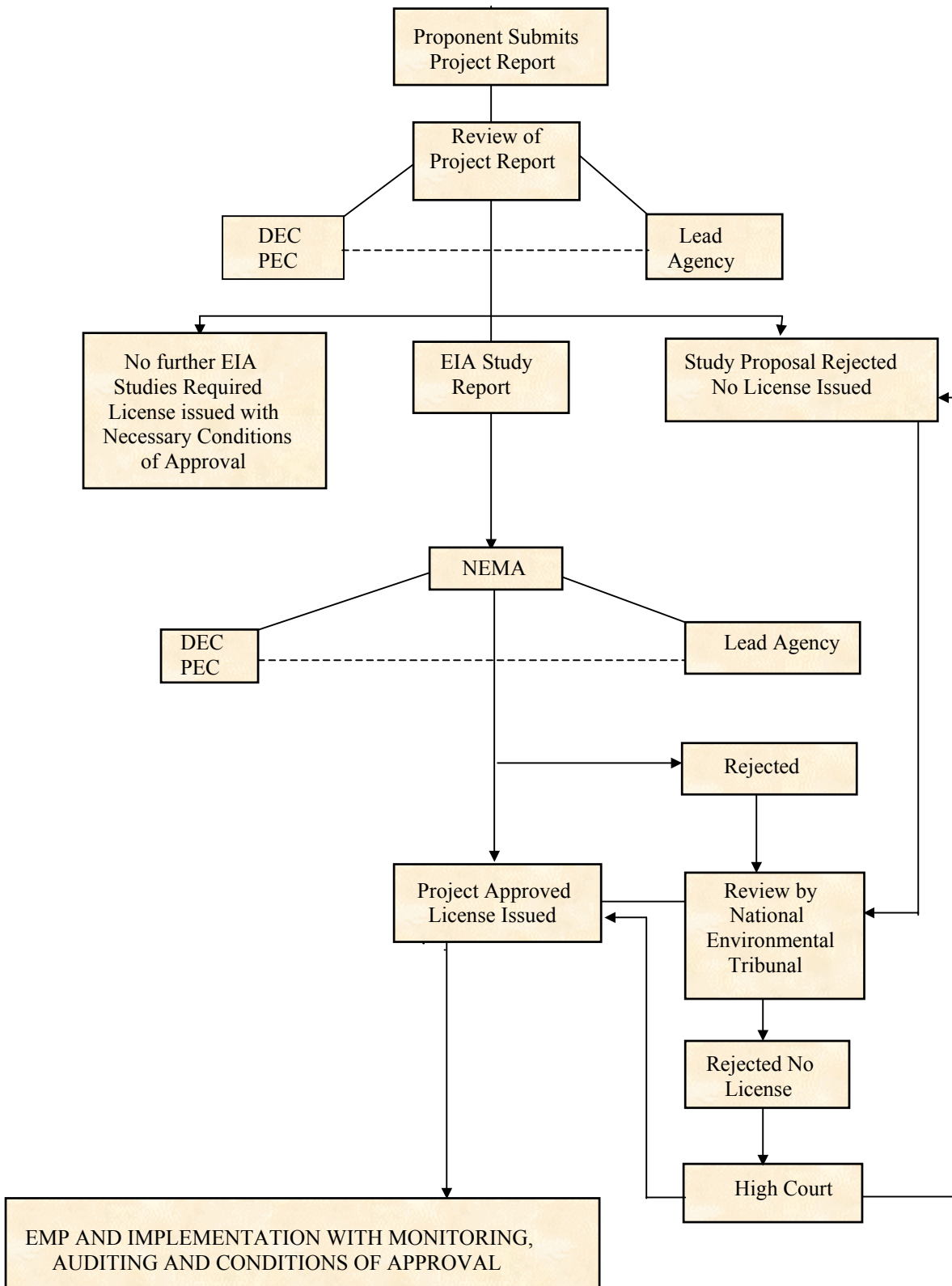• Disputes within and between Central Government departments
• Disputes between Central Government and Local Authorities
• Dispute involving the public sector, private enterprise and the public.

Any complaint regarding compliance with EIA requirements which NEMA may not resolve will be subject to a review by the Environment Tribunal, with the provisions to bring proceedings in a court of law where necessary, for judicial review.

1.3   Scope of the EIA Guidelines

This document provides procedural guidelines for implementation of Environmental Impact Assessment (EIA), Monitoring and Environmental Audit (EA) and Strategic Environmental Assessment (SEA) and issues of Trans-boundary, Regional and International Conventions, Treaties and Agreements. It describes procedural steps in EIA studies and Environmental Audits as well as the contents and format of the study reports to be submitted to NEMA. The EIA study review process and decision-making are also described. Detailed information on the activities, potential environmental impacts, the guidelines/standards and mitigation measures of ten development sectors are provided as Annex-1. An example of the checklist method of project screening and sample environmental impacts and mitigation measures are given in Annex-2.

FIG. 1. EIA PROCESS

```
                        ┌──────────────────┐
                        │ Proponent Submits│
                        │  Project Report  │
                        └──────────────────┘
                                 │
                        ┌──────────────────┐
                        │    Review of     │
                        │  Project Report  │
                        └──────────────────┘
                   ┌─────────┴──────────┐
          ┌──────────┐              ┌──────────┐
          │  DEC     │ - - - - - -  │  Lead    │
          │  PEC     │              │  Agency  │
          └──────────┘              └──────────┘
     ┌──────────────────┐  ┌──────────┐  ┌──────────────────┐
     │  No further EIA  │  │EIA Study │  │Study Proposal    │
     │ Studies Required │  │ Report   │  │Rejected          │
     │  License issued  │  │          │  │No License Issued │
     │ with Necessary   │  └──────────┘  └──────────────────┘
     │  Conditions of   │
     │    Approval      │
     └──────────────────┘
                            ┌──────────┐
                            │   NEMA   │
                       ┌──────┴───────────┐
              ┌──────────┐          ┌──────────────┐
              │  DEC     │ - - - -  │ Lead Agency  │
              │  PEC     │          └──────────────┘
              └──────────┘
                                       ┌──────────┐
                                       │ Rejected │
                                       └──────────┘
           ┌──────────────────┐   ┌──────────────┐
           │ Project Approved │   │  Review by   │
           │  License Issued  │←──│   National   │
           └──────────────────┘   │ Environmental│
                                   │   Tribunal   │
                                   └──────────────┘
                                   ┌──────────────┐
                                   │ Rejected No  │
                                   │  License     │
                                   └──────────────┘
                                   ┌──────────────┐
                                   │  High Court  │
                                   └──────────────┘
  ┌──────────────────────────────────────────────────┐
  │  EMP AND IMPLEMENTATION WITH MONITORING,          │
  │   AUDITING AND CONDITIONS OF APPROVAL             │
  └──────────────────────────────────────────────────┘
```

Purpose of Guidelines

The purpose of the guidelines is to assist project proponents, EIA practitioners, members of the public and lead agencies to understand and follow the EIA process as well as for them to know the levels at, and the basis on which decisions on EIA applications are made. It is hoped that this in turn will facilitate greater consideration and integration of environmental concerns in development projects, policies, plans and programmes. Different sectors are required to develop their own EIA guidelines using the framework national EIA Guidelines developed by NEMA.

1.4   Target Users

These guidelines are meant for the general public, project proponents, learning institutions, researchers, policy makers, Environmental Impact Assessment practitioners, development partners, Lead Agency staff and NEMA. The guidelines will be referred to at all stages of the project cycle.

1.5   Organization of Guidelines

The guidelines are presented in seven main chapters. Chapter 1 covers the Introduction. Chapter 2 deals with the EIA process while Chapter 3 discusses Environmental Audit and Monitoring. Chapter 4 is on strategic Environmental Assessment (SEA). Chapter 5 presents guidelines regarding EIA in a trans-boundary context while the final Chapter (6) deals with EIA in the context of International and Regional conventions, Treaties and Agreements. Chapter seven roposes modalities for developing sector EIA Regulations and Guidelines.

CHAPTER TWO: THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS

2.1   Introduction

Environmental impact assessment (EIA) is a systematic analysis of projects, policies, plans or programmes to determine their potential environmental impacts, the significance of such impacts and to propose measures to mitigate the negative ones.

The underlying key principles of EIA are that every person is entitled to a clean and healthy environment and that every person has a duty to enhance, safeguard the environment.

EIA is both a planning and decision-making tool. As a planning tool, EIA presents methodologies and techniques for identifying, predicting and evaluating potential environmental impacts of projects, policies, plans and programmes in the project cycle (planning, implementation and decommissioning phases). The EIA process presents decision-makers with the information necessary to determine whether or not a project should be implemented.

2.2. Principles of EIA

The other main principles of EIA are:

- Environmental concerns must be accounted for in all development activities
- Public participation in the development of projects, policies, plans and programmes important
- Recognition of social and cultural principles traditionally used in the management of the environment and natural resources
- International cooperation in the use and wise management of shared resources
- Intra-generational and inter-generational equity
- Polluter-pays principle
- The precautionary principle

2.3. Objectives of EIA

The overall objective of EIA is to ensure that environmental concerns are integrated in all development activities in order to contribute to contribute to sustainable development.

The specific objectives are:

a) To identify potential environmental impacts of proposed projects, policies, plans and programmes
b) To assess the significance of these impacts
c) To assess the relative importance of the impacts of alternative plans, designs and sites;
d) To propose mitigation measures for the significant negative impacts of the project on the environment;
e) To generate baseline data for monitoring and evaluation of how well the mitigation measures are being implemented during the project cycle;
f) To present information on the impact of alternatives;
g) To present results of the EIA in such a way that they can guide informed decision-making.

2.4. Screening of activities

Screening involves determining whether or not an EIA study is required for a particular development activity. This depends on the significance of the project's environmental impacts. The significance itself depends on such factors as: the sensitivity of the area likely to be affected; public health and safety; the possibility of uncertain, unique or unknown risks; the possibility of having individually insignificant but cumulatively significant impacts; whether the proposed activity affects protected areas, endangered or threatened species and habitats; size, working methods, project activities including their duration and proposals for waste disposal etc. A hybrid of approaches involving lists and thresholds, amongst others, are used to establish which activities should be assessed for environmental impacts. This is the initial phase in the EIA process. The screening exercise usually involves the following steps:

- Project and site description
- Collection of baseline data
- Data analysis
- Evaluation of significance of environmental impacts
- Evaluation of alternatives
- Consultation and public participation;
- Preparation of a project report;
- Review of project report and
- Approval process

2.4.1 Site and Project Description

Comprehensive site description includes the following aspects:
- Location of the project
- Soils and geology
- Water resources,
- Drainage
- Climate,
- Vegetation,
- Land use,
- Population characteristics,
- Infrastructure, and
- Justification for selecting the site

Also comprehensive information is required on:
- Nature of the proposed project
- Project activities
- Materials to be used in the project
- Project outputs including waste

2.4.2 Collection of Baseline Data

Baseline data should be identified, collected and used to describe the status of the project site before any activity related to project implementation commences. The baseline data are used to assess potential impacts on health, safety, the environment and the community. Environmental data collection programmes must be kept within manageable proportions taking into consideration the length of time available for the study. It is also advisable to

infer, extrapolate, or predict environmental conditions and responses from baseline information or from other similar cases where actual data is lacking.

2.4.3. Data Analysis and Evaluation of Alternatives
In analyzing data, the following methods may be used: checklist, matrix, threshold limit, overlay, etc. In evaluating alternatives, emphasis should be on the following: project, location, technology, scale, etc.

2.4.4. Consultation and Public Participation
It is important that all persons likely to be affected by the project are consulted for their concerns. Information regarding all project activities within the project cycle (planning implementation, decommissioning), materials to be used, products, waste and waste disposal, economic and social benefits should be provided. The views of the public on all these activities should be incorporated in the project report.

2.4.5. Preparation of the Project Report
An Environmental Impact Assessment Expert should prepare the project report. In addition to these Guidelines, the EIA expert should familiarize himself/herself with the Environmental (Impact Assessment and Audit) Regulations 2002.

2.4.6. Contents of the Project Report
A project report should include the following details:
(a)   Name of the proponent, PIN number, address and contact person
(b)   Title of the project
(c)   Objectives and scope of the project
(d)   Nature of the project;
(e)   Location of the proposed project, including the physical area that may be affected by the project's activities;
(f)   Types of activities that will be undertaken during the project construction, operation and decommissioning phases;
(g)   Design(s) of the project;
(h)   Materials to be used, products and by-products, including waste to be generated by the project and the method(s) of their disposal;
(i)   Potential environmental impacts of the project;
(j)   Mitigation measures to be taken during and after implementation of the project;
(k)   An action plan for the prevention and management of foreseeable accidents during the project cycle;
(l)   A plan to ensure the health and safety of the workers, and neighboring communities;
(m)   Economic and social benefits to the local community and the nation in general;
(n)   Project budget;
(o)   Views of the public about the project, indicating representativeness of the potentially affected people; and
(p)   An environmental management plan (EMP) for the entire project cycle.

2.4.7 Submission of the Project Report
On completion, the proponent shall submit the project report to the Authority for review.

2.4.8 The Review Process
The aim of the review exercise is to ensure the that following major aspects have been

adequately addressed in the report:
- Impact identification
- Impact assessment
- Adequacy of proposed mitigation measures
- Adequate consideration of project alternatives
- Evidence and adequacy of consultation and public participation
- Implementation process and procedures
- Comprehensiveness of the environmental management plan

2.4.9 Decision-Making

Where the Authority is satisfied that the project will not have significant environmental impacts or that the proposed mitigation measures are adequate to address the identified impacts, the Authority may issue the EIA License with conditions of approval, if any.

If the project will have significant environmental impacts and the project report does not disclose adequate mitigation measures, the Authority shall require the proponent to undertake an environmental impact assessment study, which will assist in determining whether an EIA License can be issued.

2.5 The EIA Study and Approval Process

2.5.1 Scoping of impacts

A project that the Authority considers should be subjected to an EIA study must first undergo a scoping study. Scoping is a procedure used to determine the range of issues to be addressed in the EIA study; it also is the process of identifying the significant issues, which are related to the proposed project. Its main objective is to focus the EIA on the key issues, while ensuring that indirect and secondary effects are not overlooked and eliminating irrelevant impacts. Thus, scoping identifies the key concerns, evaluates them, organizes and presents them to aid decision-making. Like in screening, scoping hinges on the issue of significance. It is during scoping that the Terms of Reference (TOR) for an EIA Study are formulated.

Impacts are predicted from the scoping exercise using one or several techniques e.g. ad-hoc methods, checklists, matrices, networks, overlays, cost-benefit analysis, etc.

2.5.2. Objectives of Scoping

The specific objectives of scoping are to:
- Identify key issues of concern
- Ensure focus on key issues during the EIA study
- Facilitate focused specialist studies
- Determine the assessment methods to be used.
- Identify all affected persons.
- Provide an opportunity for consultation and public participation.
- Facilitate identification of alternatives.
- Facilitate early agreement on contentious issues.
- Save time and money.

2.5.3 Steps to be considered in scoping

Scoping must ensure continuous consultation between the proponent, the experts, the public (especially potentially affected persons) and the Authority. Consequently, the following steps are involved:

- Develop a communication plan (decide who to talk to and when)
- Assemble information that will be the starting point of discussion
- Make the information available to those whose views are to obtained
- Find out what issues people are concerned about. Make a long list
- Look at the issues from a technical perspective in preparation for further study
- Organize the information according to issues (grouping, combining and setting priorities)
- Develop a strategy for addressing and resolving each key issue, including information requirements and terms of reference for further studies

2.5.4. Assembling Relevant Existing Information

Information should be collected on the nature of the project, including the list of potential environmental impacts and practical alternatives accompanied by maps, drawings and other aids for further understanding of the proposed project. The information will help in formulating appropriate mitigation measures and will form the basis for further discussion.

Affected persons should be consulted, involved and made to understand all the issues of concern relating to the project, which should be compiled into a comprehensive list.

2.5.5. Identifying and Prioritizing Issues of Environmental Concern

Once the issues have been identified and grouped, their scientific validity needs to be carefully evaluated and their significance analyzed. If certain issues of technical nature remain unresolved, a specialist discussion panel or workshop can be organized at an appropriate venue to resolve the issues.

2.5.6. Consultation and Public Participation (CPP)

Consultation and public participation is an important tool for those conducting a scoping exercise. It should be planned to focus on the affected persons. Methods for involving affected persons and for collecting information include:

a) Securing written submissions from Lead Agencies and the public
b) Public opinion
c) Holding community meetings and public hearings
d) Conducting preliminary field study/site visits
e) Conducting workshops/seminars.
f) Establishing inter-sector task forces

2.5.7. Contents of the Scoping Report

The Terms of Reference for an EIAS shall be contained in a scoping report that will be submitted to the Authority for approval. TOR prepared during a scoping exercise should provide specific guidelines for undertaking the EIA study. The scoping results will include, but will not limited to, the following aspects:

Introduction

An introduction should state the purpose of the Terms of Reference. It should also describe the project and identify the project proponent. The introduction should cite the EIA regulations being followed including the procedure to be followed in preparing the EIA report.

Project Background

The project background will give the give the following information:

- History of the project
- Parties involved
- Justification of the project
- A description of the project area
- Relevant policy, legislative and planning framework
- Identification of associated projects, or any other planned within the region which may compete for the same resources
- The project products, by–products and processes at both implementation and operation phases
- Resources required for successful implementation and operation of the project
- A brief history of the project including the options considered

Project Objectives

This section will indicate the goals and specific objectives of the project.

Existing Environmental Conditions

Description of the project area, ecological zoning as well as the state of environment in the project area and its surrounding should be given. It should also be established whether the current environmental condition is in its natural state or it has already suffered degradation. If the latter is true, the causes of the original degradation should be established and if possible, the state of the environment before the observed degradation.

Proposed Project Activities

The scoping Report shall disclose all proposed project activities identified in the project cycle.

Identification of Environmental Impacts

A distinction should be made between significant positive and negative impacts, direct and indirect impacts, and immediate and long–term impacts. Also, identify impacts which are unavoidable and/or irreversible.

Social Analysis of the Project Alternatives

Identify potential alternatives to the proposed project. Compare alternatives with respect to site, technology, product mix, scale, potential environmental impacts, capital and operating costs, suitability under local conditions, and institutional, training, and monitoring requirements. Indicate which impacts are irreversible or unavoidable and those that can be mitigated. The alternatives should include a "no project" alternative, in order to demonstrate environmental conditions without it.

Consultation and Public Participation

It should also be spelt out how the affected community will be involved in the project formulation either through public meetings "barazas", questionnaires and direct interviews

depending on the interest groups identified at the initial environmental impact assessment.

Social Analysis
Evaluate the economics of the project and establish its viability in terms of the expected environmental concerns and measures. Environmental costs should be treated as part and parcel of the necessary investment costs The communities' capacity to pay or shoulder the necessary cost or impact of environmental conservation measures should also be established.

Possible Analysis Information Gaps
Indication should be given on how the information gathered will be evaluated to give optimum results. Required or necessary comparisons should also be spelt out and where possible areas of further investigation for continued monitoring should be identified.

Proposed Mitigation Measures
Recommend feasible and cost–effective measures to prevent or reduce significant negative impacts to acceptable levels.

Conclusions and Recommendations

2.5.8. Developing Terms of Reference
The Terms of Reference (TORs) will focus on key issues of concern identified during the scooping exercise, including, but not limited to:

1. Impacts on flora, fauna and soils impacts on air and water identification of other impacts likely to be generated by the proposed project.

2. The relationship of the project to existing policies, legislation and institutional framework

3. Proposed activities contained in the scooping report

4. Proposed (possible) mitigation measures

5. Proposed Environmental Management Plan which must specify responsibilities for implementing mitigation measures, costs involved, time schedules, etc.

6. Details of the experts to do the proposed EIA Study and study schedules

7. Details of the total project implementation costs.

8. Outline modalities for environmental Audit and Monitoring

9. Identification of sources of baseline information and information gaps.

2.6. Environmental Impact Assessment Study (EIAS)
An EIA Study shall address all the issues contained in the TOR developed by the proponent in consultation with the lead agency and the Authority. The EIA study shall be undertaken by EIA experts registered by the Authority. The EIA study shall be the responsibility of the proponent.

The steps of the EIA study will include:-
1. Assemble the team of experts

2. Examine the TORs for each expert and
- assign responsibilities to each member of the team
- specify that the lead expert shall be responsible for the study
- agree on time schedules

3. Plan field work including consultations and public participation and provision for:
- collection of baseline data and information
- awareness creation
- generation of primary data
- ecological, socio-cultural and economic surveys
- designing of EMP to implement the mitigation measures and involving all the affected persons.

4. Report writing

2.6.1. Project Impact Identification
This will involve naming all sources of impacts, e.g. smoke emissions, water consumption, construction jobs, using checklist or questionnaires. These will be matched with possible receptors of the impacts e.g. crops, communities using the same water.

2.6.2. Prediction
The impacts on the environment and the local communities will be analysed. The analysis shall examine biological, social, economic, and physical anthropological effects of the project. The analytical process will involve use of physical, socio–cultural, mathematical, and economic models including an evaluation of costs and benefits. The models will require expert judgment for accurate predictions.

2.6.3. Evaluation Presentation and Interpretation
The evaluation will compare impacts of different options in order to facilitate selection of the best option. This will involve determining the importance of impacts relative to one another. The presentation should include cross–tabulation diagrams, graphics and maps. The degree of severity of these impacts will be assessed in economic terms through use of techniques such as the cost benefit analysis that must take into account both qualitative and quantitative aspects.

2.6.4. Mitigation Measures
The detailed report will identify fully the proposed measures that shall be implemented to address the identified adverse effects. Similarly, the effectiveness of these measures towards achieving desired objectives shall be assessed. A wide range of options will be proposed to prevent, reduce, remedy, or compensate for the various adverse effects.

2.6.5. Monitoring and Evaluation Plan
Based on the baseline data of the EIA, a comprehensive monitoring and evaluation plan should be designed. This would be important in implementation and operation stages of project as a measure of compliance.

The EIAS reports are prepared on behalf of project proponents by Environmental Impact Assessment Experts legally registered by the Authority.

2.7. Format of an EIA Study Report

A proponent shall submit to the Authority, an environmental impact assessment study report incorporating but not limited to the following information:-

(a) a proposed location of the project;
(b) a concise description of the national environmental legislative and regulatory framework, baseline information, and any other relevant information related to the project;
(c) the objectives of the project;
(d) the technology and processes to be used, in the implementation of the project;
(e) the materials to be used in the construction and implementation of the project;
(f) the products, by products and waste generated by the project;
(g) a description of the potentially affected environment;
(h) the environmental effects of the project including the social and cultural effects and the direct, indirect, cumulative irreversible, short-term and long-term effects anticipated;
(i) alternative technologies and processes available and reasons for preferring the chosen technology and processes;
(j) analysis of alternatives including project site, design and technologies and reasons for preferring the proposed site, design and technologies.
(k) an environmental management plan proposing the measures for eliminating, minimizing or mitigating adverse impacts on the environment; including the cost, time frame and responsibility to implement the measures;
(l) provision of an action plan for the prevention and management of foreseeable accidents and hazardous activities in the cause of carrying out activities or major industrial and other development projects;
(m) the measures to prevent health hazards and to ensure security in the working environment for the employees and for the management of emergencies;
(n) an identification of gaps in knowledge and uncertainties which were encountered in compiling the information;
(o) An economic analysis of the project;
(p) An indication of whether the environment of any other state is likely to be affected and the available alternatives and mitigating measures; and such other matters as the Authority may require.

The environmental impact assessment study report shall be accompanied by a non-technical summary the main findings and recommendations of the study and shall be signed by the proponent and environmental impact assessment experts involved in its preparation.

2.8. The contents of the EIASR are:
(i) Executive summary
(ii) Acknowledgement
(iii) Acronymns

Chapter 1   - Introduction
- Project background
- Project objectives
- Project justification

Chapter 2   - Project Description

Chapter 3   - Baseline Information

Chapter 4   - Policy, Legal and Institutional Framework

Chapter 5   - Impact Assessment
- Impact Identification
- Impact Prediction
- Impact Evaluation

Chapter 6   - Analysis of Project Alternatives
- Sites
- Technology
- Designs
- Scale and Extent

Chapter 7   - Environmental Mitigation Measures and Environmental Management Plans

Chapter 8   Conclusions and Recommendations

References

Appendices

2.9 Consultation and Public Participation (CPP)

EIA process is largely determined by effective CPP which basically provides a cornerstone for project planning and successful implementation. Consultation and Public participation helps to:

i)   Facilitate involvement and participation of affected persons through out the project cycle.
ii)   Ensures a sense of responsibility and commitment towards implementing the proposed EMP.

CPP should be undertaken mainly during project planning, in implementation and decommissioning phases.   It should involve the affected persons, lead agencies, private sector, among others. The methodology for CPP may include: meetings and technical workshops with affected communities; interpersonal contacts; Dialogue with user groups and local leaders; Questionnaire/survey/interview; and participatory rural appraisal or rapid rural appraisal (PRA/RRA) techniques

It is the responsibility of the project proponent to adequately ensure effective distribution of the EIASR information to the affected persons to mitigate against unnecessary delays in decision making and project implementation.

2.10. Submission and Review of the EIAS Report

The proponent should submit 10 hard copies and an electronic copy of the EIASR to the Authority on payment of a prescribed fee.

2.11. Review Criteria

In reviewing the EIA study reports important issues to be addressed will include:-

(a) Extent to which the EIA study report covers the Terms of Reference presented at the beginning of the study;

(b) Whether the EIA study report concurs with the national EIA guidelines;

(c) Extent to which key environmental issues of interest to decision makers have been addressed;

(d) Whether the findings of the report are scientifically and technically sound and organized in a manner that can easily be understood by the decision makers and the general public;

(e) Whether the study properly identified all likely significant adverse environmental impacts of the project as well as mitigation measures for the impacts;

(f) The adequacy of description of the methodology used, techniques applied, assumptions made, and limitations encountered;

(g) Whether the study has suggested reasonable alternatives to the proposed action; and

(h) The relevance of sources of information cited in the report.

(i) Evidence and adequecy of CPP.

Review factors

The review panel should carefully check if the following parameters, among others, have ben adequately addressed,

Impact Identification

- Does the project have an impact on any environmentally sensitive area?
- Is there a clear statement of significant beneficial/adverse impacts?
- Have the risks been evaluated?
- Has attention been paid to off–site impacts, including trans–boundary effects, and to the possible time–lag before effects are manifested? and
- Have possible residual impacts been clearly stated?

Mitigation Measures

- What mitigation measures are proposed and what alternative designs or sites have been considered?
- What lessons from previous similar projects have been incorporated into this EIA?
- Are there any significant impacts whose mitigation or abatement cannot be prescribed.
- Have interested parties and affected communities been effectively involved?
- Is adequate consideration given to provision of compensation for loss of/or damage to property, or for resettlement?

Process and Procedures

- Have the EIA procedures complied with general and sector guidelines, regulations, and terms of reference?
- How have the beneficial and adverse impacs of the project been integrated into the economic analysis of the project?

Implementation

- Are institutional arrangements adequate to implement recommended mitigation

measures?

- Does the EIA report specify who will be responsible for the monitoring and the standards enforcement programme?
- Have environmental protection measures been costed and are there funds and technical capacity to implement them?

Consultation and Public Participation
- Evidence and adequacy

2.12. Decision Making

The Authority shall make decisions at various stages to determine whether to issue without conditions, issue with conditions or reject.

The Authority's response shall be communicated to the proponent in writing.

In making a decision regarding an environmental impact assessment licence the Authority shall take into account:

(a)   the validity of the environmental impact assessment study report with emphasis on environment, economic, and socio-cultural impact of the project;

(b)   the various comments made by affected parties under the EIA Regulations.

(c)   the report of the presiding officer at a public hearing under regulation 17 of Regulations where applicable;

(d)   Any other information the Authority may require.

Where the Authority approves an environmental impact assessment report under regulation 22, it shall issue an environmental impact assessment licence.

CHAPTER 3: ENVIRONMENTAL AUDIT AND MONITORING PROCESS

3.1 Environmental Audit

3.1.1 Intruduction

Environmental auditing is a management tool comprising of a systematic, periodic and objective evaluation of how effective environmental management is performing in safeguarding the environment. It is a precautionary and a proactive environmental management tool.

The audit assesses actual environmental impact, the accuracy of prediction, the effectiveness of environmental impact mitigation and enhancement measures, and the functioning of monitoring mechanisms. The audit should be undertaken after the project has been operational for some time. The regulations provides for two types of environmental audit, namely control audit and self audit which are undertaken by the Authority and the proponent respectively.

3.1.2 Objectives of Auditing:

Environmental auditing is used to:

- Facilitate management and control of environmental practices;
- Assess compliance with relevant statutory and regulatory requirements
- Raise awareness of and commitment to environmental policy by project staff, the community and other concerned parties
- Maintain environmental health and safety standards, while continuously exploring opportunities for improvement.

3.1.3 Auditing Process

Environmental Auditing is based on baseline information generated during the EIA process. Existing projects that have not been subjected to EIA are to be audited on the basis of information to be generated over a period of time. The Environmental Audit process entails the steps outlined below:

- Examining the effectiveness of EIA as a decision-making tool
- Ensuring that conditions set in the environmental management plan have been complied with.
- Examining the performance of agencies concerned with management of projects
- Examining environmental impacts arising from project implementation
- Examining the accuracy of predictions by comparing actual against predicted environmental impacts.

3.1.4 Environmental Auditors

Self-audits will be carried out by both internal and external auditors commissioned by the proponent. The auditors must have been registered in accordance with Regulation 10. Control audits, on the other hand, will be undertaken by the Authority.

3.1.4.1 *Role of the Authority*

The Authority is responsible for:

- Determining the need for and time of audit;
- Defining objectives of the audit;
- Approving the environmental audit criteria;
- Approving the audit plan and scope.
- Receiving and reviewing the audit reports.
- Ensuring follow-up actions on recommendations of the audit reports.
- Where necessary require a lead agency to undertake audit.

3.1.4.2 *Role of Proponent*

The responsibilities and activities of the proponent include:-:
- informing the employees about the objectives and scope of the audit
- providing facilities needed by the audit team to ensure an efficient and effective audit process.
- Conducting self-audit
- Implementing recommendations in audit reports and instructions and orders by the Authority.

3.1.5 *Conducting the Environmental Audit*

Environmental audit will be conducted in accordance with audit plans prepared by proponents in consultation with the Authority. An audit plan should include the following:-

- The audit objectives and scope;
- The audit criteria;
- Identification of proponent's organizational and functional units to be audited;
- Identification of the functions and/or individuals within the proponent's organization and their responsibilities
- Time frame for audit activities
- Report content and format

3.1.6 *Environmental Audit Methodology*

The audit methodology should include the following:-

- Establishing an Audit Protocol and tools
- Reviewing existing baseline information, and where lacking or inadequate, the information should be collected, in accordance with regulation 24 and section…..of these guidelines.
- Assembling and assign responsibilities to the audit team carrying out audit activities

3.1.7 *Content of the Environmental Audit Report*

The audit report should contain all audit findings and a summary, including the following:-

- The proponents name and address
- Project title
- Objective, scope and criteria of the audit;
- The audit team members;
- An executive summary of the audit process including any problems encountered during the process
- Project site
- Project description;
- Review of all relevant environmental law and regulatory frameworks on health, safety, environmental standards and sustainable use of natural resources;
- Verification of the level of compliance by the proponent with the conditions of the environmental management plan;
- Evaluation of the proponent's knowledge and awareness of and responsibility for the application of relevant legislation;
- Review of all project documentation related to infrastructural facilities and designs;
- Examination of monitoring programmes, parameters, and procedures for control and corrective actions in case of emergencies;
- Examination of records of incidents and accidents and the likelihood of future occurrence of the incidents and accidents;
- Inspection of all buildings, premises and yards in which manufacturing, testing, transportation takes place within and without the project area, as well as areas where shortage and disposal of goods is carried out, and give a record of all significant environmental risks associated with such activities;
- Examination of public views on health and safety issues, especially from potentially affected communities as well as project employees; and
- List of health and environmental concerns of past and on-going activities.

3.1.8 *Audit Report Format*

- An executive summary
- Introduction and background to audit
- Description of audit approach and methodology
- Audit findings
- Conclusion and recommendations

3.1.9 *Develop Audit Action Plan*

In formulating an Audit Action Plan for effective performance and environmental improvement, it is important to provide clear guidelines specifying the following:-
- What should be done
- Who must do it
- Time frame
- Budget
- Implementation programme
- Reporting
- Monitoring

- *Decision Making*

The Authority shall review the content of and, where necessary order the proponent to take necessary measures to correct or improve the environmental performance of the project. If the proponent fails to comply with the order, the Authority shall cancel, revoke or suspend the licence in accordance with the Act Regulations. For ongoing projects which do not have environmental impact assessment licence, the Authority shall invoke relevant provisions of the Act.

3.2 Monitoring

3.2.1 Introduction

Monitoring is an activity undertaken to provide specific information on the characteristics and functioning of environmental and social variables in space and time. Environmental monitoring compares impacts predicted in an EIA with those which actually occur during and after implementation, in order to assess whether the impact prediction process performs satisfactorily.

Environmental monitoring is essential for:

- Ensuring that impacts do not exceed legal standards
- Checking the implementation of mitigation measures in the manner described in the EIA report
- Providing early warning of potential environmental damage.

The frequency of monitoring will vary from project to project, depending on the nature of the project and the severity of the environmental impacts.

3.2.2 Principles of Monitoring

The EIA monitoring process is intended to generate meaningful information and improve implementation of mitigation measures. Monitoring must accomplish the following:-

- Carefully determine the indicators to be used in monitoring activities
- Collect meaningful and relevant information
- Apply measurable criteria in relation to chosen indicators
- Pass objective judgements on the information collected
- Draw tangible conclusions based on the processing of information and objective judgements
- Facilitate rational decision-making based on the conclusions drawn.

3.2.3 Objectives of Monitoring

Monitoring is put in place to achieve the following:

- Verify impact predictions;
- Check success of mitigation measures (progress of actions undertaken);
- Adherence to approved plan of action;
- Compliance with conditions of approval;

- Success of management plan to meet environmental needs and standards;
- Enable corrective action to be taken promptly if there is a major unpredicted environmental impacts

3.2.4 Types of Monitoring

Monitoring activities include the following types:

(a) Baseline Monitoring: A survey should be conducted of basic environmental parameters in the area surrounding the proposed project before construction begins, so that subsequent monitoring can assess changes in those parameters over time against the baseline.

(b) Impact Monitoring: The ecological, health and socio-economic parameters within the project area must be measured during the project construction and operational phases in order to detect environmental changes which may have occurred as a result of project implementation.

(c) Compliance Monitoring: Employs a periodic sampling method, or continuous recording of specific environmental quality indicators or pollution levels to ensure project compliance with recommended environmental protection standards.

3.2.5 Selection of Impact Indicators

Impact monitoring should not be limited to a few programme components. Appropriate environmental indicators need to be selected so that monitoring covers all programme components.

If some programme components are potentially more significant than others in causing adverse environmental impacts, emphasis should be given to monitoring the selected indicators for these significant components.

3.2.6 Monitoring Report Content and Format

The proponent shall make a monitoring report and will include the following:

- Name and address of proponent
- Project Title
- Date of Implementation
- Date of the last report with a summary of findings, actions undertaken and results of these actions
- Details of environmental parameters to be monitored
- Result of the actual monitoring exercise

3.2.7 Decision Making

The Authority shall review the content of the monitoring report and, where necessary order a proponent to take necessary measures to correct or improve the environmental performance of the project. If the proponent fails to comply with the order, the Authority shall involve the relevant provisions of the Act.

CHAPTER 4: STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

4.1   Introduction

Strategic Environmental Assessment is used to integrate environmental considerations into policies, plans and programmes. SEA is similar to EIA except that the latter deals with projects.

4.2   Principle

Policies plans and programmes have potentially significant environmental impacts. It is therefore important to subject these to Strategic Environmental Assessment to ensure that environmental concerns are considered prior to implementation.

4.3   Objectives

The objective of Strategic Environmental Assessment is to systematically integrate environmental considerations into policy, planning and decision-making processes, such that environmental information derived from the examination of proposed policies, plans, programmes or projects are used to support decision making by:

- Allowing sustainability principles to 'trickle down' from policies and plans to individual development projects within a particular programme,
- Ensuring that sustainability considerations are incorporated into objectives of Policies, plans, programmes or projects.
- Identifying environment and sustainability benchmarks by which impacts of policies, plans, programmes or projects can be tested, and
- Evaluating whether the potential impacts of a proposed or existing policies, plans, programmes or projects are likely to in accordance with sustainability objective.

4.4   SEA process

In the SEA process likely significant effects of a policy, plan, programme or project on the environment, which may include secondary, cumulative, synergistic, short, medium and long term, permanent and temporary impacts are identified, described and evaluated in the environmental report. This also includes evaluation of alternatives.

4.4.1   Screening

This phase is somehow identical to the project report phase in the EIA process and will provide information concerning:

Objective and Targets
In this stage it is expected that the objective and targets of the policy, plan or programme will be determined. This is best done in consultation with government authority and the public. The objective and targets will be reviewed against the National, Regional or Local Environmental Action Plan under NEMA and other sectors.

Description of Policies, Plans or Programmes
The need to give a brief outline of the proposed policy plan or programme is important and should include the purpose, rationale and the implementation plan.

Identification of alternatives
Assessments of alternatives or feasible policies or plans or programs or projects that are available are important to consider. The alternatives may include, and not limited to technologies and different forms of management.

The Screening Process will provide the following information:-

- Environmental indicators
- Baseline Environmental conditions
- Prediction and Evaluation of impacts and comparisons of alternatives
- Identification of mitigation measures and preparation of a draft environmental management plan
- Baseline data that can be used as a basis prior project initiation.

4.4.2 Scoping
The lead agency at the scoping stage shall do wider public consultation in order to identify and describe the environmental effects of the policies, plans, programmes and projects. The scoping report shall be submitted to the Authority. The scoping activity shall:

- Identify key environmental issues associated with the proposals which may influence decision making.
- Decide scale of the SEA based on the Nature of the proposals and the type of data available such as local, regional and global scale impacts.
- Define spatial and temporal boundaries of SEA
- Identify agencies to be consulted be including various decision-making authorities covered by spatial boundaries.

4.4.3 The SEA Study
Based on the information from the scoping exercise a SEA study shall be conducted and a report prepared. The report shall include:

a) Identification and Prediction of Impacts.
This stage involves taking an inventory of the natural resources to be affected and providing an analysis with an indication to any pattern of change in their distribution and quantity over time. This would cover among others:

(i) Physical environment, including climate, air quality, water resources and water quality, noise, topography, soils, geology, hydrology including of risks of natural disasters.

(ii) Biological conditions, biodiversity, ecology and nature conservation in which issues of endangered species, protected ecosystems, habitat, species of commercial importance, invasive species and their impacts are assessed.

(iii) Social economic conditions and human health. This would include but not limited to issues such as archeology and cultural heritage landscape and facial aspects, recreational, social economic aspects, land use transportations, infrastructure, agricultural development, tourism, and human health.

b)   *Determination of Significance of Impacts*
- Determine the magnitude and significance of the potential cumulative and non-cumulative impacts both qualitatively and quantitatively for Local or Trans boundary policies, plans, programs or projects.
- Determine the uncertainty where possible of impacts of similar activities.
- Determine the significance of impacts by considering sensitivity of the affected environment and the carrying capacity of the area

c)   *Evaluation of alternative policies plans, programmes and projects*
- Identify the best policy, plans, programme or projects based on findings of the assessment above and suggest the alternative.

d)   *Assessment of compliance of the proposed policy, plan, programme and project.*

- Assess the compliance of the policy to the EMCA standards set there under, the International Agreements and Treaties and other global objectives set for various programmes .

e)   *Development of an EMP*

- Identify measures to avoid or minimize significant adverse impacts and maximize on positive effects and propose mitigation measures that may be used positively for other policies, plans, programmes or projects.

f)   *Development of a Monitoring Unit*

- Identify negative effects of the SEA decisions as well as the effectiveness of the measures listed in the EMP

4.5 The SEA Report Contents

A detailed SEA report will contain the following:

a)   *Executive Summary*
- Briefly describing the study and its outcomes

b)   *Introduction*
- This should contain the Scope and Methodology of Work
c)   *Proposed policy*
- The purpose and rationale
- Alternative Policy, Option and Strategies
- Areas affected
- Proposed activities
d)   *Environmental analysis*
- Description of baseline environmental conditions focusing on areas potentially affected.
- Relevant environmental policy and legislative framework
- Overview of consultation and public participation activities undertaken
- Prediction and evaluation of impacts including cumulative effects

- Alternative policy options. Considered and compared against environmental indicators
- Ongoing project and their relationship to the proposed policy plan or programme

e)   *Recommendations*
- Recommended policy changes
- Identification of mitigation measures
- Draft Environmental Management Plan

4.6 Submission of SEA Report

The SEA report shall be submitted by the policy makers to NEMA for review. NEMA shall distribute copies of the report to relevant Lead Agencies and other stakeholders for comments, which shall be transmitted to the relevant authority and taken into account in the final decision on the policy.

4.7 SEA Review Process

The review committee of SEA report shall be set up in accordance with EIA/SEA Regulations under the Act the team shall review the SEA report in reference to the TOR. The team will evaluate the policy, plan, programme or project and their associated environmental impacts and indicate their implications on sustainable development. The key review issues include the following:-
       -The quality of the report.
       -Assessment of Benefits
       -Sustainability and Feasibility
       -Participatory Process
       -Identification of Adverse Environmental Impacts

4.8 Decision-making

The Authority shall give its decision on the application for SEA within three months of receiving SEA Report or such extended period as shall have been mutually agreed with the party involved.

CHAPTER 5: ENVIRONMENTAL IMPACT ASSESSMENT (EIA) IN THE TRANSBOUNDARY CONTEXT

5.1 Introduction

Transboundary environmental impacts mean any impacts, within an area under the jurisdiction of a country caused by a proposed activity the physical origin of which is situated wholly or partly within the area under the jurisdiction of another country. EIA in a transboundary context evaluates projects, policies and programmes under consideration, which are likely to have significant environmental impacts across national boundaries.

5.1.1 Principles of EIA in the transboundary context

Proposed development activities in a country may generate transboundary interstate environmental impacts. It is therefore important identify such activities and subject them to environmental assessment in order to promote sustainable management of shared resources and minimization of interstate conflicts.

5.1.2 Objectives of EIA in the Transboundary Context

- To ensure sustainable management of shared natural resources by taking measures that would effectively protect the natural environment of the partner countries.
- To enhance sustainable utilization of natural resources, and to address economic imbalances that may arise from such activities.
- To support the measures that prevent, mitigate and monitor significant transboundary adverse environmental impacts.
- To develop and share baseline data that facilitate informed decision-making with regard to minimization of adverse impacts.
- To enhance international cooperation in assessing environmental impacts in the transboundary context.
- To promote peace and conflict resolution regarding use of shared natural resources.

5.1.3 The process of EIA in Transboundary Context

Procedures for EIA assessment in the transboundary context should be put in place by governments of affected countries to include the basic steps such as screening, scoping, review and monitoring processes. However, in the absence of EIA procedures, it is necessary to develop mechanisms for prior consultations, notification and information sharing at all levels among affected countries.

Kenya endeavours to promote consultations in harmonizing the development of an EIA process for transboundary environmental issues with its neighbours and any other affected country in accordance with relevant provisions of the Environmental Management and Coordination Act and any other law in force in Kenya.

5.2.1 Screening and Scoping in the Trans-boundary Context

Upon receipt of a project report from a proponent, the Authority shall use existing procedures to notify affected countries, on the basis of reciprocity and enabling instruments to:

- Manage any activity that may have significant transboundary environmental impact, and or provide adequate information;
- Prevent or mitigate any possible adverse environmental impacts.

5.2.2 Environmental Impact Assessment Study (EIAS) in the Trans-boundary Context

The proponent shall carry out the EIAS in accordance with Environmental Management and Coordination Act and EIA regulations as facilitated by enabling instruments between Kenya and the affected country.

The EIAS on projects with transboundary implications, need avenues for consultations between and among affected states. Consultations shall be facilitated by the Authority in accordance with provisions of an enabling instrument.

Enabling mechanisms should focus on areas of common interest including but not limited to shared resources (water, air, communication, and issues of migratory nature such as, wildlife, livestock and refugees). EIAS studies should use scientific and technically sound procedures, in addition to providing for consultation and public participation. Baseline data should be collected, collated, analysed and agreed upon by affected partner states for informed joint decision-making.

5.2.3 Methodology of EIAS in the Transboundary Context

The methodology in the transboundary context should focus on areas of common interest. The environmental inventory shall include but not limited to shared resources (water, air, communication, and issues of migratory nature such as wildlife, livestock and refugees).

- Consultation and public participation (CPP) within affected partner states is a requirement. This participatory EIA process is geared towards conflict resolution and peaceful settlement of disputes.
- EIAS in transboundary context shall be done in a scientific and technical procedure, especially with agreed data collection procedures and inter-calibration of instruments with a view to rendering data and information obtained consistent and compatible.
- Baseline information should be collected, collated, analysed and agreed upon by affected partner states for informed joint decision-making.

5.2.4 Format and Context of EIA in the Transboundary Context

The Environmental Impact Assessment report to be submitted to the Authority shall include the following information as a minimum:

- A description of the proposed activity and its purpose;
- A description, where appropriate, of reasonable alternatives to the proposed activity and also the no project alternative;
- A description of the potential environmental impact of the proposed activity and its alternatives and an estimation of its significance;

- A description of mitigation measures to keep adverse environmental impact to a minimum;
- An explicit indication of predictive methods and underlying assumptions as well as the relevant environmental data used;
- An identification of gaps in knowledge and uncertainties encountered in compiling the required information;
- Where appropriate, an outline for monitoring and management programmes and for any post-project analysis; and
- A non-technical summary including a visual presentation as appropriate (maps, graphs, etc).

5.2.5   Submission and Review of EIAS in the Transboundary Context

The Authority shall, upon submission of the environmental impact assessment study report by the proponent, enter into consultation with the affected partner state concerning, *inter alia*, the potential transboundary impacts of the proposed activity and environmental management plan to reduce or eliminate the said impacts. Consultations, negotiations and/or trade offs shall relate to:

- Possible alternatives to the proposed activity, including the no-project alternative and possible measures to mitigate significant adverse transboundary impact and to monitor the effects of such measures at the expense of the country of origin;
- Other forms of possible mutual assistance in reducing any significant adverse transboundary impact of the proposed activity; and
- Any other appropriate matter relating to the proposed activity.

5.3   Decision- making in EIA in Transboundary Context

The Authority shall make informed decisions after review and receiving recommendations from the public consultation and participation of the affected country upon submission of the relevant information including the EIASR from payment.

5.4   Environmental Audit and Monitoring in the Transboundary Context

For policies, plans, programmes, and on-going projects of transboundary concern, an environmental audit and/or monitoring shall include the surveillance of the activity and determination of any adverse transboundary impacts with a view to inform the respective Authorities to mitigate the impacts. This shall also provide initial baseline information for future Cumulative Effects Assessment (CEA) and/or Strategic Environmental Assessment (SEA).

CHAPTER SIX: ENVIRONMENTAL IMPACT ASSESSMENT IN THE CONTEXT OF INTERNATIONAL AND REGIONAL TREATIES, CONVENTIONS, AND AGREEMENTS

6.1. Introduction

Conventions are international instruments which parties are obliged to implement. Treaties are agreements between two or more partner states with a common interest, while agreements are contracts agreed upon between states and or institutions for joint ventures. Such Agreement could be protocols or memoranda of understanding (MoU).

6.2. Principles and

Any conventions, treaties that Kenya enters into have the potential to have significant environmental impacts. It is therefore necessary that detailed environmental assessment are carried out to facilitate informed decision making

6.3. Objectives

The objectives of implementing environmental impact assessment process on international conventions, treaties, protocols and agreements is to:
- Ensure sustainable natural resource utilization while minimizing adverse environmental impacts.
- Obtain and incorporate views of affected and interested parties, especially the general public in the ratification and domestication of these international conventions, treaties and agreements.
- Promote international cooperation and peace to minimize conflicts in natural resources utilization.

6.4. Review and Decision-making Process

The Authority shall take necessary legal, administrative or other measures, *inter alia*, to establish an EIA procedure that permits public participation and preparation of stipulated strategic assessment study report for international conventions, treaties, and agreements in consultation with relevant lead agencies, and taking into consideration views of the general public.

CHAPTER 7: GUIDANCE TO DEVELOPMENT OF SECTOR EIA GUIDELINES

7.1   Introduction
Lead agencies are mandated by section 58 of the Environment Management and Coordination Act of No.8 of 1999, in consultation with the Authority to develop EIA Guidelines to ensure that environmental concerns are integrated in sector development policies, plans, projects or programmes. The sector guidelines shall focus on specific mandates in line with the statutory relationships with the administration of the EIA process.

7.2   The EIA Principle
Each lead agency in the country is expected to contribute towards attainment of sustainable development without degrading the natural resources and the environment.

7.3   Environmental Development Sectors
Development sectors in the context of the environmental conservation and management are:
- Agriculture
- Commerce and Industry
- Transport
- Human Settlement and Infrastructure
- Forests
- Water Resources
- Mining
- Energy
- Tourism and Wildlife
- Fisheries and Agriculture

The sector guidelines shall be developed in conformity with the national EIA guidelines and administrative procedures in order to ensure quality in implementation of the EIA process in the country and as per the Act.

For general information, issues to be considered in preparation of sector EIA guidelines are specified under the Third schedule of the EIA Regulations.

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

APPLICATION FOR ACCESS TO INFORMATION

PART A: DETAILS OF APPLICANT

A1. NAME:………………………………………………………………………...……

Address: ……………….…………………………………………………………….

……………………………………………………………………………………….

……………………………………………………………………………………….

Telephone:..…………………………………Fax: ………………………………….

Email..……………………………………………………………………………….

Profession…………………..……………………………………………………….

Date …………………..………………………………………………………

A2. NAME OF EMPLOYER (if applicable)..…………………………………………...…….

Address: ……………….…………………………………………………………….

……………………………………………………………………………………….

Telephone:..…………………………………Fax: ………………………………….

Email..……………………………………………………………………………….

Designation…………………..………………………………………………….

A3. TYPE OF INFORMATION REQUIRED (tick as appropriate)

☐   Project Report.

☐   Environmental Impact Assessment Study Report.

☐   Environmental Audit Report

☐   Strategic Environmental Assessment Report.

☐   Environmental Monitoring Report

☐   Record of Decision (ROD) for Environmental Impact Assessment Approvals.

☐   Licences for Project Reports.

☐   Licences for Environmental Impact Assessment.

☐   Environmental Impact Assessment Experts (Individuals).

☐   Environmental Impact Assessment Experts (Firms).

A4. DOCUMENT

       Title of the document ………...…………………………………………………………….

       Author…………………………….…………………………………………………………

       Year…………………………………………………………………………………………

A5. HOW THE INFORMATION IS EXTRACTED?   ☐Reading,   ☐ Inspection/viewing

A5. PURPOSE FOR REQUIRING THE INFORMATION

    ☐ Educational   ☐ Research   ☐ Interested party   ☐ Affected party

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

APPLICATION FOR PROTECTION OF INFORMATION

PART A: PARTICULARS OF PROPONENT

A1:   NAME:………………………………………………………………….…………

Address: ……………………………………………………………………………..

…………………………………………………………………………………………..

…………………………………………………………………………………………..

Telephone: ……………………………..Fax. No. ……………………………….……

E-mail: …………………………………………………………………………….

Designation: …………………………………………………………………………….

A2:   TITLE OF PROJECT: ……………………………………………………………..

………………………………………………………………….………………………

A3:   BRIEF DESCRIPTION OF PROJECT:………………………………………………...

…………………………………………………………………………………………

…………………………………………………………………………….……………

…………………………………………………………………………………….

………………………………………………………………………………………….

A4:   TITLE AND TYPE OF DOCUMENT IN WHICH INFORNMATION IS CONTAINED

Title: …………………………………………………………………………………

Type of document:…………………………………………………………………………

A5:   NATURE OF INFORMATION FOR WHICH PROTECTION IS BEING REQUESTED

…………………………………………………………………………………………..

……..………………………………………………………………………………

…………………………………………………………………………………………

A6:   REASONS ADVANCED FOR PROTECTION:…………………………………………

…………………………………………………….………………………………………

…………………………………………….…………………………………………
……………………………………………….……………………………………….
……………………………………………….………………………………………..

A7:   REMARKS:………..………………………………………………..………..
…………………………………………………………………………………..
……………..…………………………………………………………………………
……………………………………………………………………………………….

A8:   NAME OF FILING OFFICER:……………………………………….…………
DESIGNATION: ……………………………   DATE:……………….....………...
SIGNATURE:……………….……………..

PART B: REMOVAL FOR PROTECTION

B1:   REASONS FOR SEEKING REMOVAL OF PROTECTION:………………………………...
………………………………………………………………………………………..
………………………………………………………………………………………..

B2:   REASONS FOR CONTINUED PROTECTION/REMOVAL OF PROTECTION:…………...
………………………………………………………………………………………..
………………………………………………………………………………………

B3:   DECIDING AUTHORITY: ……………………………………………………………….
DESIGNATION: ……………………………   DATE:……………….....………...
SIGNATURE:……………….……………..

REGISTERS OF PROTECTED INFORMATION

DATE OF ENTRY	PROJECT TITLE	NAME OF PROPONENT	TYPE OF DOCUMENT	NATURE OF PROTECTED INFORMATION	REASONS FOR PROTECTION	REMARKS	NAME OF FILING OFFICER AND SIGNATURE	DESIGNATION	REMOVAL OF PROTECTION	REASONS FOR REMOVAL OF PROTECTION