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PART I – PRELIMINARY

Citation
1. These Regulations may be cited as the Environmental (Impact, Audit and Strategic Assessment) Regulations, 2009.

Interpretation
2. In these Regulations unless the context otherwise requires interpretation.

"analysis" means the testing or examination of any matter, substance or process for the purpose of determining its composition or qualities or its effect (whether physical, chemical or biological) on any segment of the environment or examination of emissions or recording of noise or sub-sonic vibrations to determine the level or other characteristics of the noise or sub-sonic vibration or its effect on any segments of the environment.

"Authority" means the National Environment Management Authority established under section 7 of the Act;

"biological diversity" means the variability among living organisms from all sources including terrestrial ecosystems, aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, among species, and of ecosystems;

"chemical" means a chemical substance in any form whether by itself or in a mixture or preparation, whether manufactured or derived from nature and includes industrial chemicals, pesticides, fertilizers and drugs;

“cumulative impacts” means the impacts on the environment that result from individually minor and the incremental processes of a project, program or activity over a period of time;

"Director-General" means the Director-General of the Authority appointed under section 10 of the Act;

"District Environment Committee" means the District Environment Committee appointed under section 29 of the Act;

"economic analysis" means the use of analytical methods which take into account economic, socio-cultural, and environmental issues in an integrated manner in the assessment of projects;

"environment" includes the physical factors of the surroundings of human beings including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics and includes both the natural and the built environment;
"Environmental audit study" means a systematic evaluation of activities and processes of an ongoing project to determine how far these activities and programmes conform with the approved environmental management plan of that specific project and sound environmental management practices;

"Environmental auditor" means an expert or firm of experts registered in accordance with regulation 14;

"Environmental control audit system" means a mechanism or procedure put in place by a proponent or proprietor in consultation with the Authority to determine compliance with environmental standards;

"Environmental impact assessment" means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;

"Environmental impact assessment expert" means an individual expert or firm of experts registered under regulation 14 and includes a lead expert and an associate expert;

"environmental impact assessment study" means a systematic study conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment as stipulated in Section 58 of the Act;

"environmental impact assessment study report" means the report produced at the end of the environmental impact assessment study process under section 58 of the Act and regulation 11;

"environmental management" includes the protection, conservation and sustainable use of the various elements or components of the environment;

"Environmental management plan" means all details of project activities, impacts, mitigation measures, time schedule, costs, responsibilities and commitments proposed to minimize environmental impacts of activities, including monitoring and environmental audits during implementation and decommissioning phases of a project;

"environmental monitoring" means the continuous or periodic determination of actual and potential effects of any activity or phenomenon of the environment whether short-term or long-term;

“environmentally sensitive area” means an area that is vulnerable to negative environmental impacts and which needs special environmental protection because of its landscape, fragile ecosystem, resources and historical value, and includes all areas that are vulnerable to negative environmental impacts as a result of human induced activities;
“screening” means the first stage of the environmental assessment process used to determine which projects need to be subjected to the environmental assessment process and the level of environmental scrutiny that is required;

“scoping” means the preliminary process of determining the significant issues, study boundaries, and impacts that must be considered in an Environmental Impact Assessment study or in a Strategic Environmental Assessment study;

"guidelines" means the guidelines describing the methodology for implementation of environmental impact assessment requirements adopted by the Authority under section 58 of the Act;

"inspector" means an environmental inspector appointed under section 117 of the Act;

"lead agency" means any Government ministry, department, parastatal, state corporation or local authority, in which any law vests functions of control or management of any element of the environment or natural resources;

"mass media" includes publicly exhibited posters, newspapers, radio, television or other media used for public communication;

"mitigation measures" include engineering works, technological improvements, management and ways and means of minimizing negative aspects, which may include socio-economic and cultural losses suffered by communities and individuals, whilst enhancing positive aspects of the project;

"natural resources" include resources of air, land, water, animals and plants including their aesthetic qualities;

"premises" include mesuages, buildings, lands and hereditaments in every tenure and machinery, plant or vehicle used in connection with any trade carried on at any premises;

"project" includes any project, programme or policy that leads to activities which may have an impact on the environment;

"project report" means a summary statement of the likely environmental effects of a proposed development referred to in section 58 of the Act and regulation 7;

"Proprietary information" means information relating to any manufacturing process, trade secret, trade mark, copyright, patent or formula protected by law in Kenya or by any international treaty to which Kenya is a party;
"proponent" means a person proposing or executing a project, programme or an undertaking specified in the Second Schedule of the Act;

"Provincial Environment Committee" means the Provincial Environment Committee appointed under section 29 of the Act;

"review" means a process of checking the adequacy of an environmental impact study to ensure that it meets the legal requirement and ensure wide acceptance of the environmental impact study findings;

"social analysis" means assessing or estimating in advance the social consequences from specific policy actions or project development including social justice and equity, social uncertainty, social cohesion, social networks and interactions, social status and gender desegregation;

"standard" means the limits of discharge or emissions established under the Act or under these Regulations;

"strategic environment assessment" means the formalized, systematic and comprehensive process of evaluating the environmental impacts of a policy, plan or program and its alternatives, including the preparation of a written report on the findings of that evaluation and using the findings in publicly accountable decision making to promote and guide sustainable development;

“strategic environmental plan” means a plan to ensure that the environment is ecologically sound and responsive to the health, safety and well-being of its inhabitants by identifying and implementing policies and practices which impact positively on the environment”;

"sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystem;

"sustainable use" means present use of the environment or natural resources, which does not compromise the ability to use the same by future generations or degrade the carrying capacity of supporting ecosystems;

"Standards and Enforcement Review Committee" means the Standards and Enforcement Review Committee established under section 70 of the Act;

"Technical Advisory Committee" means the Technical Advisory Committee on environmental impact assessment established under
Applications Approval of Environmental impact assessment section 61 of the Act and regulation 5 of these Regulations;

"trans-boundary impacts" means impacts beyond the Kenyan borders;

"Tribunal" means the National Environment Tribunal established under section 125 of the Act;

“urban renewal” means the re-use, re-development, upgrading, rehabilitation of impoverished, run-down, out-worn or underused urban neighborhoods by large-scale renovation and reconstruction of housing projects, infrastructure and public works with the intention of bringing them new life: physical, social, and economic vitality;

“waste” includes any matter prescribed to waste and any matter whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume composition or manner likely to cause an alteration of the environment;

"water" includes drinking water, river, stream, watercourse, reservoir, well, dam, canal, channel, lake, swamp, open drain, or underground water.

3. These Regulations shall apply to all policies, plans, programmes, projects and activities specified in Part IV, Part V and the Second Schedule of the Act.

4. (1) No proponent shall implement a project –

(a) likely to have a negative environmental impact; or

(b) for which an environmental impact assessment is required under the Act or these Regulations;

unless an environmental impact assessment has been concluded and approved in accordance with these Regulations.

(2) No licensing authority under any law in force in Kenya shall issue a licence for any project for which an environmental impact assessment is required under the Act unless the applicant produces to the licensing authority a licence of environmental impact assessment issued by the Authority under these Regulations.

(3) No licensing authority under any law in force in Kenya shall issue a trading, commercial or development permit or license for any micro project activity likely to have cumulative significant negative environmental impact before it ensures that a strategic environmental plan encompassing mitigation measures and approved by the Authority is in place.

(4) If the Authority determines that an application for an environmental
impact assessment raises issues that concern more than one district, it shall submit the application to the relevant Provincial Director of Environment.

(5) All proposals for projects, development, and programmes listed in category B of the second schedule of the Act shall be submitted for review and approval to the Provincial Director of Environment.

5. (1) The Authority may set up technical advisory committees at national, provincial and district levels to advise it on environmental impact assessment related reports.

(2) A technical advisory committee set up under this regulation shall consist of not less than five multi-disciplinary specialists and such other persons as shall be indicated in the guidelines.

(3) The terms of reference and rules of procedure of a technical advisory committee shall be drawn by the Authority in accordance with section 61 of the Act.

(4) The Committees may, with the approval of the Director General, co-opt any persons it deems necessary for its proper functioning.

6. An application for an environmental impact assessment licence shall be in the form of a project report in Form 1 as set out in the First Schedule to these Regulations and the applicant shall submit the application together with the prescribed fee to the Authority or the Authority’s appointed agent in the District where the project is to be undertaken.

| PART II - THE PROJECT REPORT |

7. (1) Every project proponent undertaking a project listed in category II of the second schedule of the Act shall prepare a project report stating -

(a) the nature of the project;

(b) the location of the project including the physical area that may be affected by the project's activities;
activities;

(c) the activities that shall be undertaken during the project construction, operation and decommissioning phases;

(d) the design of the project;

(e) the materials to be used, products and by-products, including waste to be generated by the project and the methods of their disposal;

(f) the potential environmental impacts of the project and the mitigation measures to be taken during and after implementation of the project;

(g) an action plan for the prevention and management of possible accidents during the project cycle;

(h) a plan to ensure the health and safety of the workers and neighbouring communities;

(i) the economic and socio-cultural impacts to the local community and the nation in general;

(j) a plan to ensure the relocation or resettlement of persons affected by the project;

(k) an environmental management plan;

(l) the project budget; and

(m) any other information the Authority may require.

(2) In preparing a project report, the proponent shall hold at least one public meeting with the affected parties and communities to explain the project, its social, economic and environmental impacts, and to receive oral or written comments and objections to the proposed project;

(3) A project proponent shall send a meeting notice to all the affected parties and communities at least 14 days before the meeting informing them of the time venue and purpose of the for the meeting.

(4) In preparing a project report under this regulation, the proponent shall pay particular attention to the issues specified in the Second Schedule to these Regulations.

(5) A project report shall be prepared by an environmental impact assessment expert registered as such under these Regulations.

(6) Every project proponent undertaking a project of the nature specified in category III of the second schedule shall submit a project brief.
8. A proponent shall submit at least two copies of the project report to the Authority or the Authority's appointed agent in the prescribed form accompanied by the prescribed fees.

9. (1) Where the project report conforms to the requirements of Regulation 7 the Authority shall within seven days upon receipt of the project report, submit a copy of the project report to -

(a) each of the relevant lead agencies;

(b) the relevant District Environment Committee; and

(c) where more than one district is involved, to the relevant Provincial Environment Committee, for their written comments which shall be submitted to the Authority within twenty one days from the date of receipt of the project report from the Authority.

(2) On receipt of the comments referred to in subparagraph (1) or where no comments have been received by the end of the period of thirty days from the date of receipt of the project report, the Authority shall proceed to determine the project report.

10. (1) On determination of the project report, the decision of the Authority, together with the reasons thereof, shall be communicated to the proponent within forty-five days of the submission of the project report.

(2) Where the Authority is satisfied that the project will have no significant impact on the environment, or that the project report discloses sufficient mitigation measures, the Authority may issue a licence in Form 3 set out in the First Schedule to these Regulations.

(3) If the Authority finds that the project will have a significant impact on the environment, and the project report discloses no sufficient mitigation measures, the Authority shall require that the proponent undertake an environmental impact assessment study in accordance with these Regulations.

(4) A proponent, who is dissatisfied with the Authority's decision that an environmental impact assessment study is required, may within fourteen days of the Authority's decision appeal against the decision to the Tribunal in accordance with regulation 46.

PART III - THE ENVIRONMENTAL IMPACT ASSESSMENT STUDY

11. (1) A environmental impact assessment study shall be conducted for all projects in category I of the Second Schedule of the Act in accordance with terms of reference developed during the scoping exercise by the Proponent and approved by the Authority.
(2) In carrying out a scoping study, the proponent will determine:

i. the range of issues to be addressed in the Environmental Impact Assessment study;
ii. significant issues that would need detailed study and reasons thereof;
iii. study issues that are not significant, very well understood and explain reasons thereof;
iv. the boundaries for the Environmental Impact Assessment study in terms of geographical extent, timing and issues to be studied;
v. How the Environmental Impact Assessment study will be conducted, the disciplines to be involved and the timings of the study;
vii. the main stakeholders who should be consulted during the Environmental Impact Assessment study, their concerns and values;
vii. the requirements for the collection of baseline and other relevant information; and
viii. the terms of Reference for the Environmental Impact Assessment study.

(3) The procedure for carrying out the scoping study shall entail:

a) Consulting and informing the affected public about the proposed project;
b) Consulting and gathering the views and concerns of key stakeholders about the proposed project;
c) Reviewing relevant documents such as policies, plans and programs;
d) Documenting issues raised by the stakeholders.

(4) A scoping report shall take into consideration the environmental, social, cultural economic aspects and shall:

i. Describe the proposed project;
ii. Provide a brief description of the environmental characteristics of the project area;
iii. Identify anticipated significant impacts and issues that may arise from the proposed project;
iv. Identify impacts that may arise from the project that are not considered significant and the reasons thereof;
v. Provide details of how the EIA study will be undertaken, the constitution of the team and the duration and timings of the study;
vi. Provide Terms of Reference for the EIA study.

Terms of Reference

(5) The terms of reference shall include matters required to be considered in the making of an environmental impact assessment study as may be
contained in the Second Schedule to these Regulations and such other matters as the Director General may in writing require.
12. (1) An environmental impact assessment study shall be conducted in accordance with the general environmental impact assessment guidelines and sector environmental impact assessment guidelines set out in the Third Schedule to these Regulations.

(2) Sector environmental impact assessment guidelines shall be developed by the lead agency in consultation with the Authority.

13. (1) A proponent shall, on the approval of the scoping statement and the Terms of reference of a proposed Environmental Impact Assessment Report under regulation 11, constitute a competent team of registered Environmental Impact Assessment Experts to undertake the Environmental Impact Assessment study authorized so to do in accordance with section 58 (5) of the Act.

(2) Every environmental impact assessment study shall be carried out by a lead expert qualified in accordance with the criteria of listing of experts specified in the Fourth Schedule to these Regulations.

(3) A person undertaking an environmental impact assessment study shall conduct themselves in accordance with an established code of practice issued by the Authority.

14. (1) A person or firm wishing to apply for registration as an environmental impact assessment expert or firm of experts for carrying out environmental impact assessment studies or audits shall be required to meet the qualification criteria set out in the Fourth Schedule to these Regulations.

(2) An applicant for registration under sub-paragraph (1) shall submit an application in Form 4 set out in the First Schedule to these Regulations, accompanied by the prescribed fees.

(3) An environmental impact assessment expert practicing under a firm of experts shall be registered as an individual expert.

(4) The Authority shall issue a certificate of registration to a qualified environmental impact assessment expert in Form 5 set out in the First Schedule to these Regulations.

(5) An environmental impact assessment expert registered as such under these Regulations may be de-registered if the expert contravenes any of provisions of the code of practice issued by the Authority.

15. (1) An environmental impact assessment expert registered under these Regulations may apply for an environmental impact assessment practicing licence in Form 6 set out in the First Schedule to these Regulations.

(2) Where the Authority approves an application submitted under sub-regulation (1), it shall issue an environmental impact assessment practicing licence in Form 7 set out in the First Schedule to these Regulations.
The approval of the experts to undertake an environmental impact assessment under this regulation shall be communicated to the proponent by the Authority within fourteen days of receipt of the proponent’s application.

16. An environmental impact assessment study prepared under these Regulations shall take into account environmental, social, cultural, economy and legal considerations, and shall:

(a) identify and predict the anticipated environmental impacts of the project and the scale of the impacts;

(b) identify and analyze three alternatives to the proposed project (proposed project, the no option and one other alternative);

(c) propose mitigation measures to be taken during and after the implementation of the project; and

(d) develop an environmental management plan with mechanisms for monitoring and evaluating the compliance and environmental performance which shall include the cost of mitigation measures and the time frame of implementing the measures.

17. (1) During the process of conducting scoping, environmental impact assessment and Audit studies under these Regulations, the proponent shall in consultation with the Authority, seek the views of persons who may be affected by the project.

(2) In seeking the views of the public, after the approval of the scoping report, of the proposed project by the Authority, the proponent shall -

(a) publicize the project and its anticipated effects and benefits by –

(i) posting posters in strategic public places in the vicinity of the site of the proposed project informing the affected parties and communities of the proposed project;

(ii) publishing a notice on the proposed project for two successive weeks in a newspaper that has a nation-wide circulation; and

(iii) making an announcement of the notice in both official and local languages in a radio with a nation-wide coverage for at least once a week for two consecutive weeks;

(b) Hold at least three public meetings with the affected parties and communities to explain the project and its effects, and to receive their oral or written comments; ensure 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 the other concerned parties; and

(c) ensure, in consultation with the Authority that a suitably qualified
co-coordinator is appointed to receive and record both oral and written comments and any translations thereof received during all public meetings for onward transmission to the Authority.

(3) The project proponent in consultation with the Authority shall carry out the process of public consultation during scoping and the Environmental Impact Assessment study for the purpose of gathering public views on the proposed project.

(4) The project proponent in consultation with the Authority shall carry out the process of public consultation at the conclusion of an Environmental Impact Assessment study for the sole purpose of soliciting comments and opinion from the public on the mitigation steps of addressing negative environmental impacts of a project identified during the study.

PART IV - THE ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT

18. (1) A proponent shall submit to the Authority, an environmental impact assessment study report incorporating but not limited to the following information

(a) the 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, procedures 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 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 course 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 and social 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

(q) such other matters as the Authority may require.

(2) The environmental impact assessment study report shall be accompanied by a non-technical summary outlining the key findings, conclusions and recommendations of the study and shall be signed by the proponent and the lead environmental impact assessment expert involved in its preparation.

19. A proponent shall submit ten copies and an electronic copy of an environmental impact assessment study report to the Authority in Form IB set out in the First Schedule to these Regulations accompanied by the prescribed fees.

20. (1) The Authority shall within fourteen days of the receipt of the environmental impact assessment study report, submit a copy of the report to any relevant lead agencies for their comments.

(2) Upon receiving the environmental impact assessment study report, the lead agencies shall review the report to ensure that it complies with the terms of reference developed under regulation 11 and that it is comprehensive and shall thereafter send their comments on the study report to the Authority within thirty days or such extended period as the Authority may specify.

(3) If the lead agencies to which a copy of the environmental impact assessment study report was submitted, return any comments they may have to the Authority within the specified time. The Authority will consider such comments and may require the proponent to make any necessary amendments to the report before proceeding with the project.

Submission of an environmental impact assessment study report. Invitation for comments from lead agencies
assessment study report is submitted fail to submit their comments within thirty days or such extended period as the Authority may specify, the Authority may proceed with the determination of the application for the implementation of the project.

21. (1) The Authority shall, within fourteen days of receiving the environmental impact assessment study report, invite the public to make oral or written comments on the report.
(2) The Authority shall, within fourteen days of receiving the environmental impact assessment study report, invite the public to make oral or written comments on the report.

(3) The Authority shall, at the expense of the proponent -

(a) publish for two successive weeks in the Gazette and in a newspaper with a nation-wide circulation and in particular with a wide circulation in the area of the proposed project, a public notice once a week inviting the public to submit oral or written comments on the environmental impact assessment study report; and

(b) make an announcement of the notice in both official and local languages at least once a week for two consecutive weeks in a radio with a nation-wide coverage.

(4) The invitation for public comments under this regulation shall state:

(a) the nature of the project;
(b) the location of the project;
(c) the anticipated impacts of the project and the proposed
impacts of the project and the proposed mitigation measures to respond to the impacts;
(d) the times and place where the full report can be inspected; and
(e) the period within which the Authority shall receive comments.

(5) The notice to be published in the newspaper as specified under sub-regulation (3) shall be in Form 8 set out in the First Schedule to these Regulations.

Public Hearing

22. (1) Upon receipt of both oral and written comments as specified Public by section 59 and section 60 of the Act the Authority may hold a public hearing.

(2) A public hearing under these Regulations shall be presided over by a suitably qualified person appointed by the Authority.

(3) The date and venue of the public hearing shall be publicized at least one week prior to the meeting-
   a. by notice in at least one daily newspaper of national circulation and one newspaper of local circulation;
   b. by at least two announcements in the local language of the community and the national language through radio with a nationwide coverage.

(4) The public hearing shall be conducted at a venue convenient and accessible to people who are likely to be affected by the project.

(5) A proponent shall be given an opportunity to make a presentation and to respond to presentations made at the public hearing.

(6) The presiding officer shall in consultation with the Authority determine the rules of procedure at the public hearing.

(7) On the conclusion of the hearing, the presiding officer shall compile a report of the views presented at the public hearing and submit the report to the Director General within fourteen days from the date of the public hearing.

Decision of the Authority

23. (1) The Authority shall give its decision on an environmental impact assessment study report within three months of receiving an environmental impact assessment study report.

(2) The decision of the Authority shall be in writing and shall contain the reasons thereof.

(3) In making a decision regarding an environmental impact assessment licence under these Regulations, the Authority shall take into account:
(a) the validity of the environmental impact assessment study report submitted under regulation 18 with emphasis on the environmental economic, social and cultural impacts of the project;

(b) the comments made by a lead agency and other interested parties under these Regulations;

(c) the report of the presiding officer compiled after a public hearing specified under regulation 22 where applicable; and

(d) other factors which the Authority may consider crucial in the implementation of the project.

(4) The decision of the Authority under this regulation shall be communicated to the proponent within fourteen days from the date of the decision and a copy thereof shall be made available for inspection at the Authority's offices.

24. Where the Authority approves an environmental impact assessment study report under regulation 23, it shall issue an environmental impact assessment licence in Form 3 set out in the First Schedule to these Regulations on such terms and conditions as it may deem necessary.

25. (1) Where a proponent wishes to vary the terms and conditions on which an environmental impact assessment licence has been issued, the holder of the licence shall apply for a variation of the environmental impact assessment licence in Form 9 set out in the First Schedule to these Regulations accompanied by the prescribed fees.

(2) The Authority may issue a certificate of variation of an environmental impact assessment licence in Form 10 set out in the First Schedule to these Regulations.

(3) A variation of an environmental impact assessment licence issued under regulation 24 may be issued without the holder of the licence submitting a fresh environmental impact assessment study report if the Authority is satisfied that the project it varied would comply with the requirements of the original licence.

(4) Where an environmental impact assessment is required under this regulation, the provisions of Part II of these Regulations shall apply.

26. (1) The holder of an environmental impact assessment licence may, on payment of the prescribed fee, transfer the licence to another person only in respect of the project to which such licence was issued.

(2) The transferee as well as the transferor of a licence under this regulation shall be liable for all liabilities, and the observance of all obligations imposed by the transfer in respect of the licence transferred, but the transferor shall not be responsible for any future liabilities or any obligations so imposed with regard to the licence.
from the date the transfer is approved.

(3) Where an environmental impact assessment licence is to be transferred, the person to whom it is to be transferred and the person transferring it shall jointly notify the Director General of the transfer in Form 11 set out in the First Schedule to these Regulations.

(4) The Authority shall issue a certificate of transfer of an environmental impact assessment licence in Form 12 set out in the First Schedule to these Regulations.

(5) Where no joint notification of a transfer is given in accordance with this regulation, the registered holder of the licence shall be deemed for the purposes of these Regulations and the Act to be the owner or the person having charge, management or control of the project as the case may be.

27 (1) The holder of an environmental impact assessment licence may surrender the licence issued under these Regulations to the Authority after ceasing to be responsible for the implementation of the project.

(2) The holder of the licence shall notify the Authority of the intention to surrender the licence under sub-regulation (1) at least six months before the surrender by submitting a notification in Form 13 set out in the First Schedule to these Regulations together with the prescribed fees.

(3) The holder of a licence shall not surrender their licence without the consent of the Authority.

(4) The surrender of an environmental impact assessment licence shall not be effective until the Authority issues a certificate of surrender in respect of that licence in Form 14 set out in the First Schedule to these Regulations.

(5) A surrender shall be without prejudice to any liabilities or obligations which have accrued on the holder of the licence prior to the date of surrender.

28. (1) The Authority may, at any time after it issues a licence under these Regulations-

(a) suspend the licence on such terms and conditions as the Authority may deem fit for a period not exceeding twenty-four months; or

(b) revoke or cancel the licence.

(2) The Authority may suspend, revoke or cancel a licence as specified under sub-regulation (1) where:
(a) the licensee contravenes the conditions set out in the licence;
(b) there is a substantial change or modification in the project or in the manner in which the project is being implemented;
(c) the project poses an environmental threat which could not be reasonably foreseen before the licence was issued; or
(d) it is established that the information or data given by the proponent in support of his application for an environmental impact assessment licence was false, incorrect or intended to mislead.

29. Information or documents submitted to the Authority by any person in connection with an environmental impact assessment together with the Authority's decision and the reasons thereof shall be made available to the public on such terms and conditions as the Authority may prescribe.

30. (1) A person submitting information to the Authority may at any time apply to the Authority in Form 15 set out in the First Schedule to these Regulations to exclude the information or parts thereof from being made available to the public on the basis of commercial confidentiality or national security.

(2) If the Authority grants the request made under sub-regulation (1), the information or specified parts of the information shall be excluded from public access, and an entry shall be made in a register to be maintained by the Authority indicating in general the nature of the information and the reason for which it is excluded from public access: Provided that this information shall remain available to the Authority, and the Authority shall take all measures to maintain confidentiality of the information and shall not copy, circulate, publish or disclose such information.

(3) If the Authority rejects the claim that the information is proprietary, it shall communicate the decision to the proponent within fourteen days of its decision.

(4) The Authority shall review its decision on an application made under this regulation from time to time to determine whether the reasons for exclusion are still valid and whether the exclusion should continue.

(5) A person who is aggrieved by the decision of the Authority under this regulation may appeal to the Tribunal against that decision.

PART V - ENVIRONMENTAL AUDIT AND MONITORING

31. (1) An environmental audit study shall be undertaken on the following development activities which are likely to have adverse environmental impacts:
(a) ongoing projects commenced prior to the coming into force of these regulations; or

(b) new projects undertaken after completion of an environmental impact assessment study report.

(2) An environmental audit shall, unless it is a self-auditing study under regulation 34, be conducted by a qualified and authorized environmental auditor or environmental inspector who shall be an expert or a firm of experts registered in accordance with regulation 14.

(3) The Authority shall require the proponent to undertake:

(a) in the case of an ongoing project:

(i) an initial environmental audit study to provide baseline information and to prepare an environmental management plan upon which subsequent environmental control and self audit studies shall be based;

(ii) The initial environmental audit studies shall be undertaken in accordance with the criteria set out sub regulations (5), (6), (7) and regulation 32.

(b) An environmental audit study based on baseline information and the environmental management plan provided in the environmental impact assessment study report.

(4) (a) The proponent of an ongoing project shall undertake an environmental audit of the project within a period of twelve months from the date of publication of these Regulations.

(b) A proponent of a project that has undergone an environmental impact assessment study shall within a period of twelve months of the commencement of the operations, and not more than twenty four months after the completion of a project which ever is earlier, undertake an environmental audit of the project:

Provided that an audit may be required sooner if the life of the project is shorter than the period prescribed under this regulation.

(5) An environmental audit study specified under this regulation shall be conducted in accordance with the terms of reference developed by the proponent in consultation with the Authority.

(6) In carrying out the environmental audit study under this regulation, the auditor shall ensure that an appraisal of all the project activities, including the production of goods and services is carried out, gives adequate consideration to environmental regulatory frameworks, environmental health and safety measures and sustainable use of natural resources.
An audit report compiled under this regulation shall include but shall not be limited to the following information -

(a) the past and present impacts of the project;

(b) the responsibility and proficiency of the operators of the project;

(c) existing internal control mechanisms to identify and mitigate activities with a negative environmental impact;

(d) existing internal control mechanisms to ensure the workers' health and safety; and

(e) the existence of environmental awareness and sensitization measures, including environmental standards, and regulations, laws and policies, for the managerial and operational personnel.

In carrying out an environmental audit study, the environmental auditor shall comply with any existing national environmental regulations and standards prescribed by the Authority, and in the absence of such national environmental regulations and standards shall use such other international standards as shall be prescribed by the Authority.

An environmental control audit study shall be carried out by the Authority whenever the Authority deems it necessary to check compliance with the environmental parameters and standards established for the project in the environmental management plan developed during the initial environmental audit study or the environmental impact assessment.

A control audit shall:

(a) confirm that the environmental management plan of the project is being adhered to; and

(b) verify the adequacy of the environmental management plan in mitigating the negative impacts of a project.

A control audit shall be conducted by a qualified and registered environmental impact assessment expert or environmental inspector.

In executing a project, after the environmental impact assessment study report has been approved by the Authority, or after the initial audit of an ongoing project, the proponent shall take all practical measures to ensure the implementation of the environmental management plan in the approved Environmental Impact Assessment study report or the Initial Environmental Audit report by:

(a) carrying out a self-auditing study to review the progress made and to document the findings annually;

(b) setting up systems for collection environmental and social data as recommended in the Environmental Management Plan;
(c) Collection of data on parameters and at intervals prescribed in the environmental management plan;

(d) Analyzing the environmental and social data for the purpose of determining the effectiveness of mitigation measures of adverse environmental impacts identified in the environmental management plan;

(e) Providing the records of self audits undertaken by the proponent on the request of the Authority.

Guidelines for preparing environmental audit reports

Initial environmental audits

35 (1) An environmental audit shall be carried out through questionnaires, site visits and test analysis and in the manner specified in this regulation.

(2) In conducting an initial environmental audit, an environmental auditor shall –

(a) Consider the description of the project and its objectives

(b) indicate the objectives, scope and criteria of the audit;

(c) study all relevant environmental law and regulatory framework on health and safety, sustainable use of natural resources and on acceptable national and international standards;

(d) verify the level of compliance by the proponent with the conditions of the environmental management plan and of all relevant national and international law and standards on matters of environment;

(e) evaluate the proponent’s knowledge and awareness of and responsibility for the application of relevant legislation;

(f) review existing project documentation related to all infrastructural facilities and designs for their effectiveness in mitigating anticipated adverse environmental impacts;

(g) examine monitoring programs, parameters, standards and procedures in place for control and corrective actions in case of emergencies;

(h) examine records of incidents and accidents and the likelihood of future occurrence of the incidents and accidents;

(i) inspect all buildings, premises and yards in which manufacturing, testing and transportation takes place within and without the project area, as well as areas where goods are stored and disposed of and give a record of all significant environmental risks associated with such activities;

(j) examine and seek views on health and safety issues from the project employees, the local and other potentially affected communities; and
(k) examine a list of health and environmental concerns of past and ongoing activities.

(3) Where an environmental auditor is conducting a control audit, the environmental auditor shall -

(a) consider the description of the project and its objectives;

(b) indicate the objective, scope and criteria of the audit;

(c) inspect all buildings, premises and yards in which manufacturing, testing and transportation takes place within and without the project area as well as areas where goods are stored and disposed of and give a record of all significant environmental risks associated with such activities;

(d) indicate the extent to which the environmental management plan prepared during the initial audit study or the environmental impact assessment study has been implemented, and the extend to which it achieves the stated objectives;

(e) identify any significant sources of air, water land pollution and other degradation;

(e) identify any significant disturbances to local communities, wildlife and natural resources, cultural and archeological resources, and livelihoods;

(f) consider the impact of the project on the health of the workers and the communities that live adjacent to the project;

(g) prepare a list of concerns of on-going activities with recommendations.

36. (1) An environmental auditor shall indicate in an audit report the measures that have been put in place to ensure compliance by the project proponent of the environmental management plan for purpose of mitigating adverse environmental impacts and the extent to which the prescribed measures have been adhered to.

(2) An environmental audit report compiled under these Regulations shall contain -

(a) a presentation of the type of activity being audited,

(b) an indication of the raw materials used, final products, by-products, and waste generated by the project’;

(c) a description of the different technical activities, processes and operations of the project;

(d) a description of the national environmental legislative and
regulatory frameworks on the environment and socio-economic matters;

(e) a description of the potentially affected environment on the biophysical and socio-economic matters;

(f) an identification of all past and on-going concerns of the project;

(g) an identification of all environmental and occupational health and safety concerns of the project;

(h) an assessment on the efficacy and adequacy of the environmental management plan of the project;

(i) detailed recommendations for corrective activities, their cost, timetable and mechanism for implementation;

(j) an indication of the measures taken under the environmental management plan to ensure implementation is of acceptable environmental standards; and

(k) a non-technical summary outlining the key findings, conclusions and recommendations of the auditor.

(3) On completion of an environmental audit study report, the proponent shall submit 5 copies of the report to the Authority or the appointed agent of the Authority in the prescribed format.

(4) On receipt of the environmental audit report, the authority shall within a period of 7 days upon receipt submit a copy of the report to:

(a) Each of the relevant lead agencies;

(b) The relevant District Environmental Officer;

(c) Where more than one district is involved, to the relevant Provincial Director of Environment;

For their written comments which will be submitted to the Authority within 14 days from the date of receipt of the project report from the Authority.

(5) On receipt of comments referred to in regulation 36 (4), or where no comments have been received by the end of the period of 21 days from the date of receipt of the audit report, the Authority will proceed to evaluate the audit report and give comments, if any, and necessary instructions.

(6) On the determination of the audit report, the decision of the authority shall be communicated to the proponent within a period of 45 days.
from the date of receipt of the report from the proponent.

(7) Where the authority is satisfied that the initial environmental audit or the audit study undertaken based on an environmental impact assessment study has met the conditions of the set criteria and provides a sound environmental management plan, and that no adverse environmental impacts emanate from its operations, the authority will issue a certificate of compliance.

Post Audit Orders 37 (1) Where the Authority is satisfied that adequate measures have not been undertaken to mitigate adverse environmental impacts, the Authority shall within 7 days issue an improvement order to the proponent requiring the carrying out of corrective measures for mitigating the environmental degradation revealed during any audit study.

(2) The proponent must comply with the terms of the improvement order within a period not exceeding 90 days from the date of the receipt by the proponent of the improvement order.

(3) The Authority shall upon being satisfied upon inspection and
being satisfied upon inspection and verification that the proponent has acted in accordance with the improvement order issue the, proponent with a compliance certificate within 45 days from the date of submission by the proponent of an improvement order report to the Authority.

Inspections

(38) (1) An inspector may, at reasonable times, enter on any land, premises or facility of a project for the purposes of inspection, to examine records and to make enquiries on the project.

(2) A person who refuses to answer questions, refuses to avail documents or refuses to give other information legitimately sought by the inspector commits an offence.

Audit petition by public

(39) A member of the public may, after showing reasonable cause in writing, petition the authority to cause an audit to be carried out on any project.

Monitoring by the Authority and lead agencies

(40) (1) The Authority shall in consultation with lead agencies—

a) monitor environmental phenomena with a view to making an assessment of any possible changes in the environment and their possible impacts as a result of the project or programme;

b) monitor the operations of any industry, project or activity with a view to determining its immediate and long term effect on the environment;

c) except where a baseline survey has been carried out under regulation 31 cause the proponent to carry out a baseline survey to identify basic environmental parameters in the project area before implementation;

d) determine the parameters and measurable indicators to be used in monitoring of projects; and

e) conduct measurement of environmental changes that have occurred during the project or programme implementation.

(2) The Authority shall, in consultation with the lead agencies monitor ongoing projects on a continuous basis using parameters and indicators developed under this regulation.

(3) The Authority shall, in consultation with the lead agency upon detection of non-compliance with the conditions of approval of an environmental impact assessment licence immediately, compel the proponent to institute remedial action.

The monitoring report

(41) (1) Where a lead agency has undertaken monitoring under regulation 40, it shall submit a report to the Authority which report shall include the following—

(a) the name and address of proponent;

(b) the name of the proposed project;
(c) date of implementation of the proposed project;

(d) the date of the last monitoring report, including the report findings, action taken and its result;

(e) details of the environmental parameters to be monitored;

(f) results of the actual monitoring exercise;

(g) new actions to be implemented including the criteria for the next evaluation; and

(h) baseline monitoring data and date of data collection

(i) monitoring guidelines provided in the environmental management plan and standards set, sampling methodology and frequency;

(j) a non technical summary of findings, conclusions and recommendations.

(2) An Inspector may enter upon any land or premises for the purposes of monitoring the effects of any activities carried on that land or premises upon the environment.

PART VI STRATEGIC ENVIRONMENTAL ASSESSMENT

(42) (1) The Authority shall in consultation with lead agencies subject all proposals for public policy, plans and programmes for implementation to a strategic environmental assessment to determine which ones are the most environmentally friendly and cost effective when implemented individually or in combination with others.

(2) The objectives of a strategic environmental study shall be:

(a) To guide policy, programme and plan proposals to ensure they are compatible with sustainable environmental planning and management;

(b) To ensure the full consideration of alternative policy options including the do nothing option, at an early time when an agency has greater flexibility;

(c) To enable consistency to be developed across different policy sectors especially where trade offs need to be made as between the objectives of the policy sectors;

(d) To evaluate regional environmental impacts of multi-sectoral developments in a region over a specified time;

(e) To guide investment programmes involving multiple sub-projects or sector policies;
(f) To ensure that the environmental impacts of policies that do not have an overt environmental dimension are assessed;

(g) To identify environmental impacts and opportunities of mitigation measures into programme designs during the formulation stage of programmes, and in the process enhance environmental management plans;

(h) To ensure the cumulative, indirect or secondary impacts of diverse multiple activities are considered, including their unintended consequences;

(i) To obviate the needless reassessment of issues and impacts at project level where such issues could have been more effectively dealt with at a strategic level, and offer time and cost savings;

(j) To provide information to decision makers by evaluating alternative options that meet proposal objectives based on the best practicable environmental options;

(k) To ensure environmental principles such as sustainability, polluter pays and the precautionary principle are integrated into the development, appraisal, and selection of policy options;

(l) To give proper place to environmental considerations in decision making as concerns economic and social concerns, in view of the fact that in some contexts they may be traded off against each other;

(m) To provide an early opportunity to check whether or not a proposal complies with national and international environmental policy and consequent legislative obligations;

(n) To contribute to the establishment of context that are more appropriate to nest future development proposals;

(o) To provide a publicly available and accountable decision making framework;

(3) The assessment carried out under this regulation shall consider the effect of implementation of alternative policy actions taking into consideration -

(a) the use of natural resources and the impacts on the biophysical and the environment;

(b) the protection and conservation of biodiversity;

(c) human settlement and cultural issues;

(d) socio-economic factors; and
(e) The protection, conservation of natural physical surroundings of scenic beauty as well as protection and conservation of built environment of historic or cultural significance.

(4) The Government and all the lead agencies shall in the development of sector or national policy, incorporate principles of strategic environmental assessment.

(5) In carrying out a strategic environmental assessment, a scoping study shall first be undertaken with the objective of defining the scope and the geographical location of the assessment. The key issues to be established in the strategic environmental assessment scoping will be:

a) the objectives of the strategic environmental assessment study including the decision criteria as well as suitable indicators of desired outcomes;

b) the spatial and temporal dimensions of the study;

c) the criteria for the assessment;

d) significant issues to be studied such as physical, ecological, social, economic, institutional and political based on the objectives established for the strategic environmental assessment;

e) relevant stakeholders to be consulted including agencies with the various decision-making mandates covered by the study spatial boundaries;

f) methods of data analysis in the strategic environmental study and the sources of relevant data as well as amount of information available;

g) a clear justification of the scoping methodology and why some impacts have been excluded.

(6) The strategic environmental assessment study shall be commenced upon the approval of the scoping report.

Steps in the conduct of a strategic environmental assessment study

(7) The following steps shall be followed in the conduct of a strategic environmental assessment study:

(a) description of Policy, Programme or Plan, including the purpose, nationale and implementation plan, which should include time-scale and mitigation measures

b) collection of baseline data including data on ecological processes and services, resilience and vulnerability of these processes and their significance to human well being;
c) a review of existing policy and legislative frameworks for environmental protection and existing environmental protection programs and their objectives;

d) a review of all development plans for the area within the study boundaries;

e) an Identification of alternatives that may include but not be limited to:

i. doing nothing option;

ii. employing alternatives to achieve the same policy, programme or plan objectives;

iii. employing alternative technologies;

iv. demanding the reduction or addition in size of projects envisioned

v. employing different forms of management;

(f) Identifying and analyzing the potential impacts of proposals and their alternatives on the biophysical and social economic and cultural environments;

(g) Identifying measures to enhance opportunities and to mitigate adverse impacts through:

(i) Multiple and mutually reinforcing gains;

(ii) Equitable conditions for all persons

(iii) Protecting and enhancement of the environment

h) clearly documenting any trade offs.

(8) Before the commencement of any strategic environmental assessment study, during scoping and the actual strategic environmental assessment study itself it shall be mandatory to conduct consultation with relevant government authorities, agencies and the public.

(9) In carrying out public consultations the lead agency shall:

a. hold at least two public meetings with the relevant stakeholders and communities to explain the policy, programme or plan and its effects, and to receive their oral, written comments or objections if any;

b. ensure that the first meeting is held during the scoping stage;

c. ensure that an appropriate notice is sent out at least 14 days prior to the meeting and that the venue and time of the meeting is convenient;

43 (1) A strategic environmental assessment report prepared under this regulation shall include the following information -
(a) the title of the report;
(b) the objectives of the strategic environmental assessment study;
(c) the relationship with other relevant plans, programmes with environmental protection objectives;
(d) the environmental characteristics and baseline situation within the study boundaries;
(e) a summary of the potential significant impacts of a proposed policy, programme or plan;
(f) potential opportunities to promote or enhance environmental conditions;
(g) Recommendations for mitigating significant impacts measures; and
(h) alternative policy programme or plan options to ensure compliance with the Act;
(i) a justification for the considered alternative;
(j) a description of monitoring program;
(k) a non technical summary.

(2) The proposed policy, programme or plan specified in this regulation shall state -

(a) the purpose and rational of the policy, programme or plan taking into consideration socioeconomic, environmental and cultural issues;
(b) alternatives and strategies of the policy, programme or plans;
(c) the outcomes of the recommendations of the strategic environmental assessment;
(d) areas and sectors affected by the policy, programme, plan, or proposed activities:
(e) relevant legislative framework and related policy documents:
(f) linkages of ongoing projects and how they fit in the proposed policy, programme or plan;
(g) Recommendations outlining -
   (i) suggested policy alternatives; and
   (ii) Policy recommendations.
(h) relevant technical appendices such as stakeholders meetings referred to in the assessment including the strategic environmental assessment report.

(3) The Authority shall in consultation with lead agencies ensure the
gazettement by the Minister of all strategic environmental assessment reports prepared to guide all polices plans and programmes under these regulations.

PART V - MISCELLANEOUS PROVISIONS

44. Where a project is likely to have a trans-boundary impact, the proponent shall, in consultation with the Authority, ensure that appropriate measures are taken to mitigate any adverse impacts taking into account any existing treaties and agreements between Kenya and the other country.

45. (1) Notwithstanding any licence, permit or approval granted offences, under any written law, any person who commences, proceeds with, executes or conducts causes to commence, proceed with, execute or conduct any project without approval granted under these regulations commits an offence and on conviction is liable to the penalty prescribed under the Act.

(2) Any person who -

(a) fails to prepare and submit a project report to the Authority contrary to regulations 7 and 8;

(b) fails to prepare and submit an environmental impact assessment study report contrary to regulations 18 and 19;

(c) is in breach of any condition of any licence or certificate issued under these Regulations;

(d) fraudulently makes a false statement in a project report or environmental impact assessment study report;

(e) fraudulently alters a project report or an environmental impact assessment study report;

(f) fraudulently makes a false statement in an environmental audit;

(g) fails to inform the Authority of a transfer of an environmental impact assessment licence in accordance with regulation 26; or

(h) after an audit report is submitted fails to implement any mitigation measures specified under regulation 37; Commits an offence and on conviction shall be liable to the penalty prescribed under the Act.

46. (1) Any person who is aggrieved by -

(a) a refusal to grant a licence or by a refusal to transfer a licence under these Regulations.

(b) the imposition of any condition, limitation or restriction on a
(c) the revocation, suspension or variation of a licence issued under these Regulations;

(d) the imposition of any environmental restoration order or environmental improvement order on the project by the Authority; or

(e) the approval or reinstatement by the Authority of an environmental impact assessment licence, may within sixty days after the date of the decision against which he or she is dissatisfied, appeal to the Tribunal;

(2) A person aggrieved by a decision or order of Authority of an environmental impact assessment licence, may within sixty days of such a decision or order, appeal against such decision or order to the High Court.

(3) The fact that approval is given in respect of an environmental impact assessment shall not be a defence to any civil action or to a criminal prosecution under any enactment.

47. (1) The Authority shall maintain the following registers -

(a) a register of all individual experts or firms of experts duly authorized to conduct or prepare environmental impact assessment studies and audits;

(b) a register of all environmental impact assessment licences issued under these Regulations;

(c) a register of environmental impact assessment reports, audit study reports, strategic environmental assessment reports and monitoring reports; and

(d) a register of approvals of applications seeking exclusion of proprietary information from public access.

48. The Authority may, for the purposes of these Regulations charge the fees specified in the Fifth Schedule to these Regulations.
THE ENVIRONMENT MANAGEMENT AND COORDINATION ACT

SUBMISSION OF PROJECT REPORT

PART A: DETAILS OF PROPOINTER
A1 Name of proponent (Person or Firm)………………………………………………………………………
A2 PIN No ………………………………………………………………………………………………………
A3 Address ………………………………………………………………………………………………………
A4 Name of contact person…………………………………………………………………………………………
A5 Telephone No………………… A6 Fax No………………………………… ………………………………
A7 E-mail……………………………………………………………………………………………………

PART B: DETAILS OF THE PROJECT REPORT
B1 Title of the proposed project…………………………………………………………………………………
B2 Objectives and the scope of the project………………………………………………………………………
B3 Description of the activities…………………………………………………………………………………………
B4 Location of the proposed project …………………………………………………………………........……

PART C: DECLARATION BY THE PROPOINTER
I hereby certify that the particulars given above are correct and true to the best of my knowledge.

Name…………………………… Position……………………………
Signature……………………………
On behalf of ……………………………………………………………………………………
Date……………………………

(Firm name and seal)
PART D: DETAILS OF ENVIRONMENTAL IMPACT ASSESSMENT EXPERT

Name (individual /firm)……………………………………………………………………………………………
Certificate of registration No………………………………………………………………………………………
Address…………………………………………………………………………………………………………………………
Tel…………………………………………Fax…………………………………………Email……………………………………
Officer………………………………Sign………………………………Date………………………………………

PART E FOR OFFICIAL USE

Approved/not Approved………………………………………………………………………………………………
Comments:………………………………………………………………………………………………………………
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Officer ………………Sign………………………………Date………………

NB: 1. If the Project Report does not contain sufficient information required under the Environmental (Impact Assessment and Audit) Regulations the applicant may be requested to give further information concerning the project or be notified of any defects in the application and maybe required to provide the additional information.

2. Any person who fraudulently makes a false statement in a project report or alters the project report commits an offence.

Important Notes: Please submit the following:

(a) Three copies of this form
(b) 10 copies of the project report
(c) the prescribed fees, to:

Director-General,
The National Environment Management Authority,
Kapiti Road, South C,
P.O. Box 47146,
NAIROBI.

Tel. 254-020-609013/27/79 or 608999 Fax 254-020-608997

E-mail ……………………………..
THE ENVIRONMENT MANAGEMENT AND CO-ORDINATION ACT
SUBMISSION OF ENVIRONMENTAL IMPACT ASSESSMENT
STUDY REPORT

PART A: DETAILS OF PROPONE NT

A1 Name of proponent (Person or Firm)…………………………………………………………………………
A2 PIN No………………………………………………………………………………………………………………
A3 Address………………………………………………………………………………………………………………
A4 Name of contact person ……………………………………………………………………………………………
A5 Telephone No ……………………………………. A6 Fax No ………………………………………………………
A 7 E-mail…………………………………………………………………………………………………………………

PART B: DETAILS OF THE ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT

B1 Title of the proposed project…………………………………………………………………………………………
B2 Objectives and scope of the project………………………………………………………………………………
B3 Description of the activities…………………………………………………………………………………………
B4 Location of the proposed project……………………………………………………………………………………

PART C: DECLARATION BY THE PROPONE NT

I hereby certify that the particulars given above are correct and true to the best of my knowledge.

Name ………………………………………..Position……………………………………………………………
Signature…………………………………………………………
On behalf of……………………………………………….
Date……………………………………………………..
(Firm name and seal)
PART D: DETAILS OF ENVIRONMENTAL IMPACT ASSESSMENT EXPERT

Name (individual/firm)..............................................................................................................
Certificate of registration No...................................................................................................
Address ....................................................................................................................................
Tel:................................................................Fax:....................................................E-mail:..........................

PART E: OFFICIAL USE

Approved/not approved: ...........................................................................................................
Comments: ...............................................................................................................................  
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Officer..............................................................Sign ........................................Date.........................

Important Notes: please submit the following.

(a) Three copies of this form  
(b) 10 copies of the project study report
(c) the prescribed fees, to:

Director -General,
The National Environment Management Authority,
Kapiti Road, South C,
P.O. Box 47146,
NAIROBI.

Tel. 254 020-609013/27/79 ors 608999     Fax 254-02-608997

E-mail .................................................
Application Reference No:……………………………..
Registration No:………………………………………..

FOR OFFICIAL USE ONLY

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

ENVIRONMENTAL IMPACT ASSESSMENT LICENCE

This is to certify that the Project Report/Environmental Impact Assessment Study Report……………………
………………………………………………………………………………………..received from …………………………………………………………….. (name of individual/firm)
………………………………………………………………………………………..(address) submitted to the National Environment Management Authority in
 accordance with the Environmental Impact Assessment & Audit Regulations regarding ……………………………………….. (Title of project) whose objective is to carry on……………………………………………………………………………………...
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(briefly describe purpose) located at. ……………………………………………(locality and District) has been
reviewed and a licence is hereby issued for implementation of the project, subject to attached conditions.

Dated this……….day…………….of 20……
Signature ……………………………………………
(Seal)

Director General
The National Environmental Management Authority

Conditions Of licence:

1. This licence is valid for a period of………… (time within which the project should commence) from the
date hereof.
2. The Director-General shall be notified of any transfer/variation/surrender of this licence.
# THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

**APPLICATION FOR REGISTRATION AS AN ENVIRONMENTAL IMPACT ASSESSMENT/AUDIT EXPERT**

## PART A: DETAILS OF THE APPLICANT

<table>
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<th>Name of proponent (Individual or Firm)</th>
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<td>Applicants academic / professional qualifications</td>
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### A 10 List of professionals and their academic/professional qualifications and their nationalities (where applicable)

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### A 11. Experience in Environmental Impact Assessment related activities

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### A12. Application for registration as Lead Expert or Associate Expert

| ……………………………………………………………………………………………………………………………………… |

### A13. Previous registration No. and date of registration (if applicable)

| ……………………………………………………………………………………………………………………………………… |
PART B: DECRATION BY APPLICANT

B I: I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

Signature of the applicant  Full name in block letters  Position

On behalf of…………………………………….  ……………………………
Firm name and Seal     Date

PART C:  FOR OFFICIAL USE

Approved/Not approved…………………………………………………………………………………………

Comments………………………………………………………………………………………………………………

Official…………………………………….Sign…………………………….Date………………………..

Important Notes:  Please submit the following

(a) Application Form in duplicate;
(b) Curriculum vitae of all applicants; and
(c) the prescribed fee, to:

Director-General,
The National Environment Management Authority (NEMA),
P.O. Box 47146,
NAIROBI, KENYA.

Tel. 254-020-609013/27/79 or 608999  Fax 254-02-608997
E-mail ………………………………..
FORM 5

Application Reference No:………………………………  .
Registration No:…………………………………………

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

CERTIFICATE OF REGISTRATION AS AN
ENVIRONMENTAL IMPACT ASSESSMENT/AUDIT EXPERT

This is to certify M/S…………………………………………………………………………… ………………… of (Address) has been registered as an Environmental Impact Assessment Expert in accordance with the provisions of the Environment Management and Coordination Act and is authorized to practice in the capacity of a Lead Expert/Associate Expert/Firm of Experts (Type)………………………………………………………
………………………………………… ……………………………………………………………………………

Dated this……….day…………………….of 20.…
Signature…………………………………………..
(Seal)

Director-General,
The National Environmental Management Authority
Application Reference No………………..

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

APPLICATION FOR LICENCE TO PRACTICE AS AN ENVIRONMENTAL IMPACT ASSESSMENT/AUDIT EXPERT

PART A: DETAILS OF APPLICANT

A1 Name of proponent (Individual or Firm) ……………………………………………………………………………………………
A2 Nationality ………………………………………………………………………………………………………………………………
A3 PIN No……………………………………………………………………………………………………………………………
A4 Firm (Local/Foreign) …………………………………………………………………………………………………………………
A4 Business Registration No. (where applicable) …………………………….Date …………………………………………………
A5 Address …………………………………………………………………………………………………………………………………
A6 Telephone No.………………………………………………A7 Fax No…………………………………………………………
A8 E-mail:……………………………………………………………………………………………………………………………
A9 Applicants academic/professional qualifications…………………………………………………………………………
                           ……………………………………………………………………………………………………………………………
A10 List of professionals and their academic/professional qualifications and their nationalities (where applicable)…………………………………………………………………………
                           ……………………………………………………………………………………………………………………………
A11 Experience in Environmental Impact Assessment related activities…………………………………………………….
                           ……………………………………………………………………………………………………………………………
A12 Application for licence to practice as Lead Expert or Associate Expert………………………………………………
                           ……………………………………………………………………………………………………………………………
PART B: DECLARATION BY APPLICANT

PART B I: I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

………………………….          ……………………………………              ………………….
Signature of applicant           Full name in block letters            Position

On behalf of……………………………………………..……… Date……………………..
Firm Name and seal

PART C: FOR OFFICIAL USE

Approved /Not approved …………………………………………………………………………………
Comments ……………………………………………………………………………………………..
………………………………………………………………………………………………………………
Official……………………………………………..Sign…………………………..Date………………

Important Notes

Please submit the following:
(a) Application Form in duplicate;
(b) Curriculum vitae of all applicants; and
(c) The prescribed fee, to:

Director-General,
The National Environment Management Authority (NEMA),
Kapiti Road, South C,
P.O. Box 47146,
NAIROBI, KENYA.

Tel. 254-020-609013/27/79 or 608999   Fax 254-02-608997

E-mail ………………………………..
FORM 7

Application Reference No:  
Licence No:  

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT
ENVIRONMENTAL IMPACT ASSESSMENT/AUDIT PRACTICING LICENCE

M/S …………………………………………………………………..…………………….(Individual or firm) of Address  
………………………………………………………………………………………………………………………

is Licensed to practice in the capacity of a (Lead Expert/Associate Expert/Firm of Experts)  in accordance with the provisions of the Environmental Management and Coordination Act.

Dated this………..day…………….of 20………………

Signature……………………………………………………………….

(Seal)

Director-General,
The National Environmental Management Authority.

Conditions of Licence:

| 1. | This Licence expires on 31st December, 20………..  |
THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT
NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON AN ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT

Pursuant to Regulation 21 of the Environmental (Impact Assessment and Audit) Regulations, the National Environmental Management Authority (NEMA) has received an Environmental Impact Assessment Study Report for the implementation of the proposed project……………………………………………………
…………………………………………………………………………………………………………………………..
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…………………………………………………………………………………………………………………………..

Brief description of project…………………………………………………………………………………………

at ...........•................•................... ....................................  (locality) of

... District. The said project

anticipates the following impact.

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

(describe anticipated impacts and proposed mitigation measures).

The full report of the proposed project may be inspected during working hours at:
(a) The NEMA Headquarters,

(b) ________

(c) ________

NEMA invites members of the public to submit oral or written comments within  days of the date of publication of this notice to assist the Authority in the approval process of the project to :

(a) Director-General, NEMA,

(h) ________

(c) ________

Dated this…………day………………….of 20………………

Signature……………………………………………………………

(Seal)

Director –General-NEMA

The National Environmental Management Authority.
THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT
APPLICATION FOR VARIATION OF ENVIRONMENTAL IMPACT ASSESSMENT LICENCE

PART A: PREVIOUS APPLICATIONS
No previous application for variation of an environmental impact assessment licence.

The environmental impact assessment licence was previously amended.

PART B: DETAILS OF APPLICANT
B1. Name (Individual or Firm)
B3. Address:
B4. Name of contact person:
B5. Position of contact person
B6. Address of contact person
Telephone No: Fax No:
E-mail:

PART C: DETAILS OF CURRENT ENVIRONMENTAL IMPACT ASSESSMENT LICENCE
C1. Name of the current Environmental Impact Assessment licence holder:
C2. Application No. of the current Environmental Impact Assessment Licence
C3. Date of issue of the current Environmental Impact Assessment Licence
PART D: PROPOSED VARIATIONS TO THE CONDITIONS IN CURRENT ENVIRONMENTAL IMPACT ASSESSMENT LICENCE

D1: Conditions in the current Environmental Impact Assessment licence
............................................................................................................................................... 
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D2: Proposed variation(s)............................................................................................................. 
............................................................................................................................................... 
............................................................................................................................................... 

D3: Reason for variation(s)...........................................................................................................
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D4: Describe the environmental changes arising from the proposed variations..............................
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............................................................................................................................................... 

D5: Describe how the environment and the community might be affected by the proposed variations...
............................................................................................................................................... 
............................................................................................................................................... 

D6: Describe how and to what extent the environmental performance requirements set out in the EIA report previously approved or project profile previously submitted for this project may be affected........................................ 
............................................................................................................................................... 
............................................................................................................................................... 

D7: Describe any additional measures proposed to eliminate, reduce or control any adverse environmental impact arising from the proposed variation(s) and to meet the requirements in the Technical Memorandum on Environmental Impact Assessment Process................................................................................................. 
............................................................................................................................................... 

51
PART E: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief. I understand the environmental impact assessment licence may be suspended, varied or cancelled if any information given above is false, misleading, wrong or incomplete.

……………………         ………………………..   ………………………………
Name                            Position                    Signature
on behalf of  .
Company name and seal        Date

PART F: OFFICIAL USE

Approved/ Not approved………………………………

Comments…………………………………………………………………………………………………………
……………………………………………………………………………………………
Officer……………  Signature…………… Date………….

Important Notes

Please submit-
(a) 3 copies of this completed Form; and
(b) The prescribed fee, to:
Director-General,
The National Environment Management Authority,
Kapiti Road, South C,
P.O. Box 47146,
NAIROBI.
Tel254-02-609013/27/79 or 608999      Fax 254-02-608997
E-mail………………………

*Delete where applicable
FORM 10

Application Reference No:……………………

Certificate No:

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

CERTIFICATE OF VARIATION OF ENVIRONMENTAL IMPACT ASSESSMENT LICENCE

This is to certify that the Environmental Impact Assessment Licence No…………… Issued on…………………..

(date) ………………….

to …………………………….. (name of individual/firm)
of. …………………………………….. (address)

regarding ………………………………………………………………………………….

…………….. (title of project) whose objective is to ……………….

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FORM 11 (r. 26)
Application reference No: ………………
Licence No: ………………….. FOR OFFICIAL USE

ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT
NOTIFICATION OF TRANSFER OF ENVIRONMENTAL IMPACT ASSESSMENT LICENCE

PART A: DETAILS OF CURRENT LICENCE

A1. Name of the current Environmental Impact Assessment licence holder. ……………………
A2. PIN No ……………………
A3 Address ……………………
A4 Tel: …………………… A5 Fax No. ……………………
A6. E-mail ……………………
A7. Application No. of current Environmental Impact Assessment licence ……………………
A8. Date of issue of current Environmental Impact Assessment licence ……………………

PART B: DETAILS OF THE TRANSFEREE

B1 Name (Individual/Firm) ……………………
B2. PIN No ……………………
B3 Address …………………… B4 Tel: ……………………
B5 Fax No …………………… B6. E-mail ……………………
B7 Name of contact person ……………………
B8 Capacity of transferee to run the project (financial, technological, manpower) ……………………
……………………………………………………………………………………………………………………...........
……………………………………………………………………………………………………………………...........

PART C: REASON(S) FOR TRANSFER OF LICENCE

……………………………………………………………………………………………………………………...........
……………………………………………………………………………………………………………………...........
PART D: DECLARATION BY TRANSFEROR AND TRANSFEREE

It is hereby notified that ………………………….of…………………………. on
This day of………………………transferred EIA license No….………………to………………..of
……………….who will assume his responsibility for all liability under this project.

Transferer                                      Transferee
Name………………………..                Name…………………………
Address……………………..               Address………………………
Signed……………………….               Signed………………………..
Date………………………….                Date………………………….

PART E: FOR OFFICIAL USE

Approved/Not approved……………………………………………………

Comments………………………………………………………………………………

…………………………………………………………………………………………………

Office…………Signature…………….Date…………………………

Important Notes

1. Where an Environmental Impact Assessment licence is transferred, the person to whom it is transferred and
   the person transferring it shall jointly notify the Director- General. of the transfer.
2. The person holding an environmental impact assessment licence assumes responsibility for the transfer of the
   licence only in respect of the project to which this licence was issued.
3. Any transfer of an environmental impact assessment licence. shall take effect on the date the Director General
   is notified.

This Form must be submitted in quadruplets. with

Prescribed fees. to:
Director General.
The National Environment Management Authority.
Kapiti Road, South C.
P.O. Box 4714().
NAIROBI.
Tel. :254-02-609013/27/79 or 60X999       Fax. 254 112-60X917

E-mail…………………………...
THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT
CERTIFICATE OF TRANSFER OF ENVIRONMENTAL IMPACT ASSESSMENT LICENCE

This is to certify that the Environmental Impact Assessment Licence
No: ..................................................  Issued on .................. (date)
to ..................................................................................
(name of previous holder) of ...................................... (address)
regarding .......................................................... (title of
project) ...................................................... whose objective is to .................................................. .
..................................................................................
....................................................................................................................... (briefly describe
purpose) located at. ........................................... (Locality and District) has been transferred to ..........
(name of new holder) of (address) with effect from (date of transfer) in accordance with the
provisions of the Act.

Dated this........... Day........ of 20 .............

Signature

Director-General,
The National Environmental Management Authority.

Important notes

1. The transferee as well as the transferor of a licence under this regulation shall be liable for all liabilities, and the observance of all obligations imposed by the transfer in respect of the licence transferred.

2. The transferor shall not be responsible for any future liabilities or any obligations so imposed with regard to the licence from the date the transfer is approved.
FORM 13 (r. 27)  

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT  
NOTIFICATION OF SURRENDER OF ENVIRONMENTAL IMPACT ASSESSMENT LICENCE  

PART A: PROPOSENENT DETAILS  
A1. Name: (Individual or Firm)  
A2. PIN No……………………………………………………………  
A3 Address……………………………………………………………………………  
A4. Name of contact person  
A5. Position of contact person:  
A6. Address Tel: Fax No E-mail……………………………………………………………  

PART B: DETAILS OF THE CURRENT ENVIRONMENTAL IMPACT ASSESSMENT LICENCE  
B1. Environmental Impact Licence No  
B2. Title of project under the current Environmental Impact Licence:  
……………………………………………………………………………………………………  

B3: Please state the following details of the Environmental Impact Assessment licence to be surrendered.  
(a) Scope/Scale of projects……………………………………………………………………  
……………………………………………………………………………………………………  
(b) Conditions of the EIA licence…………………………………………………………  
……………………………………………………………………………………………………  

PART C: REASON(S) FOR SURRENDER  
………………………………………………………………………………………………………………  
………………………………………………………………………………………………………………  

PART D: DECLARATION BY THE PROPOSENENT  
I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.  
Name of applicant Full name in block letters Position  
on behalf of ……………………………………………………………………………………………………………………………  
Company name and seal Date  

PART E: FOR OFFICIAL USE  
Approved/Not approved……………………………………………………………………  
Comments……………………………………………………………………………………………………  
…………………………………………………………………………………………………………………………………………………………  
Officer…………………………Signature…………………Date………………………  

Important Notes:  
Intent to surrender an environmental impact assessment licence should be communicated to the Authority at least six months before the date of surrender.
APPLICATION REFERENCE NO:……………………………………
CERTIFICATE NO: …………………………………………………..

FOR OFFICIAL USE

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

CERTIFICATE OF SURRENDER OF ENVIRONMENTAL IMPACT ASSESSMENT LICENCE

This is to certify that the Environmental Impact Assessment Licence
No: ……………………………………………… issued on ……………………(date)
to
(name of individual/firm) of………………………….(address)
……………………………………
regarding
………………………………………………………………………………………
(title of project) whose objective is to
………………………………………………………………………………………
(briefly describe purpose) located at …………………………………………………
locality and District) has been duly surrendered with effect
from ……………………………… (date) to the National
Environment Management Authority in accordance with the provisions of the Act.

Dated this…………………day…………………….of 20………………

Signature…………………………………………………………………
(Seal)

Director-General,
The National Environmental Management Authority

Important Note:
A surrender shall be without prejudice to any liabilities or obligations which have accrued on the holder of the
licence prior to the date of surrender.
ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY
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: ................................................................. E-mail: ................................................................. Designation

PART B: INFORMATION DETAILS

B1. TYPE OF INFORMATION REQUIRED (tick as appropriate)
   o Project Report.
   o Environmental Impact Assessment Study Report.
   o Environmental Audit Report
   o Strategic Environmental Assessment Report.
   o Environmental Monitoring Report
   o Record of Decision (ROD) for Environmental Impact Assessment Approvals.
   o Licences for Project Reports.
   o Licences for Environmental Impact Assessment.
   o Environmental Impact Assessment Experts (Individuals).
   o Environmental Impact Assessment Experts (Firms).

B2. DOCUMENT
Title of the document: .................................................................
Author: .................................................................
Year: .................................................................

B3. HOW THE INFORMATION IS EXTRACTED
Reading  Inspection/Viewing

B4. PURPOSE FOR REQUIRING THE INFORMATION
   o Educational
   o Affected party
   o Research
   o Interested party

Important note:
A prescribed fee of Kshs. 200 will be charged for access to information per record/register.
### Form 16A (r.47)

**REGISTER OF ENVIRONMENTAL IMPACT ASSESSMENT/ AUDIT EXPERTS: (FIRMS)**

<table>
<thead>
<tr>
<th>Name of Firm</th>
<th>Registration No.</th>
<th>Date of Registration</th>
<th>Contact Address</th>
<th>Area of specialization</th>
<th>Experience and category (e.g. Lead Associate)</th>
<th>Signature of Filing Officer</th>
</tr>
</thead>
</table>
