



**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY**  
**PUBLIC NOTICE ON PROCESSING OF ENVIRONMENTAL IMPACT ASSESSMENT**  
**REPORTS**

The National Environment Management Authority (NEMA), is established under the Environmental Management and Co-ordination Act No. 8 of 1999 (EMCA) to exercise general supervision and coordination over all matters relating to the environment and to be the principal instrument of the Government of Kenya in the implementation of all policies relating to the environment. The Authority uses Environmental Impact Assessment (EIA) as a tool for ensuring sustainable development for the future by mainstreaming environmental and social safeguards in all projects, plans and programs. To support the pillars of Kenya vision 2030 and the Government's Big 4 Agenda on Economic development the Authority is implementing several reforms in the EIA process to support ease of doing business in country as follows:

**A) Risk based reclassification of projects and facilities**

**1. Low Risk Projects.**

- (a) establishment of places of worship including churches, mosques and temples;
- (b) Community based and social projects including sport facilities, stadia, and social halls;
- (c) Community water projects including boreholes, water pans, sand dams and sub-surface dams;
- (d) Dispensaries, health centers and clinics;
- (e) Livestock holding grounds and cattle dips;
- (f) Expansion or rehabilitation of markets;
- (g) Car and bus parks;
- (h) Local roads and facility access roads;
- (i) Business premises including shops, stores, urban market sheds;
- (j) Cottage industry, jua kali sector and garages;
- (k) Small scale rehabilitation, maintenance and modernization of projects;
- (l) Schools and related infrastructure for learners not exceeding one hundred; and
- (m) Standard warehouses not exceeding one thousand four hundred square meters.

**2. Medium Risk Projects.**

**(1) Urban Development including—**

- (a) Establishment of multi-dwelling housing developments of not exceeding one hundred units;
- (b) Tourism and related infrastructure;
- (c) Hotels with bed capacity not exceeding one hundred and fifty; and
- (d) Shopping centers, commercial centers and complexes, business premises, shops and stores not exceeding ten thousand square meters.

**(2) Transportation including—**

- (a) Construction and rehabilitation of roads including collectors and access roads;
- (b) Construction of a light rail transit;
- (c) Construction of jetties, marinas, piers and pontoons;
- (d) Rehabilitation works of airports and airstrips;
- (e) Helipads;
- (f) Parking facilities; and
- (g) Construction of bridges.

**(3) Water resources and infrastructure, including—**

- (a) Drilling for purposes of utilizing ground water resources and related infrastructure;
- (b) Water abstraction works; and
- (c) Water supply and distribution infrastructures.

**(4) Artisanal mining including quarrying of—**

- (a) Precious metals and gemstones;
- (b) Limestone and dolomite;
- (c) Harvesting of aggregate, sand, gravel, soil, clay, stone and slate;
- (d) Gypsum;
- (e) Pozollana;
- (f) Carbon dioxide; and
- (g) Ferrous and non-ferrous ores.

**(5) Forestry related activities, including—**

- (a) Timber harvesting in plantation forests;
- (b) Reforestation and afforestation; and
- (c) Wood preservation or treatment facilities.

**(6) Agriculture and related activities, including—**

- (a) Medium-scale agriculture not exceeding one hundred hectares;
- (b) Medium size grain storage;
- (c) Medium size agricultural and livestock produce storage facilities;
- (d) Aquaculture not exceeding one hectare; and
- (e) Medium scale irrigation projects.

**(7) Medium scale processing and manufacturing industries including—**

- (a) Brick and earth-ware manufacture;
- (b) Abattoirs and meat-processing plants;

- (c) Fish-processing plants;
  - (d) Plants for the construction or repair of aircrafts or railway equipment;
  - (e) Plants for the manufacture of tanks, reservoirs and sheet metal containers;
  - (f) Plants for manufacturing or recycling of plastics or paper;
  - (g) Plants for manufacturing pharmaceuticals;
  - (h) Plants for the manufacture of coal briquettes;
  - (i) Distilleries;
  - (j) Any other food-processing plants or agro-based processing plants; and
  - (k) Go-downs for storage and warehouses.
- (8) Power and infrastructure projects, including—**
- (a) Hydropower development not exceeding ten megawatts;
  - (b) Electrical sub-stations;
  - (c) Pumped-storage schemes;
  - (d) Cogeneration of power;
  - (e) Low voltage power transmission lines; and
  - (f) Solar power farms or plants.
- (9) Hydrocarbons projects, including—**
- (a) Service stations;
  - (b) LPG filling plant; and
  - (c) Lubricant blending facilities.
- (10) Waste disposal, including—**
- (a) Waste transfer stations or storage facilities;
  - (b) Composting sites or plants;
  - (c) Removal and onsite disposal of asbestos.
- (11) Packaged treatment plants or onsite waste water treatment plants.**
- (12) Biofuels processing plants.**
- (13) Telecommunication infrastructures.**
- (14) Expansion of tertiary institutions and related infrastructures.**
- 3. High Risk Projects—**
- (1) General —**
- (a) An activity out of character with its surrounding; and
  - (b) Any structure of a scale not in keeping with its surrounding.
- (2) Changes in land use including—**
- (a) Major changes in land use; and
  - (b) Large scale resettlement schemes.
- (3) Urban Development including—**
- (a) Designation of new townships;
  - (b) Establishment or expansion of industrial estates;
  - (c) Establishment or expansion of recreational areas in National Parks, National reserves, forests, nature reserves and any areas designated as environmentally sensitive;
  - (d) Establishment of shopping centers, commercial centers and complexes;
  - (e) Establishment of hospitals;
  - (f) Hotels with a bed capacity exceeding one hundred and fifty;
  - (g) Establishment of new housing estate developments exceeding one hundred housing units;
  - (h) Establishment of schools and other learning institutions exceeding one hundred learners; and
  - (i) Other related urban developments.
- (4) Transportation and related infrastructure projects, including—**
- (a) All new major roads including trunk roads;
  - (b) Railway lines;
  - (c) Airports and airfields;
  - (d) Oil and gas pipelines;
  - (e) Harbours and ports;
  - (f) Construction of tunnels and channels;
  - (g) Metro transport facilities; and
  - (h) Underground transport works.
- (5) Water resources and related infrastructure including—**
- (a) Storage dams and barrages;
  - (b) River diversions and water transfer between catchments;
  - (c) Flood control schemes;
  - (d) Sea walls; and
  - (e) Water abstraction works.
- (6) Mining and other related activities including—**
- (a) Precious metals;
  - (b) Salt firms;
  - (c) Gemstones;
  - (d) Ferrous and non-ferrous ores;
  - (e) Coal;
  - (f) Phosphates;
  - (g) Limestone and dolomite;
  - (h) Quarrying of stone and slate;
  - (i) Harvesting of aggregate, sand, gravel, soil and clay; and exploration for the production of petroleum and minerals in any form.
- (7) Forestry related activities including—**
- (a) Clearance of forest areas;
  - (b) Reforestation and afforestation with alien species;
  - (c) Introduction of alien species;
  - (d) Excisions of gazette forests;
  - (e) Conversion of forests for whatever purposes; and
  - (f) Any projects located within forest reserves such as construction of dams or other control structures that flood large areas.
- (8) Agriculture including—**
- (a) Aerial spraying;
  - (b) Large-scale agriculture exceeding one hundred hectares;
  - (c) Introduction of new crops and animals;
  - (d) Large scale irrigation exceeding one hundred hectares;
  - (e) Major developments in biotechnology including the introduction and testing of genetically modified organisms; and
  - (f) Biofuel plantations.
- (9) Processing and manufacturing industries, including—**
- (a) Mineral or ores refining and processing;
  - (b) Large scale brick and earth-ware manufacture;
  - (c) Cement manufacturing plants and lime processing;
  - (d) Glass works;
  - (e) Fertilizer manufacture or processing;
  - (f) Explosive plants;
  - (g) Tanneries;
  - (h) Abattoirs handling more than one hundred animals per day and meat-processing plants;
  - (i) Brewing and malting;
  - (j) Bulk grain processing and storage plants;
  - (k) Large scale fish-processing plants;
  - (l) Pulp and paper mills;
  - (m) Heavy manufacturing plants;
  - (n) Lead smelting and processing plants;
  - (o) Edible oil plants;
  - (p) Steel mills;

- (q) Sugar factories; and
- (r) Any other chemical works and processing plants.

**(10) Power and infrastructure projects, including—**

- (a) Thermal and hydropower development exceeding ten megawatts;
- (b) Geothermal development;
- (c) Wind farms;
- (d) Nuclear reactors and nuclear plants; and
- (e) High voltage electrical transmission lines.

**(11) Hydrocarbon projects, including—**

- (a) Depots and refinery facilities for hydrocarbons;
- (b) Depots for natural gas;
- (c) Oil and gas fields development; and
- (d) Oil refineries and petro-chemical works.

**(12) Waste disposal works, including—**

- (a) Sewerage works and waste water treatment plants;
- (b) Installation for disposal of industrial wastes;
- (c) Installation of incinerators;
- (d) Sanitary landfill sites;
- (e) Hazardous waste treatment or disposal facilities;
- (f) Facilities for disposal of solid or liquid hazardous waste;
- (g) Sludge treatment facility;
- (h) E-waste recycling facilities;
- (i) Waste oil recycling facilities;
- (j) Waste tyre processing and recycling facilities; and
- (k) Commercial asbestos disposal sites.

**(13) Activities in natural conservation areas, including—**

- (a) Establishment of protected areas, buffer zones and wilderness areas;
- (b) Actions likely to affect endangered species of flora and fauna;
- (c) Formulation or modification of water catchment management projects;
- (d) Projects for the management of ecosystems especially by manipulating fire and water;
- (e) Commercial exploitation of natural fauna and flora;
- (f) Introduction of alien species of fauna and flora into ecosystems;
- (g) Wetlands reclamation or any projects likely to affect wetlands;

- (h) Projects located in indigenous forest including those outside of gazetted forests; and

- (i) Any project in an environmentally sensitive area.

**(14) Marine resource exploitation and reclamation, including—**

- (a) Mineral exploitation of resources in the marine areas;
- (b) Reclamation of marine areas; and
- (c) Mariculture.

**(15) Any other project which poses high environmental risks.**

**(B) ENVIRONMENTAL IMPACT ASSESSMENT FOR LOW AND MEDIUM RISK PROJECTS**

**(1) Summary Project Reports (SPR)**

Notwithstanding any approval, permit or licence granted under this Act or any other law in force in Kenya, any person, being a proponent of a **low or Medium risk project**, shall, before financing, commencing, proceeding with, carried out, executing or conducting or causing to be financed, commenced, proceeded with, carried out, executed or conducted by another person any undertaking **shall** through an Environmental Impact Assessment Expert prepare and submit to the Authority a Summary Project Report (SPR) of the likely environmental impacts of the project for approval.

**2. Contents of an SPR:**

A Summary Project Report shall outline the following:

- (a) The nature of the project supported by design and plan drawn to scale and signed by an engineer;
- (b) The location of the project including —
  - i. Proof of land ownership;
  - ii. Any environmentally sensitive area to be affected;
  - iii. Availability of supportive environmental management infrastructure; and
  - iv. Conformity to land use plan or zonation plan;

- (c) Potential environmental and social impacts of all the project cycle phases: Planning, Construction, operation and decommissioning.

- (d) Mitigation measures for all potential environmental and social impacts.

- (e) Environmental Management Plan for the entire project lifecycle.

- (f) Evidence of comprehensive public consultation including duly signed minutes of consultation meetings with project affected persons and key stakeholders, attendance lists and filled questionnaires.

**3. Submission and processing of a SPR**

All Summary Project Reports for low and medium risk projects shall be submitted to **NEMA county office where the proposed project site** is located for processing.

- (a) **Submission:** the EIA expert, on behalf of the proponent, shall submit the following documents to the Authority:

- i. Three Copies of duly filled and signed project report submission [form 1](#)
- ii. Three Copies of the Summary Project Report (SPR) (A copy for the file, the proponent and the expert)
- iii. Copy of the National Identification card/ Certificate of incorporation and KRA PIN of the proponent
- iv. Copy of a valid Practicing License for the Lead Expert

- (b) **Receiving:** The County Director of Environment (CDE) shall acknowledge receipt of the SPR by issuing an SPR application reference number and an acknowledgement letter.

- (c) **Approval:** The SPR shall, **WITHIN FIVE DAYS**, screened and assessed for completeness and the following **Records of Decision (RoD)** of the Authority made and communicated in writing to the Proponent:

- i. Where it is established that the proposed project may

have significant adverse environmental impacts, a RoD of the Authority shall be made for the proponent prepare and submit a **Comprehensive Project Report (CPR)** as provided for in Regulation 7 (4) of The Environmental (Impact Assessment and Audit) (Amendment) Regulations, 2019.

- ii. Where it shall be established that the proposed project is not likely to have any significant adverse environmental impacts, a RoD of the Authority shall be made exempting the proponent from submitting a comprehensive project report and an **approval** with conditions to proceed with the project issued.

**(B) COMPREHENSIVE PROJECT REPORT (CPR)**

Submission and processing of a CPR shall be as per the current standard operating procedures for EIA project report (PR) and in line with the requirements of Part II of the Environmental (Impact Assessment and Audit) Regulations, 2003. All CPRs shall be processed at the Authority's County offices in consultation with relevant lead agencies and a Record of Decision made within 21 days.

**(C) ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT FOR HIGH RISK PROJECTS**

Notwithstanding any approval, permit or licence granted under

this Act or any other law in force in Kenya, any person, being a proponent of a **High risk project**, shall, before financing, commencing, proceeding with, carried out, executing or conducting or causing to be financed, commenced, proceeded with, carried out, executed or conducted by another person any undertaking shall through an Environmental Impact Assessment Expert prepare and submit to the Authority an Environmental Impact Assessment Study Report (SR) for approval.

An Environmental Impact Assessment Study shall be conducted in accordance with the general [environmental impact assessment guidelines](#) and sector environmental impact assessment guidelines as provided for Part III of the Environmental [\(Impact Assessment and Audit\) Regulations, 2003](#).

**Submission of Environmental Impact Assessment Study Report (SR):**

All Environmental Impact Assessment Study Reports (SR) shall be submitted to the **Authority's Headquarters** in Nairobi for processing.

Submission Requirements:

- i. Three Copies of duly filled and signed project report submission [form 2](#)
- ii. 10 Copies of the signed Environmental Impact Assessment Study Report (SR)
- iii. A soft copy of the complete Environmental

Impact Assessment Study Report (SR)

- iv. Proof of online submission of the Environmental Impact Assessment Study Report (SR) on the NEMA website licensing portal.
- v. A soft copy of the summary Environmental Management Plan (EMP) for public notice advertisement.
- vi. Identification card/ Certificate of incorporation and KRA PIN of the proponent
- vii. Copy of a valid Practicing License for the Lead Expert.

The head of EIA section shall acknowledge in writing receipt of the SR and issue an application reference to the proponent.

The Authority within 24 hours of receipt of the SR shall prepare a public notice inviting the public to submit oral or written comments on the Environmental Impact Assessment Study Report for the proposed project. The project proponent at their expense shall publish the notice in the Kenya Gazette, in at least two newspapers circulating in the area of proposed project and over the radio within the specified period.

On elapse of 30 days from the last date of publication of the public notice, the authority shall review and issue a Record of Decision (RoD) in considering of all the public comments in the decision making.

Dated: 12<sup>th</sup> March 2020

**For further inquiries and information please contact:**

**DIRECTOR GENERAL**

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