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mazingira yetu | uhai wetu | wajibu wetu

Application Reference No. **PR/470**  
Registration No. **0053373**

For Official Use

**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)**

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT  
ENVIRONMENT IMPACT ASSESSMENT LICENSE**

This is to certify that the Environmental Impact Assessment Project Report received from **Kenya Climate Smart Agriculture Project**.....(Name of individual/firm) of.....

**P.O Box 1035—80304 Wundanyi**.....(Address)

submitted to the National Environment Management Authority (NEMA) in accordance with the Environment Impact Assessment and Audit Regulations 2003 regarding **Proposed rehabilitation of Njoro**.....

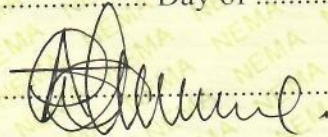
**Kubwa Canal**.....

.....(title of project) whose objective is to carry on **De-silting 12KM of the canal through excavation , expanding and renovating existing structure**.....

.....(briefly describe purpose) located at **Bomeni –Mbogholi Wards, Taveta Sub County Voi Sub County, Taita Taveta County.**.....

.....(locality and county) has been reviewed and a license is hereby issued for implementation of the project, subject to attached conditions.

Dated this **29th** Day of **April, 2019**

Signature.....

SEAL

*f* **Director General**  
**The National Environment Management Authority**

**CONDITIONS OF LICENSE**

1. This license is valid for a period of **24 months** (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 license.

## 1. General Conditions

The development is for rehabilitation of Njoro Kubwa Canal at **Bomeni – Mboghoni Ward, Taveta Sub County, Taita Taveta County.**

- 1.1. The licence shall be valid for 24 months from the date of issue (period within which the proposed project should commence).
- 1.2. The proponent shall provide the final project accounts (final project costs) on completion of construction phase. This should be done prior to project commissioning/operation/occupation.
- 1.3. Without prejudice to the other conditions of this license, the proponent shall implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and conditions of this license.
- 1.4. The Authority shall take appropriate action against the proponent in the event of breach of any of the conditions stated herein or any contravention to the Environmental Management and Co-ordination Act, CAP 387 and regulations there under.
- 1.5. This license shall not be taken as statutory defense against charges of pollution in respect of any manner of pollution not specified herein.
- 1.6. The proponent shall ensure that records on conditions of licenses/approval and project monitoring and evaluation shall be kept on the project site for inspection by NEMA's Environmental Inspectors.
- 1.7. The proponent shall submit an Environmental Audit Report in the first year of occupation/operation/commissioning to confirm the efficacy and adequacy of the Environmental Management Plan.
- 1.8. The proponent shall comply with NEMA's improvement orders throughout the project cycle.

## 2. Construction Conditions

- 2.1. The proponent shall seek for approval from Water Resources Authority before commencing the project.
- 2.2. The proponent shall ensure the power lines are relocated away from the proposed site before commencing the project.
- 2.3. The proponent shall put up a project signboard as per the Ministry of Public Works Standards indicating the NEMA EIA license number among other details.
- 2.4. The proponent shall ensure that adequate and appropriate sanitary facilities are provided for the workers during construction phase and that proper decommissioning of the facilities is carried out once construction is complete.
- 2.5. The proponent shall ensure that the cooling systems fitted have zero controlled ozone depleting substances as per the Environmental Management and Coordination (Controlled Substances) Regulations of 2007.
- 2.6. In the event that the project site borders a river or stream, pursuant to regulation 6(c) of water quality regulations, 2006, the proponent shall protect the riparian reserve by ensuring that NO development activity is undertaken within the full width of the river or stream to a minimum of six (6) metres and a maximum of 30 metres on either sides based on the highest recorded flood level.



- 2.7. The proponent shall ensure that the construction is done as per approved drawings and in adherence to the building code of Kenya of 1968.
- 2.8. The proponent shall ensure appropriate measures are undertaken to minimise dust pollution to the neighbouring facilities.
- 2.9. The proponent shall ensure that the project is inspected by public works engineer at every stage of the project construction.
- 2.10. The proponent shall ensure that all waste water is disposed as per the standards set out in the Environmental Management and Coordination (Water Quality) Regulations 2006.
- 2.11. The proponent shall ensure that all excavated material and debris is collected, reused and where need be disposed off as per the Environmental Management and Coordination (Waste Management) Regulations 2006.
- 2.12. The proponent shall ensure strict adherence to the provisions of Environmental Management and Coordination (Noise and Excessive Vibrations Pollution Control) Regulations 2009.
- 2.13. The proponent shall ensure strict adherence to the Occupational Safety and Health Act (OSHA), 2007.
- 2.14. The proponent shall ensure that construction workers are provided with adequate personal protection equipment (PPE), as well as adequate training.
- 2.15. The proponent shall ensure that construction activities are undertaken during the day (and not at night) - between 08.00 hrs and 17.00 hrs; and that transportation of construction materials to and from site are undertaken during weekdays (and not weekends) off peak hours.
- 2.16. The proponent shall ensure strict adherence to the Environmental Management Plan developed throughout the project cycle.
- 2.17. The proponent shall ensure that the development adheres to zoning specifications issued for development of such a project within the jurisdiction of **Taveta Sub-County**, with emphasis on approved land use for the area.
- 2.18. The proponent shall ensure the embankments of the canal are well reinforced and soil erosion control measures are in place.
- 2.19. The proponent shall ensure adequate measures are put in place to control surface runoff from uplands and nearby farms flowing into the canal.
- 2.20. The proponent shall ensure that the conservation and use of the water is done under the Integrated Water Resources Management Principles.

### 3. Operational Conditions

- 3.1. The proponent shall obtain all necessary approvals before commencing operation.
- 3.2. The proponent shall deliberately enhance the indigenous vegetation existing in the area to enhance biodiversity of the area and where applicable replace the cut vegetation.
- 3.3. The proponent shall ensure adequate sensitization and awareness creation on waterborne diseases such as bilharzia and encourage farmers working in the irrigation scheme to always wear protective equipment while working on their farms.



- 3.4. The proponent shall ensure there is fire fighting preparedness, emergency response plan and easy access to effective fire- fighting equipment.
- 3.5. The proponent shall ensure that all waste water is disposed as per the standards set out in the Environmental Management and Coordination (Water Quality) Regulations 2006.
- 3.6. The proponent shall ensure that rain water harvesting facilities are provided to supplement surface and ground water.
- 3.7. The proponent shall ensure that all drainage facilities are fitted with adequate functional oil separators and silt traps.
- 3.8. The proponent shall ensure that all equipment used are well maintained in accordance with the Environmental Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations 2009.
- 3.9. The proponent shall ensure that all solid waste is handled in accordance with the Environmental Management and Coordination (Waste Management) Regulations 2006.
- 3.10. The proponent shall ensure that all workers are well protected and trained as per the Occupational Safety and Health Act (OSHA) of 2007.
- 3.11. The proponent shall ensure an appropriate solid waste management system is put in place and implemented.
- 3.12. The proponent shall ensure capacity building and sensitization of farmers on safe disposal of empty containers of chemicals and farm inputs.
- 3.13. The proponent shall ensure placing of water pumping generators near the canal is restricted to prevent soil erosion and water contamination.
- 3.14. The proponent shall ensure that appropriate and functional efficient Air pollution Control mechanisms are installed in the facility to control all air emissions.
- 3.15. The proponent shall ensure that environmental protection facilities or measures to prevent pollution and ecological deterioration such as solid and liquid waste management, oil spill containment measures, energy efficient facilities, storm water drain reticulation facilities and water saving devices, landscaping, beautification, dust control, traffic management plan, drainage system, soil erosion control mechanism are designed, constructed and employed simultaneously with the proposed project.
- 3.16. The proponent shall comply with the relevant principal laws, by-laws and guidelines issued for development of such a Project within the jurisdiction of **County Government of Taita Taveta, Ministry of lands, Department of Physical Planning, Department of Public Health, Department of Agriculture and Livestock Production, Department of Water and Sanitation, Department of Public Works, Water Resources Authority, National Construction Authority** and other relevant Authorities.

#### 4. Notification Conditions

- 4.1. The proponent shall seek written approval from the Authority for any operational changes under this licence.
- 4.2. The proponent shall ensure that proposed mitigation measures are implemented during both construction and operation of the project.
- 4.3. The proponent shall ensure that the Authority is notified of any malfunction of any system within 12 hrs on the NEMA hotline **020 6006041/0786101100** and mitigation measures put in place.



- 4.4. The proponent shall keep records of all pollution incidences & notify the Authority within 24 hrs.
- 4.5. The proponent shall notify the Authority in writing of its intent to decommission **three (3) months** in advance.

**5. Decommissioning Conditions**

- 5.1. The proponent shall ensure that a decommissioning plan is submitted to the Authority for approval at least three (3) months prior to decommissioning.
- 5.2. The proponent shall ensure that all pollutants and polluted material is contained and adequate mitigation measures provided during the phase.

The above conditions will ensure environmentally sustainable development and must be complied with.

A handwritten signature in black ink, appearing to be "A. Kumar", is written over the page number.