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PROCLAMATION № XXX/2010 ENVIRONMENTAL ASSESSMENT PROCLAMATION

WHEREAS, environmental impact assessment is used to predict and manage the environmental effects which a proposed development activity as a result of its design, sitting, construction, operation or an ongoing one as a result of its modification or termination, entails and thus helps to bring about intended development;

WHEREAS, assessment of possible impacts on the environment prior to the approval of a public instrument provides an effective means of harmonizing and integrating environmental, economic, cultural and social considerations into a decision making process in a manner that promotes sustainable development,

WHEREAS, the implementation of the environmental rights and objectives enshrined in the Constitution would be fostered by the prediction and management of likely adverse environmental impacts, and the maximization of their socioeconomic benefits.

WHEREAS, environmental assessment serves to bring about administrative transparency and accountability, as well as to involve the public and, in particular, communities in the planning of and decision taking on developments which may affect them and their environment;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE  
GENERAL

*1. Short Title*

This Proclamation may be cited as the “Environmental Assessment Proclamation № .....of 2010”

*2. Definitions of terms,*

In this Proclamation:

- 1) "Authority" means the Federal Environmental Protection Authority.
- 2) "Environment" means the totality of all materials whether in their natural state or modified or changed by human; their external spaces and the interactions which affect their quality or quantity and the welfare of human or other living beings, including but not restricted to, land atmosphere, whether and climate, water, living things, sound, odour, taste, social factors, and aesthetics.
- 3) "Environmental Agency" means the Environmental Protection Authority or the Regional Environmental Agency as the case may be;
- 4) "Environmental Impact Assessment" means the methodology of identifying and evaluating in advance any effect, be it positive or negative, which results from the implementation of a proposed project.
- 5) "Environmentally sensitive areas" means the ones indicated in Annex II of this Proclamation.
- 6) "Impact" means any change to the environment or to its component that may affect human health or safety, flora, fauna, soil, air, water, climate, natural or cultural heritage, other physical structure, or in general, subsequently alter environmental, social, economic or cultural conditions;
- 7) "Licensing Agency" means any organ of government empowered by law to issue, renew or revoke an investment permit or a trade or operating license or a work permit or to register a business organization, as the case may be;
- 8) "Person" means any natural or juridical person.
- 9) "Project" means any new development activity categorized under annex I schedule I of this proclamation.
- 10) "Proponent" means any organ of government if in the public sector or any person if in the private sector that initiates a project or strategic action;
- 11) "Regional Environmental Agency" means any regional government organ entrusted by that Region with a responsibility for the protection or regulation of the environment and natural resources.
- 12) "The Public", means one or more natural or legal persons "including individuals, civil societies, community based, or private organizations or institutions.
- 13) "Trans-boundary impact" means any impact, not exclusively of a global nature, within an area under the jurisdiction of a country caused by a proposed activity the physical origin of which is situated wholly or in part within the area under the jurisdiction of another country;
- 14) "Alternative consideration" means a possible course of action that might be adopted in lieu of the proposed strategic action or project evaluate environmentally sound alternatives by taking in to account alternative site, design, input, process, including the "no action" alternative.
- 15) "An Independent body" means a person or a firm that has no financial or otherwise vested interest in the proposed project or strategic action thus eligible to undertake the assessment or review the report of the study in a credible manner.

- 16) “Audit means” means a follow up action by regulatory body for ensuring effective implementation of an environmental management plan or procedures and compliance with environmental policy objectives and targets.
- 17) “Competent Agency” means the sectoral agency that has power, responsibility or competence on the matter or the issue.
- 18) “Cost-Benefit Analysis” means an objective, careful, explicit analysis of the costs and benefits of a proposal within a structured framework. Such an analysis should also determine social discount rates for both costs and benefits.
- 19) “Cumulative Impact” means an impact that in it self may or may not be significant but its additive effect can have a greater effect.
- 20) “Environmental assessment report” means study report of either project or strategic action impacts.
- 21) “Environmental Clearance” means a statement of approval of the implementation of a proposed project or strategic action that shall be given by environmental agency when the environmental assessment report is found to be satisfactory.
- 22) “Environmental Impact Assessment report" means the report that describes the project, its location, positive or negative impacts, and the associated management plan;
- 23) “Environmental Management Plan” means an action plan that addresses the how, when, who, where and what of the environmental mitigation measure aimed at optimizing benefits and avoiding or mitigating adverse potential impacts of proposed operation or activity. It encompasses mitigation, monitoring, rehabilitation and contingency plans.
- 24) “Explanatory or data validation Meetings” means a meeting to be held by the proponents to explain or validate data contained in the Draft Environmental Assessment report of development initiatives (project or strategic action) directly to the Interested and affected persons.
- 25) “Initiative that requires an environmental assessment” means any activity enlisted in the Annex I here in and includes any new development activity, major expansion or alteration of any existing undertaking, or any resumption of work that has been discontinued.
- 26) “Mitigation measures” means measures taken to reduce or rectify undesirable impacts of particular activities when an environmental evaluation process deems the impact is adversely significant.
- 27) “Monitoring” means the repetitive and continued observations measurements and evaluation of environmental data carried out by the proponent to follow changes over a period of time to assess the efficiency of control measures.
- 28) “Performance bond or Environmental Insurance” means financial guarantee that should be set aside in a reputable bank agreed upon by the Authority or the relevant Regional Environmental Agency and the person responsible as a security deposit or environmental insurance arranged against default by the proponent in advance , that will be used to rectify or reclaim or reverse adverse effects, in case the failure of the proponent to perform to the required environmental standard, as stipulated to the issuance of environmental clearance, disappearance, negligence or unforeseen events.

- 29) “Public hearing” means a meeting to be called by the Authority or the relevant Regional Environmental Agency on an environmental assessment finding of a sensitive or a controversial development initiative in order to hear the public view on the proposed action. The developer will also be summoned upon to present his or her findings.
- 30) “Public participation ” refers to the process by which the concerns of affected persons, including marginal groups (poor, women, indigenous, ethnic minorities, etc.), interested groups or individuals come together with a proposed project or strategic action authorities or proponent to share, negotiate and influence the design, management or decision-making process of project or strategic actions on a life cycle basis.
- 31) “Rehabilitation” means restoration of an environmental component, social service or system that has been affected by an activity to more or less its former states.
- 32) “Reviewing means” the process of determining by independent state organ or a reviewing body that will be assigned a task of examining the environmental assessment report and preparing a recommendation on its behalf regarding whether or not the environmental impact study report meets the approved Terms of Reference, the requirement of the relevant laws, best practice and provides satisfactory information and analysis that is required for decision-making.
- 33) “Scoping” means the identification and “narrowing down” of potential major environmental impacts in consultation with interested and affected parties, which result in scoping report and terms of reference, based on which a detail impact assessment will be conducted.
- 34) “Strategic action” means any initiative that includes development plans, programs, policies, strategies, laws or a socioeconomic undertaking comprises of two or more projects of similar or of different nature, as outlined in schedule II of annex I of this Proclamation.
- 35) “Strategic environmental assessment report” means a report containing sufficient information to enable the Environmental Agency to determine whether and under what conditions a proposed strategic action should proceed.
- 36) “Strategic Environmental Assessment” means the methodology of identifying and evaluating in advance any effect, be it positive or negative, which may result from the implementation of a proposed strategic action and its alternative.
- 37) “Synergetic impact” means an impact that may in itself not be significant but the combination of one or more impacts that can have a greater effect than the sum of the individual impacts.
- 38) “Trans-regional impact” means any impact, within an area under the jurisdiction of a given regional state in Ethiopia caused by a proposed project or strategic action the physical origin of which is situated wholly or in part within the area under the jurisdiction of another Regional State;

### 3) *Scope*

This Proclamation shall apply to all socioeconomic development projects or strategic actions outlined under Annex I to this Proclamation that are categorized as Schedule I and II activities and that will be initiated by public or private entity.

#### *4. General Provisions*

- 1) Without environmental clearance from the Authority or the relevant Regional Environmental Agency no person shall commence the implementation of any project or strategic action that requires environmental assessment as determined in the annex I of this Proclamation.
- 2) Without prejudice to Sub Article (1) of this Article, when the Authority the relevant Regional Environmental Agency believes that the possible impacts of the proposed socioeconomic development initiatives are insignificant, it may decide not to require the concerned proponent to conduct an environmental assessment.
- 3) Any local or International Financial Institution or a State organ that approve or allocate budget or provide or lease land or investment incentive shall, prior to granting the loan or credit, allocating the budget or providing or leasing the land or incentive for any state or private development initiative that require an environmental assessment, ensure that the Authority or the relevant Regional Environmental Agency has authorized its implementation.
- 4) No licensing authority appointed under any other law shall issue a trade or operating license or renew the same by virtue of any law with respect to the proposed action for which environmental assessment may be required unless the application for a license or renewal is accompanied by an environmental clearance or approved environmental performance by the appropriate environmental agency.
- 5) Approval of an environmental impact study report or the granting of environmental clearance by the Authority or the relevant Regional Environmental Agency does not exonerate the proponent from liability for damage.
- 6) Without prejudice to Sub Article (5) of this Article, exemption from liability shall be granted only when it is verified that it is the victim himself or a third party for whom the proponent is not responsible that has caused the damage.

## PART TWO

### ROLES AND RESPONSIBILITIES

#### *5. Roles and Responsibilities of Environmental Agencies*

Federal as well as Regional environmental agencies:

- a) Shall be accountable for proper implementation of this Proclamation;
- b) Shall create awareness on the importance and necessity of environmental assessment;
- c) Shall develop subsidiary legal and technical instruments necessary for the effective implementation of this Proclamation;
- d) Shall prepare, as much as possible, incentive packages to promote the implementation of the law;
- e) Shall avail all environmental assessment related reports, decisions, etc. to all interested and affected parties within appropriate time;

- f) Shall consult and involve all interested and affected parties in reviewing, making decisions and follow up actions;
- g) Shall cooperate with all stakeholders in the spirit of partnership and responsibility;
- h) Shall establish a help desk to respond to queries regarding all matters pertaining to environmental assessment administration;
- i) Shall undertake studies on effectiveness of this Proclamation and make the necessary improvement on continual basis;
- j) Shall build the capacities of key stakeholders within its means;
- k) Shall create a forum with a view to promoting positive engagements of different stakeholders towards successful implementation of this Proclamation;
- l) Shall be responsible for all decisions or responses it makes in relation to entertaining applications for environmental clearance, monitoring, appeal, information it receives from the public on any unlawful actions in relation to environmental assessment;
- m) Shall put in place an independent mechanism to expedite the review and decision making process;

#### *6. Roles and Responsibilities of the Proponent*

The proponent:

- a) Shall ensure that the environmental assessment of his/her project is conducted and the environmental impact study report prepared by experts or firm that meet the requirements specified under any directive issued by the Authority or Regional Environmental Agency.
- b) Shall submit in electronic and hard copies to the Authority or the relevant Regional Environmental Agency the scoping report, or environmental assessment study report together with the documents determined as necessary by the Authority or the relevant Regional Environmental Agency.
- c) Shall bear all costs related to the undertaking, reviewing, environmental assessment, impact management, monitoring, public participation, information disclosure, regular reporting, etc.
- d) Has the responsibility to observe the terms and conditions of environmental clearance, and shall act in good faith to adhere to the requirements of this law the objectives of sustainable development.
- e) Shall strive to meet its corporate social and environmental responsibility on a progressively increasing manner.
- f) Shall work in the spirit of cooperation and partnership with all interested and affected parties to towards the effective implementation of this Proclamation and other laws of the country.
- g) Shall prepare its environmental performance report and make accessible to the public.
- h) Shall make every effort to use environmentally sound technologies and best practices.
- i) Shall advise the Authority or the relevant Regional Environmental Agency on the effectiveness and improvement of this Proclamation;
- j) Can bring a court action against the proponent, the Authority or the relevant Regional Environmental Agency or the sectoral agency or anybody that violates

or fails to discharge duties and responsibilities stipulated under this Proclamation or any other relevant law.

- k) Shall promote, as far as possible, enhance awareness on environment-business complementarities, research and dissemination of best practices or greener technologies.
- l) Shall adapt and promote voluntary mechanisms that help achieve exceeding environmental performance on continuing basis.

### *7. Roles and Responsibilities of Sectoral Agency*

The sectoral agency:

- a) Shall ensure the integration of environmental concerns into its sectoral development initiatives;
- b) Shall establish environmental units to monitor the impacts of private or public development activities and prepare and avail reports to the Authority or the Relevant Regional Environmental Agency;
- c) Shall undertake resource-base assessment and produce the state of the environment report of the sector;
- d) Shall, prior to issuing or renewing license, allocating budget or land, or providing incentives, for any development initiative, ensure that the Authority or the relevant Regional Environmental Agency has given environmental clearance for its implementation;
- e) Shall, prior to renewing license, allocating additional budget or land, or providing incentives, for any development initiative, ensure that the Authority or the relevant Regional Environmental Agency has approved its environmental performance report;
- f) The sectoral agency shall cooperate in good faith with the Authority, the relevant Regional Environmental Agency and the public in implementing this Proclamation and other relevant laws;
- g) The sectoral agency shall promote environmentally sound technologies and best practices;
- h) The sectoral agency shall introduce resource-based environmental accounting system and resource use economic instruments;
- i) The sectoral agency shall prepare environmental performance report in tandem with its physical performance report and submit to the organ that it is accountable to.

### *8. Roles and Responsibilities of Civil Society Organizations*

Civil society organizations:

- a) Shall actively and proactively engage in promoting the objectives of environmental assessment and best practices in the field;
- b) Shall engage in public interest litigation regarding the implementation of this Proclamation;
- c) Shall conduct or sponsor research on the effectiveness of the environmental assessment system of the country and prepare policy advice or shadow report;
- d) Shall participate in the review process of various reports;

- e) Shall advise the public, environmental agencies, the private sector, etc.
- f) Shall take part in the awareness creation and training on best practices related to environmental assessment;
- g) Shall actively involve in environmental assessment advocacy and stewardship;
- h) Shall prepare alternative policies, laws, guidelines, etc. necessary and submit the same to the concerned state organs;
- i) Shall conduct or sponsor environmental assessment of controversial development initiatives and submit the report to the concerned body;
- j) Shall bring to the attention of the Authority or the relevant Regional Environmental Agency when the course of action that requires environmental assessment but not listed in the schedules has come into existence.
- k) Shall undertake post-environmental assessment decisions;
- l) Shall avail information useful to make decisions on the review and issuing environmental clearance;
- m) Shall make aware the concerned bodies any violation of this Proclamation;
- n) Shall organize peer review meetings among key stakeholders in environmental assessment to evaluate the proper discharge of the roles and responsibilities of the duty bearers;
- o) Shall participate in monitoring activities conducted by the proponent or the Authority or relevant Regional Environmental Agency or undertake independent monitoring.
- p) Can bring a court action against the proponent, the Authority or the relevant Regional Environmental Agency or the sectoral agency or anybody that violates or fails to discharge duties and responsibilities stipulated under this Proclamation or any other relevant law.

#### *9. Roles and Responsibilities of National or International Financial Institutions*

National or international institutions:

- a) Shall include in their credit and financial policies the requirements of this Proclamation and other applicable laws;
- b) Shall release the fund by evaluating the environmental performance of their clients;
- c) Shall involve in the monitoring and evaluation of the environmental performance of their clients and make the report available to the public;
- d) Shall communicate and solicit comments from key stakeholders in financing any development initiative that require the undertaking of environmental assessment;

#### *10. Roles and Responsibilities of Environmental Practitioners*

Environmental practitioners:

- a) Shall carry out their duties with professionalism, rigor, fairness, impartiality and balance;
- b) Shall advise the proponents the benefits of integrating environmental concerns into their development initiatives;
- c) Shall fully inform the proponent the findings of the assessment, the commitment required, and the associated legal and technical implications;

- d) Shall adhere to the basic principles of sustainable development and the current knowledge of environmental assessment;
- e) Shall declare that they have no any vested financial or otherwise interest in the development initiative;

### *11. Roles and Responsibilities of the Communities*

The communities:

- a) Shall participate in the early stages of the process and evaluation of proposals through offering advice, expressing opinions, providing local knowledge, proposing alternatives and commenting on how a proposal might be changed to better protect the environment and their interest;
- b) Shall take a responsible approach to opportunities for public participation in the EIA process, including the seeking out of objective information about issues of concerns;
- c) Shall work in partnership with Environmental Agencies, proponents and other stakeholders;
- d) Shall present any grievances they may have against any proposed action that could directly or indirectly affect them to the Authority or the relevant Regional Environmental Agency through their representatives;
- e) Can bring a court action against the proponent, the Authority or the relevant Regional Environmental Agency or the sectoral agency or anybody that violates or fails to discharge duties and responsibilities stipulated under this Proclamation or any other relevant law.

### *12. Roles and Responsibilities of Individuals*

Individuals:

- a) Shall actively engage in public participation;
- b) Shall assist the EIA process in providing training and engaging in the panel and committee works;
- c) Shall report any activity which is expected to conduct EIA but became operational without conducting same;
- d) Can bring a court action against the proponent, the Authority or the relevant Regional Environmental Agency or the sectoral agency or any body that violates this Proclamation or fails to discharge duties and responsibilities stipulated under this Proclamation or any other relevant law.;

## PART THREE

### ENVIRONMENTAL ASSESSMENT AND IMPACT CONSIDERATIONS

#### *13. Requirements of Prior Environmental Assessment*

The following development initiatives shall require prior Environmental Impact assessment license for implementation:

- 1) Every new project or strategic action (plan, Policy, program, etc) listed under annex I as Schedule I and II activities shall be subjected to a project or strategic level environmental assessment, respectively;
- 2) Expansion, modernization, revisions or change nature of existing projects or strategic actions that has been approved or otherwise that will fall under annex I schedules of activates;
- 3) All new projects or strategic actions listed under annex I as Schedule I and II with addition of capacity equal to or beyond the limits specified in the Schedules, after expansion or modernization.

#### *14. Considerations to Determine Impact*

- 1) The impact of a projector strategic action shall be assessed on the basis:
  - a) nature (positive/negative, direct/indirect) of the impact;
  - b) magnitude (severe, moderate, low) of the impact;
  - c) extent/location (area/volume covered, distribution) of the impact;
  - d) timing (during construction, operation etc, immediate, delayed) of the impact;
  - e) duration (short term/long term, intermittent/continuous) of the impact;
  - f) reversibility/irreversibility of the impact;
  - g) likelihood (probability, uncertainty) of the impact;
  - h) significance (local, trans-regional, trans-boundary, global) of the impact;
  - i) direct, indirect, residual, cumulative or synergistic features of the impact.
- 2) The level of significance of the impact shall be determined by taking into account ecological, social, economic criteria together with set environmental standards or best practices.
- 3) The Authority or the relevant Regional Environmental Agency shall take into account the following considerations:
  - a) to apply the precautionary principles, that is, while passing decisions it has to err on the side of caution where potential damage to the environment is uncertain, or when beneficial and detrimental effects are equivalent or only slightly or arguably beneficial;
  - b) decisions should be based on the best possible scientific information and analysis of risks;
  - c) ecological impacts must be considered particularly where resources are non-renewable, the system is sensitive, at or near the carrying capacity or effects may be irreversible;
  - d) that all the environmental costs be borne by the producer/consumer instead of the community as a whole;
  - e) that prevention must be the Golden Rule for the environment, for both ecological and economic reasons;
  - f) ensure that the benefits of environmental resources, the costs associated with protecting them, and any degradation that occurs (i.e., all the benefits and burdens) are equitably shared by all members of society;

- g) the present generation holds the natural resources of the earth in trust for future generations;
- h) environmental issues are best handled with the participation of all concerned citizens, at the relevant level and at the earliest opportunity;
- i) access to justice and redress, are both the corner stones of human and environmental rights; and
- j) every person has the right to a safe and healthy environment and to compensation for the damage resulting from the violation of this right.

#### *15. Trans-Regional or Trans-boundary Impact Assessment*

- 1) When a proposed project or strategic action is likely to produce a trans-regional or trans-boundary impact, consultation with the communities likely to be affected in any region or country using appropriate procedure and channels is required.
- 2) Where a proposed action is likely to cause a trans-regional or trans-boundary impact, the Regional environmental agency shall ensure the submission of the environmental impact study report of the proposed action to the Authority.
- 3) The Authority shall, prior to embarking on the evaluation and decision of an environmental impact study report of a proposed action with likely trans-regional or trans-boundary impact, shall ensure that opportunity is given to affected and interested parties in the respective region or country to participate in the assessment, and their views and concerns of are reflected.
- 4) The Authority shall notify the decision on how to proceed with the proposed strategic action to affected and interested parties in the respective region or country.
- 5) The Authority could ask the project developer to prepare a draft notification letter and attach all the necessary information, and if necessary, translate into appropriate languages.
- 6) The notification should comprise a brief, non-technical letter, attached to a summary of information on the project. The letter should also include the timing of the EIA review process, description of how disclosure and public consultation are planned, and contact details for the Authority and the project developer.
- 7) Summary of the project shall include:
  - a. Information on the nature of the proposed activity;
  - b. Information on the spatial and temporal boundaries of the proposed activity;
  - c. Information on expected environmental impacts and proposed mitigation measures;
  - d. Summary and timing of proposed consultation (country/region of origin and affected country/counties), including a summary of complaint process/grievance procedure;
  - e. Name, address and telephone/fax numbers of contact person e.g. of project proponent (developer);
  - f. EIA documentation (e.g. EIA/SEA report or Environmental Impact Statement), if already available.

#### *16. The Scoping Process*

- 1) The proponent will have a responsibility to appoint a multi-disciplinary team or advisory group that meet the requirements of the Authority or Regional environmental agency to lead the scoping process;
- 2) No assessment shall be commenced or the assessment report accepted before the approval of the scoping report, terms of reference, and members or firm recruit for undertaking the assessment and prepares the report by the Authority or Regional environmental agency, as the case may be;
- 3) The Scoping report must at the very least include:
  - a) spatial, temporal, institutional boundaries, nature of the project
  - b) a brief description of the location of the proposed action;
  - c) how scoping exercise was undertaken;
  - d) description of the public participation process that was followed in the scoping process and that will be followed during detail impact assessment;
  - e) alternatives which should be examined during detail impact assessment;
  - f) the ecological, economic, and socio-cultural issues of concerns raised by interested and affected parties;
  - g) what studies will be undertaken;
  - h) consultant and consulting firm profile;
  - i) the terms of reference;
  - j) minutes of the meeting which is signed by IAP or their representatives participated in the meeting and approved by regional environmental agency and local administration;
  - k) audiovisual documents that will show the events of the participation process as well as list of the authorities and interested and affected parties consulted or participated;
- 4) The Authority or the relevant Regional Environmental Agency shall inform and avail the scoping report to the public using appropriate channel, approve the report, the Terms of reference, the consultant recruited for the study by properly examining the adequacy and appropriateness of each within 15 days of the date of submission of the report.

#### *17. Registration of Environmental Assessment Practitioners*

- 1) A person or firm wishing to apply for registration to work as environmental assessment practitioners shall be required to meet the qualification set in the directives to be issued by the Authority or Regional environmental agency.
- 2) Any person or firm that has a registration in any other country is required to re-register as per the directive to be issued by the Authority or Regional environmental agency to be eligible to participate in any process of environmental assessment.
- 3) An applicant for registration under sub-paragraph (1) shall submit an application accompanied by the prescribed fee in the directive issued for the registration.
- 4) An environmental impact assessment practitioners practicing under a firm shall be registered as an individual expert
- 5) The Authority or regional environmental agency shall issue a certificate of registration to a qualified environmental expert or firm
- 6) The registration of firms or experts may be de-registered if the contravention of any of the code of the directive to be issued or this proclamation is observed.

## *18. Environmental Impact Study Report*

- 1) An environmental impact study report shall contain sufficient information that commensurate with the significance of potential impacts and the level of assessment to enable the Authority or the relevant Regional Environmental Agency to determine whether and under what conditions the proposed action shall proceed.
- 2) Without prejudice to the generality of the issues contained in the scoping report and the terms of reference for undertaking the assessment, the EA report reports of activities under schedule I annex II should include as a minimum the following items:
  - a. Executive Summary: The summary should provide a brief and accurate overview of the report, in particular highlighting the main findings and recommendation, and shall be signed by every individual person involved in its preparation.
  - b. Contextual analysis of applicable Policy, Legal and Administrative Frameworks: Under this section contextual discussion to show the extent of consistency with the national, bilateral, trans-regional, trans-boundary and international policy, legal, and administrative procedures and requirements within which the EA is prepared shall be given. In addition the environmental requirements of any financiers should be explained.
  - c. Approach to the study: This refers to the description of methodologies and best practice used for identifying, predicting, evaluating and costing of the significance of impacts (both positive and negative). This include description of method used for stakeholder analysis, public participation, disclosure of information, identification and comparison of alternatives and design of mitigating, restoring, compensating or contingency measures and monitoring scheme.
  - d. Project description: Concise description of the project's objective, size, process, technology it will use, source, types and volumes of in puts it will require, products, by products and wastes it will generate should be included in the project description. In addition, information on investment capital to be made available, including any off-site investments that may be required by the project (e.g., dedicated pipelines, access roads, power plants, and water supply, housing, quarry sites and raw material and product storage facilities, etc.), man power requirement and source, should be given in the description of the project.
  - e. Baseline Data: In the base line data description of socio-economic features of the project area such as demographic, sociological and cultural, economic and employment status, settlement and resettlement patterns, health aspects, institutions and services in relation to the proposed action provided. Relevant physical information including climatic, land use, water quantity, quality of water and air, geological features, etc, should be provided. Biological information regarding, fauna, flora and sensitive ecosystems must be indicated. In addition, information regarding current and proposed development activities within the proposed action area must be described.

- f. Assumptions and /or Gap Knowledge: in this section gaps in knowledge or lack of appropriate information needs to be described. Moreover, description about the reliability and quality of data collected and key assumptions made in assessing, predicting, determining the impact significance, involving the public, designing the environmental management and contingency plans must clearly and genuinely be stated.
- g. Public participation: This section is required to neatly describe the public participation process, including information disclosure, public and stakeholder analysis and participation. It should also describe views, expectation and concerns of Interested and affected persons or their representatives in no uncertain terms. This section should also particularly reflect on concerns and requirements of vulnerable groups, namely women, indigenous people, children, Old age, people with impairments, etc. Minutes of public hearing, explanatory or information validation workshops, public notice and audiovisual documents should also be annexed to the report.
- h. Description of Impacts: The description should provide spatial, temporal and life cycle scope of the impacts. It should include Identification and analyses of the positive and negative impacts and their level of significance in relation to ecological, economic and social sustainability. An indication of whether there is a trans-regional or trans-boundary environment effect as well as resource evaluation or cost benefit analysis should be stated. The description should also take into account considerations to determine impacts provided under this proclamation.
- i. Analysis of Alternatives: Analysis of alternatives of the initiative should be made by taking into account technology, location, supply or in put, scheduling, size, process, demand alternatives of for each of the alternatives, including no go alternative. The alternative analysis should show a comparative assessment of the alternatives considered based on the environmental, economic, social costs and benefits. The basis for the selection of the alternative proposed for the project design must be clearly stated.
- j. Mitigation measures: This section should include measures to be taken to avoid, minimize or compensate potentially significant adverse environmental impacts to acceptable levels. The measure should include activities require to restore or rehabilitate the affected environment and socio-economic conditions. The actions designed for environmental enhancement, capacity building, resettlement, and community development should be discussed. The mitigation measure should also indicate the responsible body, the time frame, cost, and the institutional arrangements.
- k. Environmental Monitoring and Communication Plan. Specification of the type of self monitoring and associated parameters and methods or standards to be followed should be indicated. Furthermore, responsibility, schedule, required budget, manpower, training and infrastructure that are necessary must be outlined. Alternative arrangement an independent body and interested and affected party involvement for monitoring and inspection shall be stated. Institutional arrangement for regular reporting and public disclosure should also be clearly indicated.

- l. Decommissioning: This section should clearly outline the arrangement and activity set in relation to decommissioning phase of the project.
  - m. Conclusion and recommendations: Conclusion as to whether or not proposed action is environmentally sound, socially acceptable and economically feasible. In addition if to be approved considerations for setting conditions of approval or recommendation.
  - n. Appendices
    - i. Approved Terms of Reference
    - ii. List of EA Preparers—individuals and organizations.
    - iii. References
    - iv. Records (written or printed materials, audiovisuals and signed and approved minutes of) Interagency/Forum/Consultation Meetings — including lists of invitees, attendees or consulted.
    - v. Disclosure, contingency, resettlement and community development plans.
    - vi. Site map of appropriate scale
    - vii. Lease certificate
    - viii. Chemical safety data sheet
    - ix. Detailed technical data and flow charts,
    - x. Applicable permits, etc.
- 3) Contents of strategic environmental assessment report should as a minimum include:
- a) An Executive Summary: Should provide in a non-technical language summary of the key issues and findings and recommendations.
  - b) Description of the proposed strategic Action: under this section content and the main objectives of the strategic action and its link with other plans or programs should be described.
  - c) Contextual analysis of applicable Policy, Legal and Administrative Frameworks: This section Identify, analyze and assess the environmental protection and social objectives and those of the sustainable development strategy established at international, national, regional and local levels which are relevant to the proposed action. Also discuss the ways in which these objectives and other environmental considerations have been taken into account during the preparation of the strategic environmental assessment report;
  - d) Approach for assessment: standards, thresholds and sustainability criteria to be used in information gathering, impact identification, analysis, significance determination, public participation, design of mitigation should be described. The description should clearly delineate and explain the methodology by which its findings have been obtained and report on findings from public consultation;
  - e) Baseline information: This section focusing on spatial boundary of the affected environment's key assets, sensitive areas and threats, present an overview of the current state of the environment and social aspects and the likely evolution of this state should the strategic action not be implemented.
  - f) Public participation: This Includes description of reactions, suggestions and objections from stakeholders, including the concerned authorities, interested and

- affected parties. The process of consultation should be described whether or not consultation is made as an integral part of the plan-making process, and at times which give them an early and effective opportunity within appropriate time frames to express their opinions on the draft strategic action and Environmental Report. The audiovisual and signed minutes should be annexed.
- g) Alternative consideration: This section presents relevant alternatives, including the status-quo option to those contained in the proposed strategic action along with a justification for the choosing the best alternative. Under this section comparison of the environmental effects (both adverse and beneficial) of each alternative should be given.
  - h) Description of Impacts: This section should present the nature and scope of the likely significant positive or negative effects on the environment, economic and social aspects including trans-boundary, trans-regional, secondary, synergistic, cumulative and residual.
  - i) Description of mitigation measures: Measures envisaged preventing, reducing, mitigating or compensating any adverse effects on the environment which may result from the implementation of the proposed strategic action and enhancement of the positive ones has to be described under this chapter.
  - j) Follow-up. The strategic environmental assessment should also consider the need for follow-up measures to monitor environmental effects of the proposed strategic action, appropriateness of mitigation measures or to ensure that implementation of the proposal supports the sustainable development goals. Clear sustainability indicators must be indicated.
  - k) Recommendations and conclusion: This includes recommendations for tying its results to environmental assessments at lower levels of the planning hierarchy, key considerations for decision makers to accept or reject or conditions for implementation.

## PART FOUR

### REVIEW AND DECISION MAKING

#### *19. Review of Environmental Impact Study Report*

- 1) Jurisdiction
  - a) The Authority or the relevant Regional Environmental Agency shall be responsible for the evaluation and approval of the scoping report, terms of reference, an environmental impact study report, issuance of environmental clearance or the monitoring of its implementation of a proposed initiatives when the project or the strategic action is subject to licensing, financing, execution or supervision by a federal agency or when it is likely to produce trans-regional or trans-boundary impact;
  - b) The Regional environmental agency in each region shall be responsible for the evaluation and approval of the scoping report, terms of reference, any environmental impact study report, issuance of Environmental Clearance or monitoring of its implementation, if the

proposed initiative is not subject to licensing, financing, execution or supervision by a federal agency and if it is unlikely to produce trans-regional or trans-boundary impact.

## 2) Review arrangements

- a) The Authority or the Regional Environmental Agency may use or recruit independent and eligible party or establish a panel of experts drawn from key sector agencies, non governmental agency or civil society as deemed necessary and appropriate in order to expedite the review process.
- b) The Authority or the Regional Environmental Agency will determine the cost of review on a case by case basis. All the cost necessary to review shall be borne by the proponent.
- c) The Authority or the Regional Environmental Agency shall prepare detail guidelines for review, the determination of the cost and recruiting of reviewers.

## 3) The Review process

- a) The proponent shall submit a soft and five hard copies of reports and other material to be reviewed to the Authority or Regional environmental agency, together with the application.
- b) The Authority or the regional environmental agency shall, within two days of receipt of scoping, project or strategic actions' environmental assessment reports shall make available using appropriate channels to relevant ministries, local government bodies, parastatals, nongovernmental and community-based organizations, interested and affected parties and seek comment by specifying the date for making and submitting as deemed necessary.
- c) The Authority or the relevant Regional Environmental Agency use its own manpower and designated unit to deal with the environmental assessment administration or as deemed necessary recruits and designate an external reviewer and transmit the report for the team,
- d) The Authority or the relevant Regional Environmental Agency by considering the experts or the public opinions and all the comments it has received form interested parties make its decision on the scoping report in 15 days, project or strategic actions' environmental assessment reports within 30 days, respectively.
- e) In case of controversial initiative that involve many contentious issues, the Authority or the Regional environmental agency may organize, or cause to be organized, public hearing in the locality of the proposed action or any other appropriate place for Interested and affected parties. In such case the period of review may be extended up to a maximum time of fifteen days.

## 20. *Public Hearing*

- 1) The Authority or the Regional environmental agency shall organize and chair the public hearing on the environmental assessment reports if:
  - a) as a result of the comments received it is of the opinion that a public hearing shall enable it to make a fair and just decision; or

- b) it considers it necessary for the protection of the environment.
- 2) Whenever a public hearing is to be conducted:
- a) The Authority or the regional environmental agency shall determine the procedure for the conduct of a public hearing;
  - b) Notice thereof shall be published in the national papers or announcement made on radio or TV that has a wide coverage in official language at least seven days prior to the public hearing; and all expenses of the notices shall be incurred by the project proponent. The notice should include where, when and on what kind of initiatives the hearing will take place;
  - c) All documents shall, from the end of the period of the public review, until the end of the public hearing remain available for public inspection accompanied by all written comments at the Proponent and the Authority or Regional environmental agency websites;
  - d) Shall take place at the venue which shall be convenient and accessible to those persons who are likely to be specifically affected by or interested in the proposed project or strategic action;
  - e) Any person may attend a public hearing, either in person or through a representative, and make presentations;
  - f) The conclusion of the public hearing shall be prepared by the Authority or Regional environmental agency and considered in the review then made public.

### *21. Public participation*

- 1) The proponent shall prepare sound and culturally appropriate public participation plan.
- 2) The proponent is responsible to hold at least three meeting preferably during scoping, design of Environmental management plan and before submitting the EIA study report for approval in culturally acceptable, gender sensitive and the language of preference of the affected or interested parties.
- 3) The proponent is responsible to notify the interested and affected persons, organize and conduct explanatory or data validation meeting and present its findings in public hearing as well to collect the opinions of the interested and affected parties and make the necessary revision and measures.
- 4) Records of the meeting should be prepared in written, audio and video formats. Copies of records including their translation should be prepared in official language together with the EIA study report submitted to the Authority and the respective Regional environmental agency.
- 5) Special assistance and opportunity should be given to marginalized and disadvantaged members of the community.
- 6) The Authority or the relevant Regional Environmental Agency should ensure that the public is given opportunity to access and review of environmental performance of the approved initiatives and corporate environmental and social accountability.

- 7) The Authority or the Regional Environmental agency shall ensure that the public is given adequate opportunity at all stages of Environmental Assessment process and planning and operational phase of the proposed initiatives.
- 8) The Authority or the relevant Regional Environmental Agency shall prepare guidelines for effective participation of the interested and affected parties.
- 9) The Environmental Agencies in their respective jurisdiction are responsible to conduct the public hearing to hear comments directly from the residents as regards the contents of the Scoping Document, Terms of Reference, a Draft Strategic, or project level Environmental Assessment reports.

## *22. Information Disclosure*

- 1) The proponent shall prepare sound and culturally appropriate information disclosure plan,
- 2) The proponent is responsible for publicizing and disclose the initiative's scoping, the terms of reference for environmental assessment, project or Strategic Environmental assessment reports, to interested and affected parties in appropriate languages, culturally acceptable and gender sensitive manner at least 15 days before the submission the report for formal approval,
- 3) The Environmental agency shall publicly available the Scoping Document, Terms of Reference, a Draft Strategic, or project level Environmental Assessment and environmental performance report and decisions on regular basis and solicit comments before making decisions.
- 4) The proponent has an obligation to respond to public concerns in good faith and at all times.
- 5) The authority shall prepare a detailed guideline and directive on information disclosure. environmental performance audit or sustainability

## *23. Confidential Information*

- 1) Every applicant shall have a right to notify the Authority specifying the information to be treated as confidential.
- 2) Following a written request by the applicant for keeping information confidential, the Authority or the Regional environmental agency shall determine the information which is essential for environmental assessment participation and decision making and for other reasons and cannot be confidential and inform the applicant. The applicant may then agree with the Authority or Regional environmental agency withdraws his application.
- 3) However, in no case may the following information supplied by the applicant be kept confidential:
  - a) Description of the project, name and address of the applicant, purpose and location of the transaction;
  - b) Methods and plans for monitoring the effects , appropriateness of the mitigation measures, predicted impacts or occurrence of unforeseen impacts;

- c) The evaluation of possible effects, in particular any ecological, economic or social effects.
- 4) If the applicant withdraws the application, the Authority or the regional environmental agency shall respect the confidentiality of the information except for that part referred to in sub-article 3 of this Article.

#### *24. Decision*

- 1) The Authority or the Relevant Regional Environmental Agency, after evaluating an environmental study report by taking into account any public comments and expert opinions, shall make its decision within 30 working days of the receipt of the project or strategic action environmental assessment reports, within 15 days of the receipt of the scoping report, respectively.
- 2) The Decision can be to:
  - a) approve the implementation of the proposed action without conditions, and issue environmental clearance, if the proposed action will bring about net significant positive impacts and the negative impacts are convincingly manageable; or
  - b) approve the proposed action and issue environmental clearance with conditions, including requirements of performance bond or environmental insurance, that must be presented or fulfilled in order to eliminate or reduce adverse impacts to insignificant; if the net positive impacts are sound and the identified negative impacts can be effectively countered by meeting the conditions set; or
  - c) require additional information and revision of the assessment, if major information gap, flaws in analyses, or mitigation proposals are observed; or
  - d) refuse the implementation of the project, if the net impacts are adverse and significant, and cannot be satisfactorily avoided or mitigated.

#### *25. Issuance of Environmental Clearance*

- 1) Any proposed initiative shall be issued with environmental clearance when it fulfills the requirements given under this Proclamation.
- 2) The expiry date of the environmental clearance shall be determined on a case-by-case basis and shall be specified during the decision.
- 3) The issued environmental clearance shall expire if the proposed action has not been implemented according to the timeframe set during the issuance of environmental clearance.
- 4) Environmental clearance granted for a specific proposed action to an applicant may be transferred during its validity to another legal person entitled to undertake the proposed action on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the Authority or relevant Regional Environmental Agency, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period.

- 5) A transfer of an environmental clearance shall be effective from the date the Authority or the relevant Regional Environmental Agency notifies of the transfer.

#### *26. Occurrence of New Circumstance*

If an unforeseen fact of serious implication is realized after the submission of an environmental impact study report or environmental clearance is granted, the Authority or the relevant Regional Environmental Agency may, as may be appropriate, order the environmental assessment to be revised or to be redone in order to address the implication.

### PART FIVE

#### ENVIRONMENTAL ASSESSMENT FOLLOW UP

#### *27. Right to Standing*

Any person shall have, without the need to show any vested interest, the right to lodge a complaint at the Authority or the relevant regional environmental agency against any person or institution allegedly disregards the requirements and dictates of this Proclamation.

#### *28. Post Approvals Follow up*

- 1) The proponent shall undertake an environmental monitoring of its initiative on regular basis, keep records and avail the reports to all concerned.
- 2) The Authority or the relevant regional environmental agency shall undertake an environmental audit on authorized proposed action in order to evaluate compliance with all commitments made by, and obligations imposed on, the proponent during issuance of environmental clearance.
- 3) It shall be mandatory for the proponent to submit annual compliance report in respect of terms and conditions stipulated in the issued environmental clearance, to the Authority or the relevant Regional Environmental Agency. It should also be part of the physical and financial performance report.
- 4) If the Authority or the relevant Regional Environmental Agency reasonably suspects any breach of the law, may demand the proponent to undertake an environmental monitoring or recruit an independent environmental auditor and order the proponent to cover the costs thereof and take the appropriate measures.
- 5) The Authority or the relevant Regional Environmental Agency shall designate an environmental inspector that has the mandate to enter upon any land or premises for the purpose of auditing the environmental effects of the operation.
- 6) The proponent should also arrange for credible and independent third party audit.

#### *29. Environmental Assessment Effectiveness Report*

- 1) The developmental sectors or permit issuing authorities shall prepare and submit their respective sectoral environmental sustainability report to the Authority or the relevant Regional Environmental Agency on annual basis.

- 2) The Regional Environmental Agencies shall prepare an environmental assessment effectiveness report of their respective region and shall submit the same to the Authority on annual basis.
- 3) The Authority shall prepare a countrywide environmental assessment effectiveness report and present its findings for stakeholders and based on their recommendations shall take the necessary measures.

### *30. Incentives*

- 1) The Authority or the relevant Regional Environmental Agency shall, within the capacity available to it, support voluntary initiatives destined to avoid, mitigate adverse impacts, far beyond what the law requires or demonstrate high level of environmental performance.
- 2) Any state organ that has a mandate to provide incentive of any kind shall, before doing so, ensure that any development initiative that is required to undertake environmental assessment has been granted environmental clearance by the Authority or the relevant Regional Environmental Agency.
- 3) The Authority or the Regional environmental agency shall develop an incentive scheme or criteria and procedure for the promotion of exemplary environmental performance on voluntary basis.
- 4) The Authority or Regional Environmental Agency shall encourage the development of voluntary mechanisms that help achieve exceeding environmental performance on continuous basis, by a group of developers.
- 5) Importation or invention of new equipment or technologies that are destined to control pollution or help produce environmentally friendly items or services or ensure highly efficient resource use, shall upon verification by the Authority or relevant Regional Environmental Agency, may be exempted from payment of custom duties or other taxes.
- 6) The Authority or Regional Environmental Agency shall develop a mechanism for recognition and promotion of products, services, or achievements made in an environmentally sound manner.

### *31. Suspension, Cancellation or Revocation of Environmental Clearance*

- 1) The Authority or the relevant Regional Environmental Agency may suspend, cancel or revoke an environmental clearance issued under this Proclamation where the holder of the clearance:
  - a) fails to obtain any other authorisation required by law in relation to his/her undertaking before commencement of operations;
  - b) is in breach of any provision of this Proclamation or any other relevant law;
  - c) fails to make any payments required under this Proclamation on the due date;
  - d) acts in breach of any of the conditions to which his/her environmental clearance is subject; or
  - e) fails to comply with the commitments in his/her assessment report.

- 2) The Authority or the relevant Regional Environmental Agency may suspend an environmental clearance in the event of occurrence of unforeseen events.
- 3) Any other authorizing or licensing agency shall, in tandem with the Authority's or the relevant Regional Environmental Agency's decision to suspend or cancel any issued environmental clearance to implement a proposed action, suspend or cancel the license it may have issued, or withdraw incentives or finances which were made available in favor of the proposed action.

### *32. Grievance Procedures*

- 1) Any person dissatisfied with any decision of the Authority or the relevant Regional Environmental Agency regarding the proposed action may submit a grievance notice to the head of the Authority or the relevant Regional Environmental Agency, as may be appropriate.
- 2) Complaints must be made in writing to the head of the Authority or the relevant Regional Environmental Agency within one year of the Authority's or the relevant Regional Environmental Agency's decision.
- 3) The decision of the head of the Authority or relevant Regional Environmental Agency shall, as provided under Sub Article (1) above, be issued within 30 days following the receipt of the grievance.
- 4) The Authority or the relevant Regional Environmental Agency shall publicize the appeal on its website and communicate the same to those who are directly or indirectly affected by the grievance procedure.
- 5) Any person who is dissatisfied by the decision given under this Article has the right to take the case to the court of law.

## PART SIX

### MISCELLANEOUS PROVISIONS

### *33. Offences and Penalties*

- 1) Without prejudice to the provisions of the Criminal Code, any person who violates the provisions of this Proclamation or of any other relevant law or directive commits an offence and shall be liable accordingly.
- 2) Any person who, without obtaining environmental clearance from the Authority or the relevant Regional Environmental Agency, or makes false presentations in an environmental assessment study report commits an offence and shall be liable to a fine of not less than fifty thousand Birr and not more than one hundred thousand Birr.
- 3) Any person commits an offence if he/she fails to keep records or to fulfill conditions of environmental clearance issued pursuant to this Proclamation and shall be liable to a fine of not less than ten thousand Birr and not more than twenty thousand Birr.
- 4) When a juridical person commits an offence, in addition to whatever penalty it may be meted with, the head who failed to exercise all due diligence shall be liable to a fine of not less than five thousand Birr and not more than ten thousand Birr.

- 5) The court before which a person is prosecuted for an offence under this Proclamation or regulations or directives emanating from it, may, in addition to any penalty it may impose, order the convicted person to restore or in any other way compensate for the damage inflicted.
- 6) Any person who fails to observe conditions set regarding transfer of environmental clearance has committed an offence and shall be liable to a fine of not less than five thousand Birr and not more than ten thousand Birr.
- 7) The head of the Authority, the relevant Regional Environmental Agency or sectoral agencies who fails to observe the responsibilities stated in this Proclamation commits an offence and shall be liable to a fine of not less than five thousand Birr and not more than ten thousand Birr.
- 8) The head of any civil society who engages in disseminating of unfounded information or defamation, regarding any matter pertaining to environmental assessment commits an offence and shall be liable to a fine of not less than five thousand Birr and not more than ten thousand Birr.

#### *34. Power to Issue Regulations*

The Council of Ministers may issue Regulations necessary for the effective implementation of this Proclamation.

#### *35. Power to Issue Directives/Guidelines*

The Authority may issue directives necessary for the effective implementation of this proclamation.

#### *36. Duty to Cooperate*

Any person shall have the duty to cooperate in the implementation of this Proclamation.

#### *37. Inapplicable Laws*

Any law or practice inconsistent with this Proclamation is inapplicable regarding matters provided herein.

#### *38. Repealed law*

Environmental Impact Assessment Proclamation № 299/2002 is hereby repealed.

#### *39. Annexes*

The Annexes to this Proclamation shall constitute an integral part thereof.

#### *40. Effective Date*

This Proclamation shall come into force as of the....day of ....., 2010

Done at Addis Ababa, this .....

GIRMA W/GIORGIS  
PRESIDENT OF THE FEDERAL  
DEMOCRATIC REPUBLIC OF ETHIOPIA

ANNEX I: SCHEDULES OF ACTIVITIES

SCHEDULE I: LIST OF PROJECTS THAT REQUIRE ENVIRONMENTAL ASSESSMENT

1. Agriculture

- water management projects for agriculture (drainage, irrigation)
- large scale mono- culture (cash and food crops)
- Pest control projects
- Fertilizer and nutrient management
- Land development schemes covering an area of 100 hectares or more to bring forest land into agricultural production
- Irrigation Development in an area with coverage of 200 ha or more commendable area
- Agricultural programs necessitating the resettlement of 150 families or more.
- Construction of dams, man-made lakes, and artificial enlargement of lakes with surface areas of 200 hectares or more.
- Drainage of wetlands wildlife habitat or of virgin forest covering an area of 100 meters or more.
- Introduction of new breed, species of crops, seeds or animals
- Surface water fed irrigation projects covering more than 200 hectares
- Ground water fed irrigation projects more than 200 hectares
- River diversions and water transfers between catchments
- Commercial production of Horticulture/Floriculture in green houses

2. Livestock and Range management

- Large Scale livestock movement
- Introduction of new breeds of livestock
- Introduction of improved forage species
- Large scale open range rearing of cattle, horses, sheep etc
- Large scale livestock production in Urban area
- Large scale slaughter house construction
- Ectoparasite management (cattle dips, area treatment)
- Intensive livestock rearing units

3. Forestry activities

- Timber logging and processing
- Forest plantation and afforestation and introduction of new species
- selective removal of single commercial tree species

- Conversion of hill forest land to other land use
- Logging or conversion of forest land to other land use with in the catchments area of reservoirs used for municipal water supply, irrigation or hydropower generation or in areas adjacent to parks
- Logging with special emphasis for endangered tree species
- Large scale afforestation/reforestation, mono-culture forest plantation projects which use exotic free species
- Conversion of forest areas which have a paramount importance of biodiversity conservation to other land use
- Resettlement programs in natural forest and woodland areas.

#### 4. Fisheries activities

- Medium to large scale fisheries
- Large scale artificial fisheries (Aqua-culture for fish, algae, crustaceans shrimps, lobster or crabs).
- Introduction of new species in water bodies for commercial fisheries

#### 5. Wildlife

- introduction of new species
- Endemic or rare wildlife catching and trading
- wildlife ranching and farming
- zoo and sanctuaries establishment

#### 6. Tourism and Recreational Development

- Construction of resort facilities or hotels along the shorelines of lakes, river, islands and oceans
- Hill top resort or hotel development
- Development of tourism or recreational facilities in protected and adjacent areas (national parks, marine parks, forestry reserves etc) on islands and in surrounding waters

#### 7. Energy Industry

- Production and distribution of electricity, gas, steam and hot water
- Storage of natural gas
- High power transmission line
- Thermal power development (i.e. coal, nuclear)
- Hydro-electric power development
  - Dam and reservoir Construction (Medium and large scale)
  - `Dam height more than 15 meter or
  - Reservoir storage capacity 3 million mm<sup>3</sup> or More than 10 MW power generation capacity
- Bio-fuels development power development
- Wind -mills power development
- Solar energy
- Nuclear energy

#### 8. *Petroleum Industry.*

- Oil and gas fields exploration and development, including Construction of pipelines
- Construction of oil and gas separation, processing, handling and storage facilities.
- Construction of oil refineries
- Construction of product deposits for the storage of petrol, gas, diesel, tar and other products within commercial, industrial or residential areas.

#### 9. Food and beverage industries

- manufacture of vegetable and animal oils and fats
- oil refinery and ginneries
- processing and conserving of meat
- manufacture of dairy products
- brewing distilling and malting
- fish meal factories
- slaughter - houses
- soft drinks
- tobacco processing
- caned fruits, and sources
- sugar factories
- other agro-processing industries

#### 10. Textile in industry

- cotton and Synthetic fibers
- dye for cloth
- ginneries

#### 11. *Leather Industry*

- tanning
- tanneries
- dressing factories
- other cloth factories

#### 12. Wood, Pulp and Paper Industries

- manufacturing of veneer and plywood
- manufacturing of fiber board and of particle - board
- manufacturing of Pulp, Paper, sand-board cellulose – mills

#### 13. Building and Civil Engineering Industries.

- industrial and housing Estate
- major urban projects (multi-storey building, motor terminals, markets etc)
- tourist installation
- construction and expansion/upgrading of roads, harbors, ship yards, fishing harbors, air fields( having an air strips of 2,500mor long) and ports, railways and pipelines
- river drainage and flood control works.

#### 14. Chemical industries

- manufacture, transportation, use and storage of pesticide or other hazardous and or toxic chemicals
  - production of pharmaceutical products
  - storage facilities for petroleum, petrochemical and other chemical products (i.e. filling stations)
  - production of paints, vanishes, etc.
15. Extractive industry
- extraction of petroleum
  - extraction and purification of natural gas
  - other deep drilling - bore-holes and wells
  - mining
  - quarrying
  - coal mining
16. Minerals extraction and processing
- Metallic minerals such as Iron, Lead, Copper, Nickel
  - Industrial minerals such as kaolin, diatomite,
  - Construction Minerals
  - Mineral Water
  - Thermal Water
  - Extraction of salts from brines.
17. Non-metallic industries (Products)
- manufacture of cement, asbestos, glass, glass-fiber, glass-wool
  - processing of rubber
  - plastic industry
  - lime manufacturing, tiles, ceramics
  - Fertilizer
18. Metal and Engineering industries.
- manufacture and assembly of motor - vehicles
  - manufacture of other means of transport (trailers, motor-cycles, motor-vehicle bicycles-cycles)
  - body - building
  - boiler - making and manufacture of reservoirs, tanks and other sheet containers
  - foundry and Forging
  - manufacture of non - ferrous products
  - iron and steel
  - electroplating
19. Waste treatment and disposal
- (a) Toxic and Hazardous waste
- construction of Incineration plants
  - construction of recovery plant (off-site)
  - construction of waste water treatment plant (off-site)

- construction of secure land fills facility
- construction of storage facility (off - site)
- collection and transportation of waste.
- installation for the disposal of industrial waste

(b) Municipal Solid Waste

- construction of incineration plant
- construction of composting plant
- construction of recovery/re-cycling plant
- construction of Municipal Solid Waste landfill facility
- construction of waste depots
- collection and transportation

(c) Municipal Sewage

- construction of waste water treatment plant
- night soil collection transport and treatment.
- construction of sewage system

20 . Water Supply

- canalization of water courses
- diversion of normal flow of water
- water transfers scheme
- abstraction or utilization of ground and surface water for bulk supply
- water treatment plants
- Construction of dams, impounding reservoirs with a surface area of 100 hectares
- Ground water development for industrial, agricultural or urban water supply of greater than 4000 m<sup>3</sup> /day
- Drainage Plans in towns close to water bodies

21. Transport

- Major urban roads
- Rural road programs
- Rail infrastructure and railways
- Trans-regional and International high way
- Airports with basic runway
- 

22. Health projects

- vector control projects (malaria, bilharzias, trypanosomes, etc)

23. Land Reclamation and land development

- rehabilitation of degraded lands with an area coverage of 500 or more ha
- Large scale spoil disposal.

24. Resettlement/relocation of people and animals

- resettlement plan for 150 or more persons
- establishment of refugee camps for 500 or more persons

25. Research

- research involving modification of life forms using natural or artificial genetic materials
  - involving sterilization techniques
  - Special research activity in sensitive ecosystem such as using explosives
26. Trade: Importation and Exportation or transportation of the following
- hazardous Chemicals/Waste
  - plastics
  - petroleum products
  - used materials
  - wildlife and wildlife products
  - pharmaceuticals
  - GMOs and GMOs based products
  - Endangered species
28. All projects in or within 300m distance of environmentally sensitive areas

Schedule II. List of Initiatives or activities requiring Strategic Environmental Assessment

- Bilateral or trans-boundary development initiatives or program
- Country wide or regional development plan or program
- Decisions to change designated status of sensitive sites or key economic development corridor or zones
- Establishment of Industrial zone
- River basin development plan
- International aid and development assistance
- International Trade agreement
- International trade with unique biodiversity resources
- Introduction or agreement in major technological transfer
- Incentive or subsidy packages
- Land preparation for the purposes of investment development
- Legislative and regulatory development
- Multi-project or integrated development initiatives
- National and regional resettlement program
- National or Regional Budget
- National or regional development plans or programs
- Planning for development of key economic zones.
- Regional or sub-regional (inter countries initiatives) development programmes, plans or development cooperation agreements
- River basin development plans or programs
- Sector wide master plans or programs
- Sector-specific strategies, policy, plans and programs
- Spatial and land use plans
- Structural adjustment,
- Town development plans
- Trans-boundary or trans regional development initiatives
- Zoning for land use, forest protection and development and for exploitation and utilization of other

### Schedule III. List of Exemptions

- Emergency programs
- Initiatives involving high national security
- Programs involving humanitarian assistance

### Annex II. ENVIRONMENTALLY SENSITIVE AREAS AND ECOSYSTEMS

1. Areas prone to natural disasters (geological hazards, floods rain storms, earthquakes, landslides, volcanic activity, etc.).
2. Wetlands (flood plains, swamps, lakes, rivers etc.) water bodies characterized by one or any combination of the following conditions.
  - a) Tapped for domestic purposes,
  - b) Within the controlled and /or protected area, especially designated or in the process of being designated as Ramsar site ;
  - c) Which support wildlife and fishery activities of unique diversity
  - d) Used for irrigation agriculture, livestock grazing
3. Swamps characterized by one or any combination of the following conditions;
  - (a) With primary pristine and dense growth;
  - (b) Adjoining mouth of major river systems;
  - (c) Near or adjacent to traditional fishing grounds;
  - (d) Which act as natural buffers against shore erosion strong winds and storm floods
4. Areas susceptible to erosion e.g.
  - (a) hilly areas with critical slopes
  - (b) Unprotected or bare lands
5. Areas of importance to threatened cultural groups
6. Areas with rare/endorsed/or threatened plants and animals.
7. Areas of unique socio-cultural history, archaeological, scientific importance and areas with potential tourist value
8. Polluted area.
9. Areas subject to desertification and bush fires.
10. Areas declared as:  
National parks, Watershed reserves, forest reserves, wildlife reserves and sanctuaries, sacred areas, wildlife corridors, hot - spring areas
11. Mountainous areas, water catchments areas and recharge areas of aquifers.

12. Areas classified as prime agricultural lands or range lands
13. Green belts or public open spaces in urban areas
14. Burial sites and graves

#### Schedule IV. Terms of reference

The terms of reference shall include the following as the minimum:

1. Introduction: This section should state, the purpose of TOR, the development project to be assessed, and the executing arrangements for the environment assessment.
2. Project description: A brief description of the major components of the proposed project; the implementing agency; a brief history of the project ( including alternatives considered); its current status and timetable and identities of any associated projects planned or in progress within the region which may compete for the same resources be identified.
3. Objectives: This section will summarize the general scope of the environmental assessment and discuss its timing in relation to the process of project preparation, design and execution.
4. Environmental Assessment requirements: This section should identify any regulations and guidelines which will govern the conduct of the assessment and may include any or all the following:-
  - National laws or regulations on environmental review and impact assessment
  - National EIA/EA procedures and guidelines
  - Environmental assessment regulation of any financial organizations involved in the project
  - Any relevant corporate environmental Policies.
5. Study area: This section should specify the boundaries of the study area for the assessment (e.g. water catchment, geographic location etc.,) adjacent areas which should be considered e.g. a residential area or any rich biological diversity area etc.,
6. Scope of Work: This section normally specifies tasks needed to be completed to justify the conduct of an EIA/EA study.

Tasks normally included in the scope of work include:-

Tasks 1: Description of the proposed project.

Provide a brief description of the relevant parts of the project, using maps (at appropriate scale) were necessary, including the following information:-

- Location, general layout, size, and capacity
- Preconstruction and construction activities

- Scheduling of staffing and support
- Raw materials needed, facilities and services
- Required off-site investments and life span.

#### Task 2: Description of the environment

Assemble evaluate an present baseline data on the relevant environmental characteristics of the study area. Include information on any changes anticipated before the project commences Annotate or modify the list to show critical information for the project category.

- Physical environmental: Geology; topography; soils, climate and meteorology; ambient air quality; surface and ground water hydrology; existing sources of air emissions; existing water pollution discharges and receiving water quality.
- Biological environment: flora; fauna; rare or endangered species; sensitive habitats; including parts or reserves; significant natural sites etc.; species of commercial importance and potential to become nuisances, vectors or dangerous.
- Social-cultural environment (include both present and projected where appropriate); land use; planned development activities; community structure; employment, distribution of income, goods and services; recreation public health; cultural properties; tribal peoples; customs, aspirations and attitudes.

#### Task 3: Legislative and regulatory considerations.

Describe patient regulations and standards governing environmental quality, health and safety, protection of sensitive area, protection of endangered species, sitting, land use control etc. at international national regional and local levels.

#### Task 4: Determination of potential Impacts of the proposed project

Describe impacts qualitatively where possible in the terms of environmental costs and benefits. In the analysis, distinguish between:-

- Significant positive and negative impacts
- Direct and indirect impacts
- Immediate and long term impacts
- Impacts that are unavoidable or irreversible.

Assign economic values when feasible and explain significant information deficiencies or any uncertainties associated with prediction of impacts.

#### Task 5: Analysis of alternatives of the proposed project.

Describe alternatives that were examined in the course of developing the proposed project and identify other alternatives, which would achieve the same objectives. The concept of alternatives extends to:

- Sitting, design; technology used
- Construction techniques and phasing
- Operating and maintenance procedures

Compare alternatives in terms of:-

- Potential environmental impacts
- Capital and operating costs
- Suitability under local conditions
- Institutional, training and monitoring requirements.

To the extent possible, quantity costs and benefits of each alternative, incorporating the estimated costs of any associated mitigation measures. The zero alternative i.e., of not constructing the project in order to demonstrate environmental conditions without it, must be included.

#### Task 6: Development of management plan to mitigate negative impacts

Recommend feasible and cost effective measures to prevent or reduce significant negative impacts to acceptable levels. Estimate the impacts and costs of those measures and of the institutional and training requirements to implement them. Consider compensation to affected parties for impacts, which cannot be mitigated. Prepare a management plan including proposed work programs, budget estimates, schedules, staffing and training requirements and any other necessary support services to implement the mitigation measures.

#### Task 7: Identification Institutional needs to Implement the EIA/EA recommendations

Review the authority and capability of institutions at local regional and national levels and recommend steps to strengthen or expand them so that the management and monitoring plans in the environmental assessment can be implemented. The recommendations may extend to new agency functions intersect oral arrangements, management procedures and training, staffing, operation and maintenance, budgeting and financial support.

#### Task 8: Development of Monitoring Plan

Prepare a detailed plan to monitoring the implementation of mitigation measures and the impacts of the project during construction and operation. Include in the plan an estimate of capital and operating costs and description of other inputs needed to carry it out.

#### Task 9: Public Consultation

Propose a through program of consulting the public during the EIA/EA study. The purpose of the programmed will be assist the proponents to both inform all interested parties about the project and solicit their views about it. Specifically the consultant will propose an effective, comprehensive public consultation strategy which includes at least:-

- A list of stakeholders to be consulted
- Method of reaching them and issues of concern raised
- The scheduling of consultation activities and
  - How consultation efforts will be analyzed

And provide a record of meetings, communications and comments.

## 7. Reporting

The environmental assessment report should be concise and limited to significant environmental issues. The main text should focus on findings, conclusions and recommended actions supported by summaries of data collected and citation of references used in data interpretation. Organize the report according to guidelines outlined in part 1 of volume 3 of the general EIA/EA guidelines.

#### 8. Consulting Team

Identify the specializations needed in the interdisciplinary team for the particular project.

9. Schedule: In this section, specify dates for progress reports, interview and final reports and other important events.

10. Other information. Include here list of:-

Data sources, project background reports and studies relevant publications and other items to which the consultant's attention should be directed.