



**nema**

mazingira yetu | uhai wetu | wajibu wetu

**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)  
THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT  
ENVIRONMENTAL IMPACT ASSESMENT LICENSE**

License No: **NEMA/EIA/PSL/7651**

Application Reference No: **NEMA/EIA/SR/1246**

This is to certify that the Environmental Impact Assessment Study Report received from

**Kenya National Highways Authority.**

**P.O Box 49712-00100, Nairobi.**

submitted to the National Environment Management Authority in accordance with the Environmental Impact Assessment & Audit Regulations, 2003 regarding the:

**Proposed Mombasa Gate Bridge Project.**

whose objective is to carry on

**Construction of a 1.4km long Mombasa Gate bridge proceeding as a 10.4km long embankment Road and associated amenities.**

located at

**Between Mombasa Island and Mombasa Mainland South traversing the Counties of Mombasa and Kwale.**

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

Issue Date : **03 April, 2019**

Signature

(Seal)

**Director-General  
The National Environment  
Management Authority.**

P.T.O.



ISO 9001: 2008 Certified

## **1.0 General Conditions**

- 1.1 This project is for the construction of a 1.4km long Mombasa Gate Bridge across the Likoni channel starting from Lumumba Road at King'orani prison in Mombasa Island then crossing the channel at Ganjoni to Jamvi La Wageni area of Likoni along the Mweza Creek. The bridge then proceeds as a 10.4 km long embankment road traversing Mombasa and Kwale Counties.
- 1.2 The license shall be valid for 24 months (time within which the project shall commence from the date hereof).
- 1.3 The Director General shall be notified of any transfer, variation or surrender of this license.
- 1.4 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.
- 1.5 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 Coordination Act, Cap 387 and regulations therein.
- 1.6 This license shall not be taken as statutory defence against charges of pollution in respect of any manner of pollution not specified herein.
- 1.7 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.
- 1.8 The proponent shall submit an Environmental Audit report in the first year of occupation/operations/commissioning to confirm the efficacy and adequacy of the Environmental Management Plan.
- 1.9 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.
- 1.10 The proponent shall comply with NEMA's improvement orders throughout the project cycle.

## **2. Construction Conditions**

- 2.1 The proponent shall obtain the requisite approvals from the County Governments of Mombasa and Kwale, the Kenya Wildlife Service, Kenya Maritime Authority and all other relevant Authorities prior to commencement of works.
- 2.2 The proponent shall ensure no interference with the vessel access routes to the port of Mombasa.
- 2.3 The proponent shall put up a project signboard as per the Ministry of Transport and Infrastructure standards showing the NEMA EIA license number among other details.
- 2.4 Since the project borders the sea, the proponent shall ensure that the proposed development observes an appropriate sea front distance pursuant to the provisions of the integrated Natural Land Use Guidelines, 2011.



- 2.5 The proponent shall ensure strict adherence to the provisions of the Environmental Management and Coordination Act (Riverbanks, Lakeshores, and Sea Shores), Regulations, 2009 with regard to the developments along the coastline and shall observe a setback distance of 30m from the sea shore based on the highest recorded flood level.
- 2.6 The proponent shall ensure that disturbance to the natural habitat is minimised and where possible, rehabilitation of vegetation is done after completion of the project.
- 2.7 The proponent shall periodically monitor the structural integrity and reliability of the bridge to avoid the risks associated with the proposed project.
- 2.8 The proponent shall obtain all the requisite approvals from all the relevant authorities prior to commencement of works.
- 2.9 The proponent shall put in place measures to ensure protection of the marine environment.
- 2.10 The proponent shall ensure strict adherence to the provisions of the National Construction Act of 2011.
- 2.11 The proponent shall ensure that vehicles ferrying construction materials to and from the site adhere to axle load requirements.
- 2.12 The proponent shall provide underpasses in potential areas to allow free movement of the marine species.
- 2.13 The proponent shall design and implement a concise traffic management plan duly approved by the County Engineer, prior to commencement of the project, to avoid traffic congestion.
- 2.14 The proponent shall ensure that measures are put in place to control dust throughout the construction phase.
- 2.15 The proponent shall ensure strict adherence to the provisions of the Environmental Management and Coordination (Air Quality) Regulations of 2014.
- 2.16 The proponent shall ensure that all excavated material and debris is collected, re-used and where need be, disposed off as per the Environmental Management and Coordination (Waste Management) Regulations of 2006.
- 2.17 The proponent shall ensure strict adherence to the provisions of Environmental Management and Coordination (Noise and Excessive Vibrations Pollution Control) Regulations of 2009.
- 2.18 The proponent shall ensure strict adherence to the Occupational Safety and Health Act (OSHA), 2007.
- 2.19 The proponent shall ensure that construction workers are provided with adequate personal protection equipment (PPE), sanitary facilities as well as adequate training.
- 2.20 The proponent shall ensure that construction activities are undertaken during the day (and not at night) - between 08.00 hrs and 18.00 hrs; and on Saturdays between 0800 hrs to 1300 hrs. No

work shall be undertaken on Sundays; and that transportation of construction materials to and from site is undertaken during weekdays and Saturdays only during the hours specified herein.

2.21 The proponent shall ensure that the development adheres to zoning specification issued for the development of such a project within the jurisdiction of the Mombasa and Kwale County Government with emphasis on the approved land use for the area.

2.22 The proponent shall ensure strict adherence to the Environmental Management Plan developed throughout the project cycle.

### **3.0 Operational Conditions**

3.1 The proponent shall ensure construction works are done in close collaboration with the Ministry of Transport and Infrastructure.

3.2 The proponent shall monitor the performance of the sea protection wall and take necessary remedial actions should any deviations that may have adverse environmental consequences be observed.

3.3 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 of 2006.

3.4 The proponent shall ensure that all drainage facilities are fitted with adequate functional silt traps.

3.5 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 of 2009.

3.6 The proponent shall ensure that all solid waste is handled in accordance with the Environmental Management and Coordination (Waste Management) Regulations of 2006.

3.7 The proponent shall ensure that all workers are well protected and trained as per the Occupational Safety and Health Act (OSHA) of 2007.

3.8 The proponent shall in consultation with the National Museums of Kenya undertake an Heritage Impact Assessment to ensure the protection and conservation of any archaeological and cultural site within the area.

3.9 The proponent shall ensure relocation, compensation and restoration of livelihoods for any project affected persons (PAPs) and develop a consultative plan for emerging issues and grievance redress mechanisms (GRM) as shall be prescribed in the Resettlement Action Plan (RAP).

3.10 The proponent shall comply with the relevant principal laws, by-laws and guidelines issued for development of such a project within the jurisdiction of the County Governments of Mombasa and Kwale, Architectural Association of Kenya, Kenya Roads Board, Kenya Urban Roads Authority, National Construction Authority, Water Resources Authority, Kenya Wildlife Service, Ministry of Land, Housing and Urban Development and other relevant Authorities.

3.11 The proponent shall ensure that environmental protection facilities or measures to prevent pollution and ecological deterioration such as re-vegetation, effective storm water drainage system, dust control measures, noise control measures, regular bridge maintenance mechanisms are designed, constructed and employed simultaneously with the proposed project.

#### 4.0 Notification Conditions

- 4.1 The proponent shall seek written approval from the Authority for any operational changes under this license.
- 4.2 The proponent shall ensure that the Authority is notified of any malfunction of any system within 12 hours on the NEMA hotline No. **020 6006041/0786101100** and mitigation measures put in place.
- 4.3 The proponent shall keep records of all pollution incidences and notify the Authority within 24 hours.
- 4.4 The proponent shall notify the Authority in writing of its intent to decommission the facility **three (3) months** in advance.

#### 5.0 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.

