

Original



THE REPUBLIC OF UGANDA

0010475

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)
The National Environment Act Cap. 153
The Environmental Impact Assessment Regulations, S.I. No. 13 of 1998

Certificate of Approval of Environmental Impact Assessment

Certificate No. NEMA/EIA/ 10475

*This is to certify that the Project Brief/Environmental Impact Statement***

received from

M/s. MINISTRY OF AGRICULTURE, ANIMAL INDUSTRY & FISHERIES, & MINISTRY OF WATER AND ENVIRONMENT
of **P.O. BOX 102 ENTEBBE, TEL: +256 414 320004**

submitted in accordance with the National Environment Statute to the National Environment Management Authority (NEMA) regarding:

ESIA FOR ATARI RIVER BASIN IRRIGATION SCHEME

(Title of Project)

briefly described as **ATARI RIVER BASIN IRRIGATION SCHEME**

(Nature, Purpose)

located at **BUNAMBUTYE SUBCOUNTY, BULAMBULI DISTRICT AND NGENGE SUBCOUNTY, KWEEN DISTRICT**

(District/Sub-county/City/Town/Ward)

has been reviewed and was found to:

~~** have no significant environmental impacts and was approved~~

**** have significant environmental impacts and the following appropriate mitigation measures were identified and made a condition precedent for approval and implementation:**

= PLEASE TURN OVER =

(Attach relevant details when required)

Dated at **KAMPALA**

2ND AUGUST, 2017

xxx

Executive Director (NEMA)

ORIGINAL: Developer; DUPLICATE: Lead Authority; QUADRUPPLICATE: Any other relevant agency

** Delete whichever is not applicable

CONDITIONS OF APPROVAL
(Additional Information Sheet)

CONDITIONS OF APPROVAL FOR THE ESIA FOR ATARI RIVER BASIN

IRRIGATION SCHEME

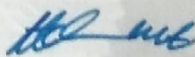
In addition to implementing the mitigation measures outlined in the Environmental and Social Impact Assessment, this Certificate of Approval is granted on condition that the Developers, **MINISTRY OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES; AND, MINISTRY OF WATER AND ENVIRONMENT**, shall comply with the approval conditions stated below:

ADMINISTRATIVE CONDITIONS OF CERTIFICATE

1. This Certificate is issued in accordance with the requirements of the National Environment (Environment Impact Assessment) Regulations, SI. No. 153-1 and of the Physical Planning Act, 2010.
2. Issuance of this Certificate of Approval is based on the content of information contained in the Environmental and Social Impact Assessment as submitted by the Developer.
3. The Developer shall be held responsible for any omissions, falsified information or any other anomalies that are contrary to the provisions stipulated in the relevant laws governing the proposed project.
4. This Certificate of Approval is **VALID** for a period of **20 YEARS** - the period that covers both the construction and operational phases of the project.
5. The project must commence within the first **24 months** (from

Dated at KAMPALA on 2ND AUGUST, 2017 30

Signed



Executive Director (NEMA)



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

CONDITIONS OF APPROVAL FOR THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT PERTAINING TO ATARI RIVER BASIN IRRIGATION SCHEME, IN BUNAMBUTYE SUB-COUNTY, BULAMBULI DISTRICT AND NGENGE SUB-COUNTY, KWEEN DISTRICT (GPS COORDINATES: Latitude 1° 43' North and 1° 30' South and Longitude 34° 27' East and 34° 27' East)

ADMINISTRATIVE CONDITIONS OF CERTIFICATE (Cont..d)

...the date of approval) of the validity period, failure of which the Certificate may be varied, cancelled or otherwise dealt with by this Authority.

6. The Executive Director should be **NOTIFIED** of any transfer of ownership, variation/alteration of the project design or components, or surrender of this Certificate of Approval.

1.0 SPECIFIC CONDITIONS OF APPROVAL

- (i) Restrict project activities to the area shown in Figure 1, and ensure that project affected persons are compensated and/or resettled based upon mechanisms defined in a Resettlement Action Plan (RAP), which should be developed and approved by the relevant Lead Agency.
- (ii) Implement the project activities in conformity with the planning provisions for the area as provided for by the local government authorities of Bulambuli and Kween districts, and in accordance with the requirements under the Physical Planning Act, 2010, and other relevant laws.
- (iii) Ensure members of the community are represented at an appropriate level of project implementation, and that representation is balanced across gender, age and tribe.
- (iv) Put in place mechanisms – chance finds and avoidance procedures – to guide the management of tombs and human remains whenever they are found.
- (v) Ensure that the project benefits the community members, and where they are eligible, they should be employed to provide casual labour.
- (vi) Where water sources, such as springs and boreholes, are affected by the project, ensure you replace them as necessary. In addition, designate and install drinking water points and cattle paths for cattle keepers and their cattle, since the project area includes



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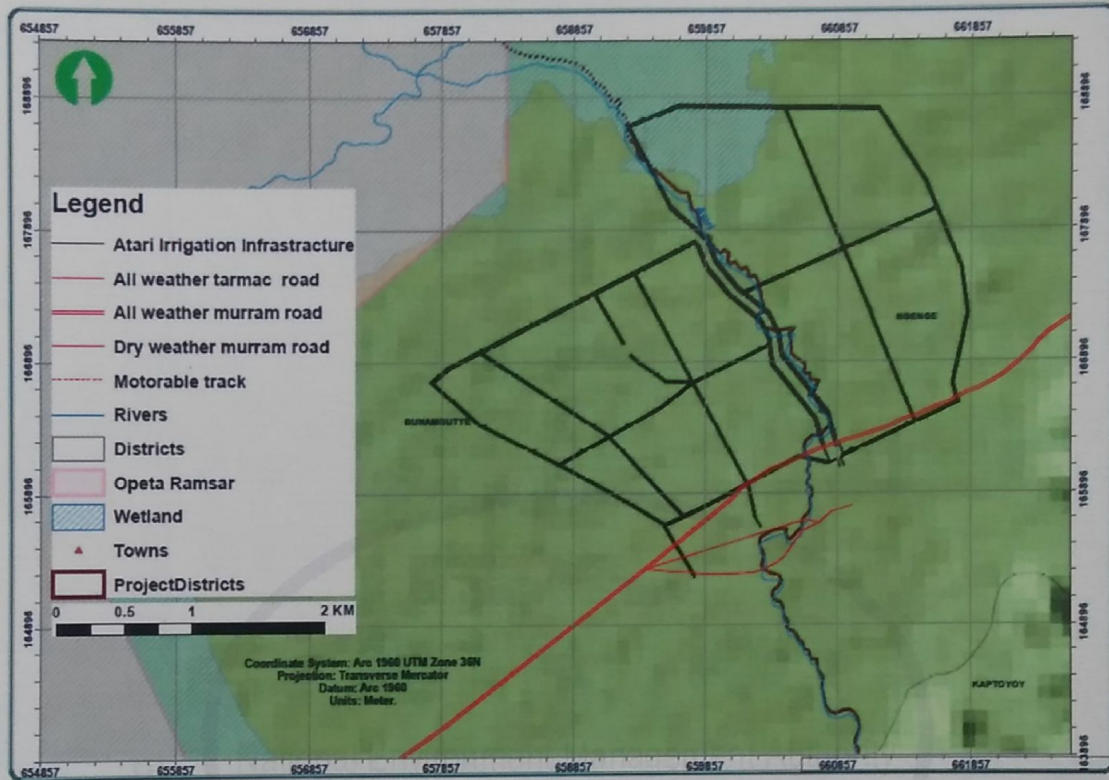


Figure 1. Location of the project at the Bulambuli-Kween border

original water points and cattle paths, and plan for the establishment of alternative grazing or fodder areas to sustain the livestock industry in the area.

- (vii) Seek guidance and approval from the Directorate of Water Resources Management to tap and divert water from River Atari, and ensure that the environmental flows of Atari River, both upstream and downstream, are observed and complied with as prescribed by the Directorate of Water Resources Management (DWRM), in accordance with the Water (Water Resources Regulations) S.I No. 152-1, in order to sustain the hydrological functions of the River.
- (viii) Ensure that works on the river, such as, flow intake, dykes, working platforms, sedimentation basin, screens at intake and fishways, which are intended to divert water to irrigation plots, avoid flooding, mitigate bank erosion and sediment input, guard against sediment transfer along the course of the river, avoid diversion of macro-aquatic



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fauna into irrigation canals, and avoid disrupting fish, respectively, are approved by NEMA.

- (ix) Obtain approvals of the structural and site layout plans, and alignments of the irrigation components/infrastructure from the relevant Lead Agencies, including the DWRM, Bulambuli and Kween Districts Local Government Authorities, and Ministry of Agriculture, Animal Industry and Fisheries (MAAIF). In doing so, ensure dykes **are placed 30 meters on either side of the course**, and that the design is the most appropriate to mitigate floods and limit encroachment of the floodplain and ecologically sensitive areas, but that it also takes into account the requirement for a proportionate amount of land for cultivation. Further, ensure you put in place mechanisms to protect the buffer along the river course, since this is a refugia for a host of fauna.
- (x) Seek approval from NEMA to use wetlands in the area, and ensure the project excludes ecologically sensitive areas, which were mapped during the Environmental and Social Impact Assessment study. Share the site map showing these areas with NEMA and Uganda Wildlife Authority, and monitor them for coverage and habitat quality.
- (xi) Conduct periodic water and soil quality tests of soil and water in the irrigation scheme area and of waters of Atari River, in order to minimize deterioration of soil and water quality in the project area and its environs, in accordance with the Water (Water Resources Regulations) S.I. No. 152-1 and other relevant laws and standards, and as shall be prescribed by the DWRM, among others.
- (xii) Obtain the necessary guidance and approval from MAAIF regarding the range of **agro-chemicals (artificial fertilisers, pesticides, among others) that are permitted for use** in crop farming activities, especially those applicable to irrigation schemes, but also institute a programme that will ensure the conduct of good farming practices, non-reliant on agro-chemicals and also less dependent on fertilizers.
- (xiii) In accordance with the National Environment (Waste Management) Regulations, 153-2, collect, sort and contain all solid waste (*e.g. construction debris, muck, excavated soil, metal scrap*) and garbage in a proper manner, and dispose of the waste in locations gazetted as waste dump-sites by the Local Authorities.
- (xiv) Contract only **hazardous waste handlers licensed** by the National Environment Management Authority (NEMA), to collect and dispose of hazardous waste including waste-oil, used plastics/polythene materials, contaminated materials, in line with the National Environment (Waste Management) Regulations, S.I 153-2.



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- (xv) Carry out annual environmental audits in accordance with the best available practices (taking into account advances in science and technology) as stipulated in Section 6 of the National Environment (Audits) Regulations, 2006; and submit the first environmental audit report **by August, 2018**.
- (xvi) Carryout separate Environmental and Social Impact Assessments for any planned components (such as, **processing facilities**) of the project that are not subject of this approval, in line with the Environmental Impact Assessment (EIA) Regulations, S.I.153-1.
- (xvii) In accordance with Section 22(4) of the National Environment Act (NEA), Cap. 153, take all reasonable measures and mitigate any other undesirable environmental impacts that may arise during the implementation of the project, but were not contemplated during the initial environment impact assessment and by the time of issuing this Certificate of Approval, and report on those measures to the relevant Lead Agencies and this Authority.

2.0 GENERAL CONDITIONS OF APPROVAL

- (xviii) Liaise with the Bulambuli and Kween Districts Local Government authorities to sensitize the concerned local communities about the Project and its associated impacts; and, put in place a grievance committee to address any issues that may arise during the project implementation phases.
- (xix) Ensure that matters pertaining to shared resources and services utilized by the local communities (*including access to public utilities and services, access road, water sources*) are handled in a proper manner, in liaison with the Local Authorities in order to minimize social conflict.
- (xx) Put in place adequate Occupational Health and Safety (OHS) measures and procedures to cater for workers during the implementation of the project, including training, first aid and barricades with warning tapes; and ensure that workers are adequately protected from exposure to excessive dust, noise, agrochemicals, or any other occupational hazards, as stipulated in the Occupational Safety and Health Act, 2007.
- (xxi) Institute a STD and HIV/AIDS awareness and prevention programme to sensitize project-related staff/workers, the community residing and/or working around the project, among others, on issues relevant public health issues related to the afore-mentioned subject.



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- (xxii) Control the levels of noise during construction and project implementation phases of the Project, and maintain the noise levels within limits stipulated in the National Environment (Noise Standards and Control) Regulations, S.I No. 30/2003.
- (xxiii) Put in place an appropriate and comprehensive **disaster-preparedness and emergency response plans**, to cater for both the construction and operational phases of the Project.
- (xxiv) Display copies of this Certificate of Approval in strategic locations at the project offices, and should be available at all times.
- (xxv) Fulfill any other conditions and requirements as may be prescribed from time to time by the Bulambuli and Kween Districts Local Government Authorities, NEMA, MAAIF, DWRM, and other relevant Lead Agencies.
- (xxvi) Implement the environmental and social management and monitoring plan as outlined in the Environmental and Social Impact Assessment report; and ensure record keeping as required under Section 77 of the National Environment Act, Cap. 153, and their transmission to this Authority as required under Section 78 of the Act.

3.0 CONSTRUCTION PHASE CONDITIONS OF APPROVAL

- (xxvii) Undertake construction activities during **day-time hours (7.00am to 6.00pm)**.
- (xxviii) Ensure community members continue to use the land during construction, and that where this is not possible, consider them as project affected persons and compensate them as guided by the RAP.
- (xxix) Construct canals using materials that protect against channel erosion, and during operation, stabilize canals to avoid seepage, hence waterlogging of fields, and locate canals and dykes where they do not obstruct natural drainage.
- (xxx) Conduct most of the construction activities during the dry season in order to minimize road damage, and seek the necessary approvals from the Uganda National Roads Authority (UNRA) to connect access roads to the main roads in the area.
- (xxxi) Use specially designed trucks to transport project-related materials and different kinds of waste, in order to prevent littering, spillage and leakage of such materials/substances; and the trucks should bear phrases that convey a message



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to the general public that the items being transported, can pose a risk to the safety of people, among others.

- (xxxii) Ensure hydrocarbons are not stored in and around fragile spots of the project area, and that servicing and maintenance of project equipment, including vehicles, is done at places designated by Bulambuli and Kween District Local Governments.
- (xxxiii) Liaise with the Uganda Traffic Police Authorities to install appropriate road signage (*that can also be illuminated during night hours*) along sections of the access road leading to the project sites, to draw attention of the drivers and other road users to danger points and ongoing activities, and where necessary, use flagmen to guide flow in and around high activity spots in the project area.
- (xxxiv) In accordance with the Road Act, Cap. 358, impose speed limits on truck drivers transporting project-related materials and equipment/machinery to and from the project sites, in order to minimize occurrence of accidents.

4.0 OPERATIONAL PHASE CONDITIONS OF APPROVAL

- (xxiv) Ensure farmers are trained on the use and operation of the irrigation system in order to avoid over-irrigation of field.
- (xxv) Put in place procedures for monitoring, control, inspections, and maintenance of the project components, and to enable detection of and timely remedial action in case of malfunctioning or departure from the anticipated functionality of the project components.
- (xxvi) Document and archive all critical data regarding the project area and activities, aspects of water and soil quality, and the hydrology of the micro-catchment of which the Project is a part, and ensure this data is made readily available to relevant Lead Agencies from time to time.
- (xxvii) Adopt practices that reduce anoxia and hence methane generation, such as periodically draining paddies and use of compounds that increase activity of microbes other than methanogens, among other, and encourage organic farming so as to reduce the use of agrochemicals that contribute greenhouse gases (GHGs).
- (xxviii) Plant indigenous trees and grasses across disturbed areas that will not be used for agriculture, as these will offer refuge to tree- and grass-birds, which will be affected when their niches are replaced by farmland.



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- (xxix) Encourage establishment of woodlots in upland locations around the project area, to supply energy to the community, since the project will take up part of the land that has historically provided wood fuel in the form of reeds and shrubs.
- (xxx) Put in place measures and programmes to manage water-borne diseases, characteristic of highly saturated areas, and ensure to undertake periodic water-borne diseases awareness campaigns in the project area.
- (xxxii) Seek permission from NEMA and other relevant Lead Agencies whenever repellents are to be used to repulse bird pests of rice fields.
- (xxxiii) Ensure to maintain proper and up-to-date records of the agro-chemicals used, mindful that such records should be readily availed to the relevant Lead Agencies when required, to ensure proper monitoring of project operations.
- (xxxiiii) These conditions of approval are in addition to any other applicable Condition in this Certificate or relevant law.

5.0 NOTIFICATION PHASE CONDITIONS OF APPROVAL

- (xxxiv) Seek written approval from this Authority for any operational changes under this Certificate.
- (xxxv) Ensure that this Authority is notified of any malfunction of any component of the Project within 12 hours, and mitigation measures put in place.
- (xxxvi) Submit to this Authority a written notice of intent to decommission project activities **3 (three) months** in advance.

6.0 DECOMMISSIONING AND RESTORATION PHASES CONDITIONS OF APPROVAL

- (xxxvii) Ensure that a decommissioning plan is submitted to this Authority for approval at least **3 (three) months** prior to decommissioning the project components.
- (xxxviii) Decommission the project components when their life-span come to an end as per the decommissioning plan, and/or as will be prescribed by the relevant Lead Agencies.



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- (xxxix) Restore all parts of the project site laid bare during the conduct of construction activities and decommissioning phase by proper landscaping and re-vegetation using suitable indigenous species of trees/grass.
- (xl) Ensure to avoid introduction to and spread of alien/invasive plant species across the project area.
- (xli) Ensure that all pollutants and polluted material is contained and adequate mitigation measures provided for safe disposal of the same during this phase of the project.

7.0 SUSPENSION / WITHDRAWAL / CANCELLATION CONDITIONS

- (xlii) This Certificate of Approval may be withdrawn or cancelled due to the following:
 - (a) if there is no compliance with any of the **Specific Conditions** set out in this Certificate in Section 1.0 above, and any other substantive general provisions of this Certificate;
 - (b) where there is a substantial modification of the project implementation or operations which may lead to the emergence of un-assessed adverse environmental impacts that were not evaluated at the time of issuing this Certificate of Approval; and,
 - (c) where there arise substantive undesirable effects that were not contemplated by the time of issuance of this Certificate of Approval.

DATED AT KAMPALA ON 2ND AUGUST, 2017

Signed:

EXECUTIVE DIRECTOR (NEMA)

c.c. The Permanent Secretary,
Ministry of Agriculture, Animal Industry and Fisheries,
ENTEBBE.

Attn: The Director, Directorate of Crop Resource.

c.c. The Director,
Directorate of Water Resources Management,
ENTEBBE.



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- c.c. The Chairperson LC-V,
Bulambuli District Local Government,
BULAMBULI.
- c.c. The Chairperson LC- V,
Kween District Local Government,
KWEEN.
- c.c. The Resident District Commissioner,
Bulambuli District,
BULAMBULI.
- c.c. The Resident District Commissioner,
Kween District,
KWEEN.
- c.c. The Chief Administrative Officer,
Bulambuli District Local Government,
BULAMBULI.
- c.c. The Chief Administrative Officer,
Kween District Local Government,
KWEEN.
- c.c. The District Environment Officer,
Bulambuli District Local Government,
BULAMBULI.
- c.c. The District Environment Officer,
Kween District Local Government,
KWEEN.
- c.c. The Sub-county Chief,
Bunambutye Sub-county,
BULAMBULI.
- c.c. The Sub-county Chief,
Ngenge Sub-county,
NGENGE.