

Original



17496

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

The National Environment Act, No.5 of 2019

The National Environment (Environmental And Social Assessment) Regulations No. 143 of 2020

Certificate of Approval of Environmental and Social Impact Assessment

Certificate No. NEMA/EIA/ 17496

*This is to certify that the Project Brief/Environmental and Social Impact Assessment
received from*

M/s: MINISTRY OF WATER & ENVIRONMENT

of P.O BOX 20026, KAMPALA-UGANDA.

submitted to the National Environment Management Authority (NEMA) in accordance with the National Environment Act, No. 5 of 2019 regarding:

THE PROPOSED REHABILITATION OF KASENSERO VALLEY DAM

(Title of Project)

briefly described as **THE REHABILITATION OF KASENSERO VALLEY DAM**

(Nature, Purpose)

Declared Investment cost **UGX9,630,497,561**

located at **IN NALYANKANJA WARD, KYENDA TOWN COUNCIL, MUBENDE DISTRICT.**

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

has been reviewed and was found to:

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

(The relevant conditions are attached in the subsequent pages)

Dated at **KAMPALA**

on **24 JULY 2023**

Signed

EXECUTIVE DIRECTOR (NEMA)





NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

CONDITIONS OF APPROVAL FOR THE ENVIRONMENT AND SOCIAL IMPACT STATEMENT FOR THE PROPOSED REHABILITATION OF KASENERO VALLEY DAM IN NALYANKANJA WARD, KYENDA TOWN COUNCIL, MUBENDE DISTRICT (AT GPS COORDINATES: 36N 336450 54422; 36N 336316 54116; 36N 336036 54123; 36N 336035 54121; 36N 336258 54121)

- 1.0** This Certificate is issued in accordance with the National Environment Act, No.5 of 2019, the Physical Planning Act, 2020, as amended, and the National Environment (Environmental and Social Assessment) Regulations, S.I No. 143/2020, and any other applicable laws.
- 2.0** In addition to implementing the mitigation measures outlined in the Environment Impact Statement, this **Certificate of Approval** is granted on condition that the Developer, **M/s Ministry of Water & Environment** complies with approval conditions stated below.
- 3.0** **ADMINISTRATIVE CONDITIONS OF CERTIFICATE**
 - (i) Issuance of this Certificate of Approval is based on the content of/information contained in the Environment and Social Impact Statement submitted by **M/s Ministry of Water & Environment** on 8th March 2023. The Ministry of Water & Environment shall be held responsible for any omissions, falsified information or any other anomalies that are contrary to the provisions of the relevant laws governing the proposed project
 - (ii) This Certificate of Approval is **VALID for a period of 5 YEARS**, thereafter, this certificate may be revised/varied upon request or when site conditions change.
 - (iii) The project **must commence within the first 24 months** from the date of approval of the validity period, failure of which this Certificate shall be varied, cancelled or otherwise dealt with by this Authority.
 - (iv) **The Executive Director shall be NOTIFIED** of and **consent sought** before any transfer of ownership, variation/alteration of the project design or components, or surrender of this Certificate of Approval, shall be required.

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4.0 SPECIFIC CONDITIONS OF APPROVAL

4.1 Land Acquisition and Critical ENR Issues:

- (i) Ensure the project land is legally obtained, in accordance with the Land Act Cap 227, and other relevant laws.
- (ii) Restrict the project infrastructural set-up within the area approved for development as indicated in the google map in **Figure 1** below.

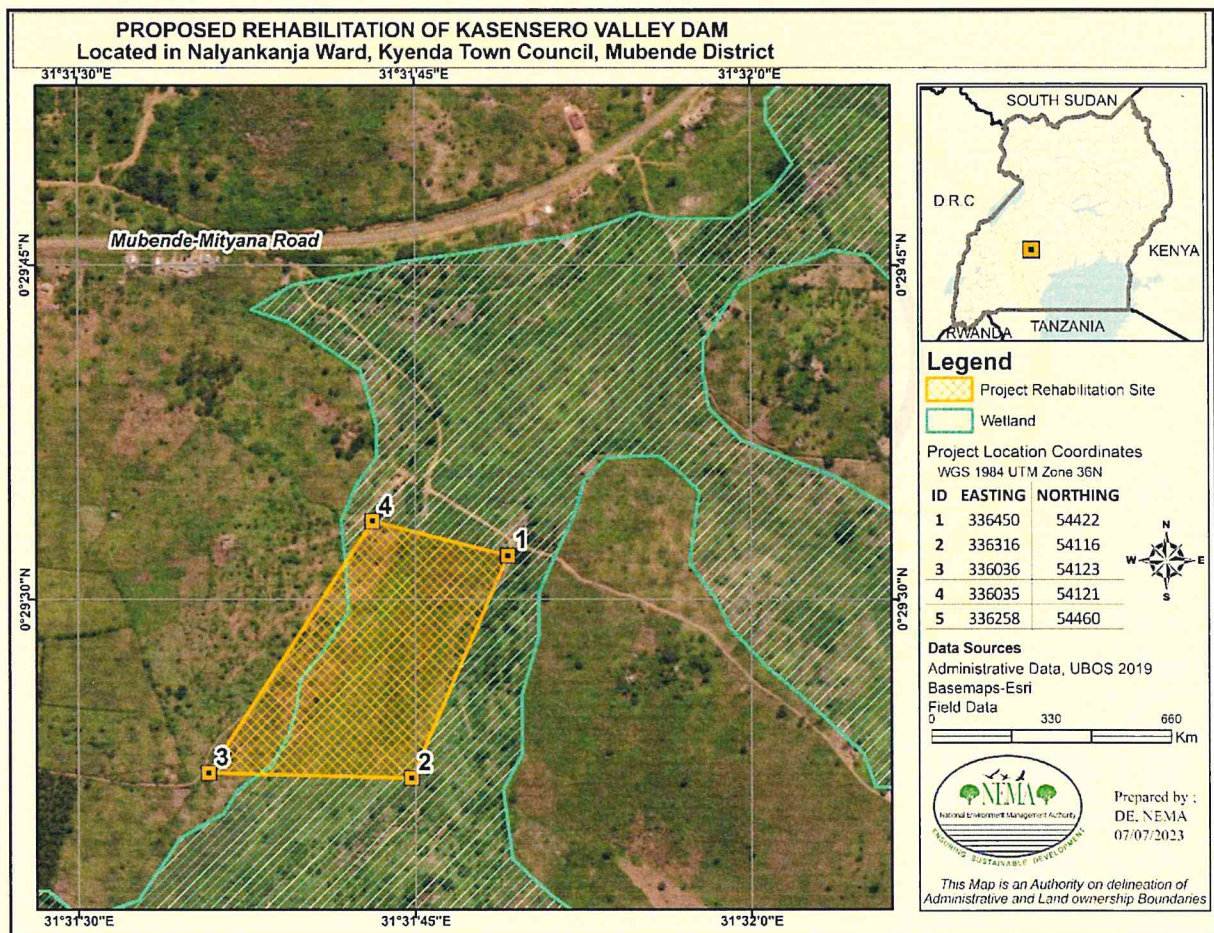


Figure 1: Map showing the *Kasensero Valley Dam Rehabilitation Extent*

- (iii) Obtain all approvals required to set up and operate the dam in this location.



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- (iv) Compensate all Project Affected Persons (PAPs) in accordance with the National Laws governing compensation.
- (v) Implement appropriate soil and water conservation strategies compatible with the landscape of the area.
- (vi) Preserve endangered and indigenous species of trees in the project area, and where inevitable plant the destroyed tree species in places which will not be cultivated to replace those lost during projects works.
- (vii) Put in place appropriate measures to minimize bank erosion and sedimentation of the streams prevent siltation of the irrigation canals, guard against diversion of macro aquatic fauna into irrigation canals and avoid flooding of irrigation plots.

4.2 **Construction and design:**

- (i) Seek technical support and guidance from the Department of water at Mubende District Local Government during the implementation of the project.
- (ii) Collaborate with the Mubende District Local Government on matters of the Kasensero Valley Dam Rehabilitation project management.
- (iii) Seek guidance from the District Engineer of Mubende District when planning for and during opening /maintenance of infield roads.
- (iv) Institute speed limits for trucks transporting construction materials, and place signage at appropriate locations along the roads to the project area to warn users of heavy trucks using the road.
- (v) Undertake construction activities during daytime hours (7.00AM to 6.59PM).
- (vi) Ensure trucks hauling building materials are covered with tarpaulin to prevent spillage of soil and stockpiles of soil and other loose materials are covered to prevent them from being blown away by wind.
- (vii) Liaise with the traffic police authorities in the district to install appropriate road signage along sections of the access road to the project site, to draw attention of the drivers and other road users of the danger points and ongoing activities.



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4.3 **Relevant Approvals:**

- (i) Obtain all the necessary approvals from among others, this Authority, the Directorate of Water Resources Management (DWRM) in the Ministry of Water and Environment and Mubende District Local Government before commencement of project activities.
- (ii) Liaise with the Planning Department of Mubende District to develop an **Area Action Plan** for the project, including the modalities of monitoring its implementation, and be sure to share this plan with all the relevant institutions, including this Authority, within the first six (6) months from the date of issuance of this Certificate.

4.4 **Waste Management:**

- (i) Institute strict house-keeping and environment management in order to prevent littering, misuse and damage of the environment around the project area.
- (ii) Put in place mechanisms for handling both hazardous and non-hazardous waste generated from project activities, in accordance with the National Environment (Waste Management) Regulations, S.I. No. 49/2020.

4.5 **Environmental Management and Monitoring plan:**

Adhere to the Environmental Management and Monitoring plan in the Environment Impact Statement while implementing this project, in accordance with Section 122(3) of the National Environment Act No. 5 of 2019.

4.6 **Public and Occupational Safety and Health:**

- (i) Enlist services of qualified persons to handle workers' occupational health and safety, community affairs and environmental issues.
- (ii) Accord all employee decent working conditions and clear terms and conditions of employment, in accordance with the Employment Act, 2006, and the Employment Regulations, 2011.



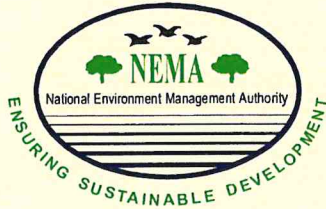
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- (iii) Ensure that there are mechanisms to employ persons with appropriate skills and competence within the community, especially women and the youth, and avoid child labor in accordance with children Act, 2016.
- (iv) Ensure workers are provided with personal protective equipment (PPE) which they should use at all times while on duty.
- (v) Comply with requirements of the Occupational Safety and Health Act, 2006 with regard to occupational hazards during the construction and operational phases of Project.
- (vi) Put in place awareness and prevention program for Sexually Transmitted Infections (STIs), Hepatitis B and HIV/AIDS, Covid-19 disease for the workers.
- (vii) Maintain a first aid kit to manage traumas, and put in place appropriate and comprehensive disaster-preparedness and emergence response plans, which are well known to the workforce and relevant authorities, and be sure they are informed by regular environmental risk assessments.

4.7 Monitoring of Variable Parameters:

Put in place a programme to monitor the following parameters, as required under Section 122(2) of the National Environment Act No. 5 of 2019:

No.	Parameter	Acceptable limits
1	Organic matter (1 st 60cm)	>3.0%
2	<i>Ground and surface water at sub-catchment exits</i>	
a)	b) pH	6.5 – 8.0
c)	d) EC	50 – 1500 μ S/cm
e)	f) DO	0.05 – 2.5 mg/L
g)	h) Nitrate	\leq 10 mg/L
i)	j) Phosphorous	\leq 0.05 mg/L



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5.0 GENERAL CONDITIONS OF APPROVAL

5.1 Use of Plastics:

Single use plastic bags below 30 microns and any plastic that is not labelled in accordance with the provisions of the National Environmental Act, 2019, shall not be used during the entire project life cycle.

5.2 Unanticipated Impacts:

Mitigate any other undesirable environmental impacts that may arise during the implementation of the project but were not contemplated at the time of undertaking the environmental and social impact assessment in accordance with Section 126(2) (b) of the National Environment Act No.5 of 2019.

5.3 Record Keeping and Reporting:

Ensure proper record-keeping as required under Section 176 of the National Environment Act, 2019, and transmit the records to this Authority, as required under Section 177 of the Act.

5.4 Operational Changes:

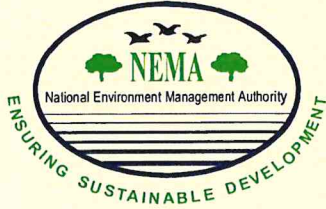
Seek written approval from this Authority for any operational changes under this Certificate.

5.5 Notification:

- (i) Notify this Authority of any malfunction of any component under this project, within 12 hours and that mitigation measures are put in place.
- (ii) Notify this Authority in writing of the intent to decommission any components under this project and submit a decommissioning plan **three months** in advance.

5.6 Environmental Audits:

Carryout the first annual environmental audit in accordance with section 126 of the National Environment Act, 2019, the National Environment (Audits)



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Regulations, S.I. No. 47/2020, and the National Environment (Environmental and Social Assessment) Regulations, S.I No. 143/2020 by **30th August, 2024.**

5.7 Display of Certificate:

Put in place a signboard in a conspicuous place within the project site premises to **display this Certificate of Approval**, as stipulated in regulation 52 of the National Environment (Environmental and Social Assessment) Regulations, S.I. No. 143/2020.

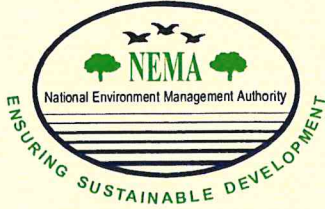
6.0 DECOMMISSIONING AND RESTORATION PHASE CONDITIONS

- (i) Decommission all project components following a decommissioning plan, and/or as will be prescribed by the relevant lead agencies.
- (ii) Restore the disturbed areas to a state that is as close to baseline conditions as is possible.
- (iii) Report on the completed decommissioning and restoration activities to this Authority.

7.0 SUSPENSION/WITHDRAWAL/CANCELLATION CONDITIONS

This Certificate shall be suspended/withdrawn/cancelled:

- (a) If there is no compliance with any of the **Specific Conditions** set out in this Environment Impact Statement Certificate, and any other substantive general conditions of the certificate;
- (b) Where there is unauthorized substantial modification of the project implementation or operations, which may lead to un-assessed adverse environmental and social impacts that were not evaluated at the time of issuing this Certificate of Approval;
- (c) Where there arise substantive undesirable effects that were not contemplated during the issuance of this Certificate of Approval;



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- (d) due to failure to mitigate un-assessed adverse environmental and social impacts as provided for under **section 5.2** and **section 5.4** above; and,
- (e) there is need by the Authority for review, on account of change in Government Policy, Standards, new conservation measures by this Authority and/or enforcement of a court order.

DATED AT KAMPALA ON 24TH JULY, 2023

Signed:

EXECUTIVE DIRECTOR, NEMA

- c.c. The Director
Directorate of Water Resources Management,
Ministry of Water and Environment,
KAMPALA.
- c.c. The Commissioner
Department of Occupational Health and Safety,
Ministry of Gender, Labour and Social Development,
KAMPALA.
- c.c. The Chief Administrative Officer
Mubende District Local Government
MUBENDE.