

1.0 Introduction

Following the promulgation of the Environmental Impact Assessment (E.I.A) Decree No. 86 of 1992, the Federal Ministry of Environment has developed a National EIA procedure. This procedure indicates the steps to be followed (in the EIA process) from project conception to commissioning in order to ensure that the project is implemented with maximum consideration for the environment.

Consequently, this document highlights the various stages in the EIA procedure for Nigeria as well as actors in each stage

In almost all cases the following technical activities will characterize the procedure: Project Proposal, Initial Environmental Examination (IEE), Screening, Scoping, EIA Study, Review, Decision making, Monitoring and Auditing. The procedure is presented schematically in the flow chart of Annex A.

2.0 Project Proposal

As soon as a proponent decides to embark on any development project contained in the category I and II projects listed as in Figure 1. FMENV shall be notified in writing by the submission of a project proposal and a duly completed "EIA NOTIFICATION FORM" which is available upon payment of the sum of ten thousand Naira (10,000) application fee. In order for the screening of the project to be completed as quickly as possible, the project proposal shall include all relevant information available including a land-use map in the proposed project site area. A Checklist (See Annex 'B') has been provided as a guide to assist developers in identifying items which shall be included or considered in the project proposal.

All proposals and supplementary documents shall be addressed to the Director General/Chief Executive of FMENV at the Abuja Headquarters office.

2.1 Development of Proposal

An outline of information content required for project proposals that are to be submitted to the Agency is contained in Annex B.

2.2 Submission of Project Proposal

This is the start of the EIA process when the proponent (government or private enterprise), submits a proposal to the Agency.

2.3 Registration

The Agency shall officially register the project proposal, issue a Registration number and acknowledge receipt immediately. Thereafter, the Agency shall supply the proponent with the necessary documentation, general guidance, contacts, and any other available support which facilitates a smooth EIA process immediately.

3.0 Screening

Upon receipt of the project proposal from the proponent the Agency shall carry out initial Environmental Examination (IEE) and assign the project or activity into a category I, II, or III project. (see figure I; Checklist for the categorization of Projects).

- (a) The criteria for Categorization of projects shall be the:
 - Magnitude
 - Extent or scope
 - Duration and frequency
 - Risks
 - Significance
 - Mitigation measures available for associated and potential environmental impacts.
- (b) Location of the project in Environmentally Sensitive Areas (ESAs) is also an important criterion to be considered by the EIA Secretariat in making a decision.
- (c) Site visit may be undertaken by the Agency.
- (d) Projects listed in Category II but located in or close to Environmentally Sensitive Areas (ESAs) will be assigned to Category I and are therefore subject to full-scale EIA
- (e) For projects under category II that are not located in an ESA, a full-scale EIA may not be mandatory. A partial EIA will be required. In this case, mitigative measures or changes in project design (depending on the nature and magnitude of the environmental impacts as well as further actions), may also be required from the proponent.
- (f) The Agency will issue an EIS for projects in Category III which are expected to have essentially beneficial impacts on the environment.
The Agency shall provide appropriate advice (Screening Report) in writing to the proponent within ten (10) working days of receipt of the proposal.

4.0 Scoping

Upon receipt of the screening report from the Agency, the proponent shall carry out a scoping exercise to ensure that all significant impacts and reasonable alternatives are addressed in the intended EIA.

- (a) The proponent shall submit a Terms of Reference (TOR) indicating the scope of the proposed EIA study. The Agency may demand a preliminary assessment report and any additional information from the proponent to assist in vetting the scope and the TOR of the proposed study.
- (b) Public Hearing maybe requested depending on the public interest in the project
- (c) If the data available is inadequate, the proponent may be required to undertake specific studies to fill data gaps. After consideration of (a) and (b) above, the Agency shall define the scope of the EIA required.
- (d) Thereafter, the proponent shall undertake EIA study according to the TOR agreed with FEP.

5.0 Draft EIA Report

The Project Proponent shall submit at least fifteen (15) copies of a draft EIA report to FMENV for review. The report shall include the proceedings of consultations with adjoining communities and other Stakeholders held in a Public Forum (Public Participation). The proceedings shall be documented as

an appendix to the report. Public Participation should be seen as a continuous programme for the environmental and economic sustainability of the project. To aid the EIA preparer, sectoral guidelines are being prepared by FMENV for the following sectors and sub-sectors:

(1) Petroleum and Petrochemicals:

- Oil and Gas Exploration and production (onshore)
- Oil and Gas Exploration and production (offshore)
- Pipeline Construction (onshore and offshore)
- Petroleum refining
- Petrochemicals
- Oil and Gas storage
- Refineries construction
- Product depot construction
- Petrol filling stations

(2) Manufacturing

- Chemicals and Allied Industries
- Pulp, paper and timber processing
- Non-ferrous metals
- Iron and steel manufacturing
- Fertilizer
- Others

(3) Agricultural AND Rural Development

- Agricultural Land Management
- Agro-industries
- Drainage and Irrigation
- Pest management
- Use of agro-chemicals and fertilizers
- Dams and reservoirs
- Fish farming
- Flood Management Programmes
- Natural forest management
- Plantation development and reforestations
- Rural roads and Navigational Canals
- Large scale farming

(4) Infrastructural Projects

- Roads and highways
- Ports and harbours
- Railways
- Electrification
- Urban development
- Domestic water supply and sanitation
- Coastal development

- Airports

-

(5) Mining of Solid Minerals, Beneficiation and Metallurgical Processes

- Extraction of Ores and quarrying
- Beneficiation
- Metallurgical Processes

NOTE: Impacts should be quantified as much as possible and the methods of quantification and their limitations clearly stated.

6.0 Review Process

Upon receipt of the draft EIA report from the proponent, it shall be evaluated by the Agency to establish the form of review. This may include:

- (i) In-house Review
- (ii) Panel Review. The sitting may be in public
- (iii) Public Review (Public display and review of documents for a period of 21 working days). Venues of display will include, among others, the LGA, the state EPA and FMENV Headquarters. The public shall be invited to participate in this review process through newspaper advertisements.
- (iv) Mediation

States visits may be initiated by the Agency at this stage. FMENV shall subsequently inform the proponent in writing of the selected method(s) of review within 15 working days from the date of acknowledgement of the draft of the EIA Report.

The review process (selected method or methods) shall be implemented and the related comments furnished to the proponent within a minimum of one (1) month after the review process.

The Final EIA report must include all issues raised at the review process and answers preferred to them by the proponent, including any amendments to the report of the EIA study.

6.1 Criteria for Disapproval

Following the submission of a satisfactory final EIA report, the Agency, may in consultation with the proponent set a number of conditions. Such conditions may provide for the establishment of a follow-up programme (mitigation compliance and monitoring plan) with specified tasks to be undertaken in the construction, operational and decommissioning phases of the development. By mutual agreement, a monitoring strategy and audit procedure may also be determined at this early stage, so that the proponent can make the necessary budgetary provisions well in advance. Penalties as stipulated in the EIA Decree No. 86 of 1992 may also be invoked for failure to adhere to the conditions of approval.

6.2 Criteria for Disapproval

The criteria for disapproval shall include non-compliance with FMENV EIA guidelines and regulations and the environmental unsustainability of the project.

6.3 Stages of Disapproval

Stage I: If the comments from the review process are not favourable, the raised shall be addressed and a revised draft EIA report submitted to the Agency.

Stage II: In the event of the receipt of an unsatisfactory final report, a “No Project” option decision may be taken by the Agency and such decision shall be communicated to the proponent.

7.0 Final EIA Report

The final EIA report shall be submitted to the Agency within 6 months of the receipt of the Agency’s comments failing which the Agency may request for a revised and upgraded EIA report.

8.0 Technical Committee/Decision Making

The FMENV Technical Committee, under the Chairmanship of the Director-General Chief Executive of FMENV, is the decision making body on approval or disapproval of EIA reports. Upon receipt of satisfactory comments from the review process, and an acceptable final EIA report is submitted, the Technical Committee shall consider and approve the issuance of an Environmental Impact Statement (EIS). The EIS shall be issued as appropriate within a minimum of one month of the receipt of the final report in the Agency.

9.0 Certification

Upon receipt of an EIS, the Director- General/Chief Executive of FMENV shall issue a certificate. Upon the receipt of an EIS the proponents of public sector projects shall submit copies of the EIS to the National Planning Commission prior to admission of such projects into the National Rolling Plan. The Agency shall publish its decision in manner by which members of the public shall be notified in accordance with the decree.

10.0 Project Implementation

After certification, the Proponent may proceed to implement the project, in accordance with all the stipulated mitigation measures as contained in the final EIA Report. The proponent, in implementing the project shall also conform with the stipulated specifications presented in the final EIA report. However, if the project is not commissioned within the validity period provided in the certificate, the proponent shall seek revalidation of the certificate from the Agency by re-submitting a revised and upgraded EIA report.

11.0 Mitigation Compliance Monitoring (Prior to Commissioning)

During the implementation of the project, the Agency shall monitor the progress of the project from site preparation to commissioning in order to ensure compliance with all stipulated mitigation measures and project specifications.

12.0 Environmental Auditing (Post Commissioning)

This involves a periodic assessment of the positive and negative impacts of the project. This will be carried out by the Agency to help improve the EIA process.

13.0 Processing And Certificate Fee

The Agency will charge an initial deposit of ₦= 250,000. Processing fee which includes ₦= 10,000.00 application fee. The final charge will be computed taking into account all expenses incurred to facilitate the assessment of the EIA report. This shall be paid before issuance of EIS and Certificate. This procedural Guideline is made in accordance with the EIA Decree No. 86 of 1992.

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DIRECTOR-GENERAL/CHIEF EXECUTIVE

Category I

See Appendix 1

Then

Environmental Sensitive Areas

- Coral Reefs
- Mangrove Swamps
- Small Islands
- Tropical Rainforest
- Areas with erosion prone soils e.g Mountain slopes
- Areas prone to desertification (and semi arid zones)
- Natural conservation areas
- Wetlands of National or International importance
- Areas which harbour protected and or endangered species
- Areas of unique scenery
- Areas of Particular scientific interest
- Areas of historic or archaeological interest
- Areas of importance to threatened ethnic groups

Category II

Agriculture and Rural Development

- Any reforestation/afforestation project
- Small scale irrigation and drainage
- Small scale aquaculture/mariculture
- Saw milling/wood logging
- Rubber Processing
- Any Fish Processing
- Any other Agro-Allied Industry

Industry and Infrastructure

- Mini-hydro power development
- Any small scale industry development e.g textiles chemical industries etc.
- Small scale power transmission
- Any renewable energy development
- Telecommunication facilities
- Rural water supply and sanitation
- Public facilities (Hospitals and related facilities, schools, housing etc)
- Small scale tourism development of petroleum related facilities
- Road Rehabilitation
- Any form of Quarrying or mining

But if the project is located or close to

Then

Physical Intervention in the environment

But if the project involves

- Institutional development
- Health Programmes
- Family Planning Programmes
- Nutritional Programmes
- Educational Programmes
- Environmental Awareness

Figure 1: Checklist for the categorisation of EIA Project

Appendix

Category I Project

Mandatory Study Activities

1. Agriculture/Agro-Allied

- a) Land development schemes covering an area of 500 hectares or more to bring forest land into agricultural production
- b) Agricultural programmes necessitating the resettlement of 100 families or more;
- c) Development of agricultural estates covering an area of 500 hectares or more involving changes in type of agricultural use;
- d) Wood/Timber processing
- e) Saw milling

2. Fisheries

- a) Construction of fishing harbours
- b) Harbours expansion involving an increase of 50 percent or more in fish landing capacity per annum
- c) Land based aquaculture projects accompanied by clearing by clearing or mangrove swamp forest covering an area of 50 hectares or more

3. Forestry

- a) Conversion of hill forest land use covering an area of 50 hectares or more;
- b) Logging or conversion of forest land to other land use within the catchment area of reservoirs used for municipal water supply, irrigation or hydro power generation or in areas adjacent to state and National parks and National Marine parks
- c) Logging covering an area of 500 hectares or more
- d) Conversion of mangrove swamps for industrial, housing or agricultural use covering an area of 50 hectares or more
- e) Clearing of mangrove swamps on islands adjacent to National Marine parks

4. Industry (Manufacturing)

- a) Chemical – where production capacity of each product or of combined products is greater than 100 tonnes/day
- b) Petrochemicals – all sizes
- c) Non-ferrous – Primary smelting
 - i. Aluminium – all sizes
 - ii. Copper – all sizes
 - iii. Others – producing 50 tonnes/day and above of product.
- d) Non-metallic:

Cement	-	for clinker of 30 tonnes/hour and above
Lime	-	100 tonnes/day and above burnt lime rotary kiln
or		50 tonnes/day and above vertical kiln

- e) Iron and steel - Require iron ore as raw materials for production greater than 100tonnes/day or using scrap iron as raw materials for production greater than 200 tonnes/day.
- f) Shipyards - Dead weight tonnages greater than 5,000 tonnes
- g) Pulp and paper - Production capacity of industry greater than 50 tonnes/day

5. Food, Beverages and Tobacco Processing

Construction of food processing plants

6. Infrastructure

- a) Construction of hospitals with outfall into beach fronts used for recreational purposes
- b) Industrial estate development for medium and heavy industries covering an area of 50 hectares or more
- c) Construction of Express-ways
- d) Construction of National highways
- e) Construction of new township.

7. Ports

- a) Construction of ports
- b) Port expansion involving an increase of 50 percent or more in handling.

8. Housing

Housing development covering an area of 50 hectares or more

9. Airport

- a) Construction of Airports (having an airstrip of 2,500 metres or longer)
- b) Airstrip development in State and national parks.

10. Drainage and Irrigation

- a) Construction of dams and man-made lakes and artificial enlargement of lakes with surface areas of 200 hectares or more;
- b) Drainage of Wetland, wildlife habitat or of virgin forest covering an area of 100 hectares or more;
- c) Irrigation schemes covering an area of 5,000 hectares or more.

11. Railways

- a) Construction of new routes
- b) Construction of branch lines

12. Transportation

Construction of Mass Rapid Transport projects.

13. Resort and Recreational Development

- a) Construction of coastal resort facilities or hotels with more than 80 rooms
- b) Hill station resort or hotel development covering an area of 50 hectares or more
- c) Development of tourist or recreational facilities in national parks
- d) Development of tourist or recreational facilities on islands in surrounding waters which may be declared as national marine parks.

14. Power Generation and Transmission

- a) Construction of steam generated power station burning fossil fuel having a capacity of more than 10 mega-watts
- b) Dams and hydroelectric power schemes with either or both of the following:
 - i. dams over 15 metres high and ancillary structures covering a total area in excess of 40 hectares
 - ii. reservoirs with a surface area in excess of 400 hectares
- c) Construction of combined cycle power stations
- d) Construction of nuclear-fuelled power stations.

15. Petroleum

- a) Oil and gas fields development
- b) Construction of off-shore, on-shore, and overland pipelines
- c) Construction of oil and gas separation, processing, handling and storage facilities
- d) Construction of oil refineries
- e) Construction of product depots for the storage of petrol, gas or diesel which are located within 3 kilometres of any commercial, industrial or residential areas and which have a combined storage capacity of 60,000 barrels or more
- f) Petroleum refining.

16. Mining

- a) Mining of materials in new areas where the mining lease covers a total area in excess of 250 hectares
- b) Ore processing, including concentrating for aluminium, copper, gold or tantalum
- c) Sand dredging involving an area of 50 hectares or more.

17. Quarries

Proposed quarrying of aggregate limestone, silica quartzite, sandstone, marble and decorative building stone within three (3) kilometres of any existing residential, commercial or industry area, or any area for which a license, permit approval has been granted for residential, commercial or industrial development.

18. Waste Treatment and Disposal

- a) Toxic and Hazardous Waste;
 - i. Construction of incineration plant
 - ii. Construction of recovery plant (off-site/on-site)
 - iii. Construction of waste treatment plant (off-site/on-site)
 - iv. Construction of secure landfill facility
 - v. Construction of storage facility (off-site/on-site)
- b) Municipal solid waste
 - i. Construction of incineration plant
 - ii. Construction of composting plant
 - iii. Construction of recovery/recycling plant
 - iv. Construction of municipal solid waste landfill facility
- c) Municipal Sewage
 - i. Construction of waste water treatment plant
 - ii. Construction of marine outfall

19. Water Supply

- a) Construction of dams, impounding reservoirs with a surface area of 200 hectares or more;
- b) Ground water development for industrial, agricultural or urban water supply of greater than 4,500 cubic meters per day

20. Land Reclamation

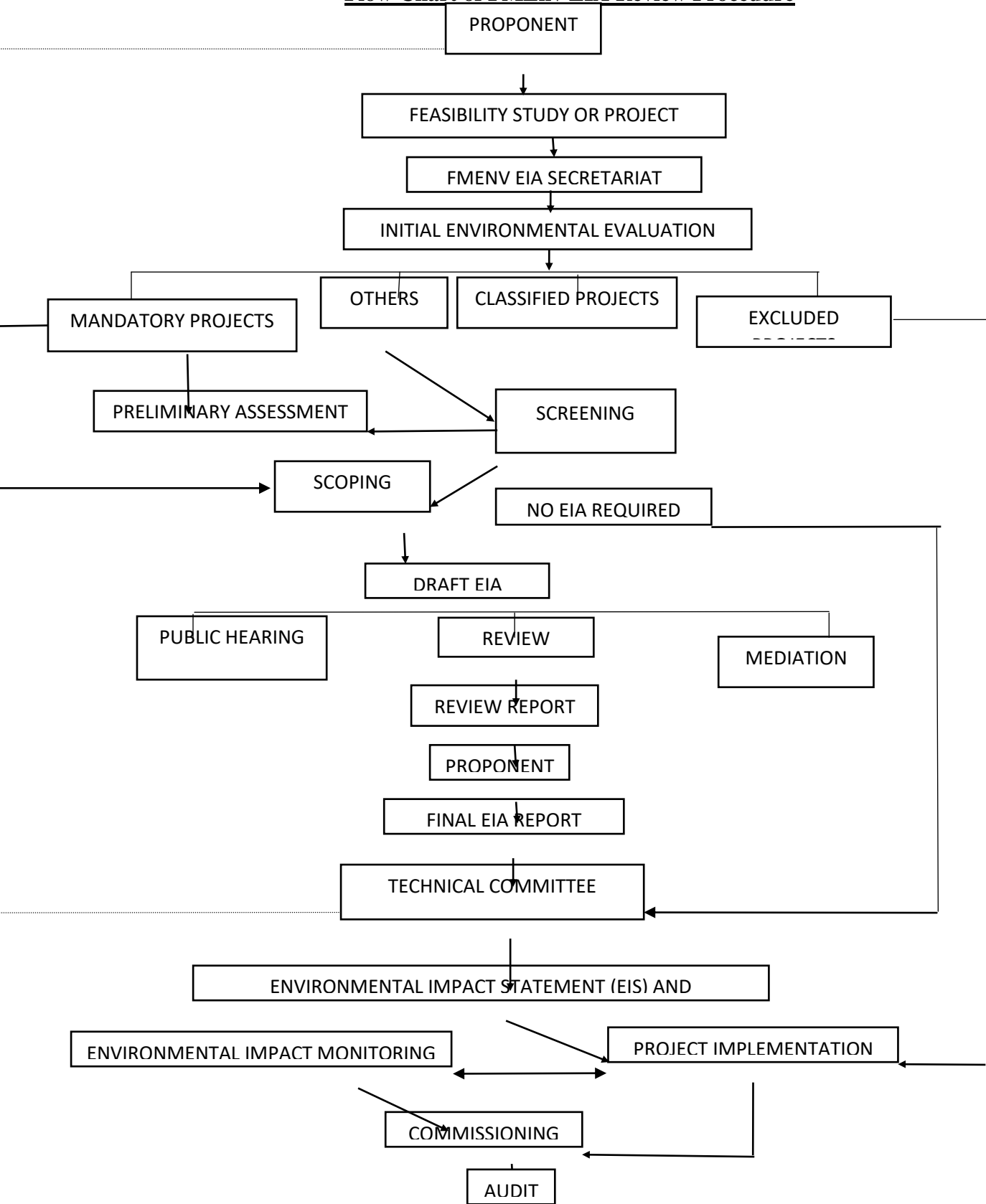
Coastal reclamation involving an area of 50 hectares or more

21. Brewery

Construction of Brewery Plant

Annex A

Flow Chart of FMEnv EIA Review Procedure



Annex 'B'
Outline of Information Content Required for Project Proposals

1. A CONCISE DESCRIPTION OF THE PROJECT

(a) Preliminary information

- Project title
- Proponent
- Contact Person (name/telephone)
- Nature of the project
- Location (include plans if possible)

(b) Comment on any activities involved in construction/operation which may result in the following:

- gaseous emissions
- dust
- odour
- noisy operations
- liquid effluents/discharges
- night time operations
- traffic generation
- waste and/or by-products generated
- storage/disposal of hazardous goods
- disposal of spoil materials
- risk of accidents resulting in pollution or hazard
- visual impact

(c) This section should include an outline of the processes involved, process flow diagrams, site plans, general arrangement plan, elevations and storage and emission inventories (both point source and fugitive with source and location).

2. An Outline of the Planning and Implementation Programme

(a) How will the project be planned and implemented?

e.g. consultants/contractor/in-house

(b) What is the project time table?

- for appointing consultants/authorized person
- for initiating submissions to Government
- for finalising designs
- for implementation
- for completion/commencing operation

(b) Are there any interactions with other projects which should be considered?

3. An Outline of the Major Elements of the Surrounding Environment Which Might be Affected

(a) Consider –

- Residential development
- Air sheds with limited dispersal
- Temporary housing areas
- Schools, hospitals, homes, for the aged
- Country parks
- wood-locks
- cultural features
- site of specific interest
- site of archaeological interest
- Beach
- Water Gathering Ground
- Groundwater resources
- Fisheries/mariculture areas
- Industries sensitive to pollution (e.g. dust) Archaeological interest

(b) This section should identify environmentally sensitive areas and should include plans showing the location of community elements which may be affected

4. Comment on Environmental Protection Measures Incorporated in the Design and any Further Environmental Implications

Consider:

- Contractual controls
- Beneficial/adverse effects
- Short/long effects
- Secondary/induced effects
- Cumulative effects
- Magnitude and distribution of effects
- History of similar projects
- Public Consultation to date
- Sensitivity/Public interest
- Ability to mitigate adverse environmental consequences

5. Proceedings of Consultations and Comments with other Stakeholders in a public forum

Annex C
E.I.A Report Writing Format

1. Table of contents
 - a. Chapters and their titles
 - b. List of maps, illustrations and figures
 - c. List of Tables
 - d. List of acronyms
 - e. E.I.A. preparers
2. Executive summary
3. Acknowledgement
4. Introduction – Background information, Administrative and legal framework, Terms of Reference
5. Project Justification
 - need for the project
 - value of the project
 - envisaged sustainability
6. Project and/or Process Description
 - type (e.g. food processing)
 - input and output of raw materials and products
 - location
 - technological layout
 - production process
 - project operation and maintenance
 - project schedule
7. Description of the Environment including data acquisition
 - study approach
 - baseline data acquisition methods
 - geographical location
 - field data
 - climatic conditions
 - air quality assessments
 - noise level assessment
 - vegetation cover characteristics
 - potential land use and landscape patterns
 - ecologically sensitive areas
 - terrestrial fauna and wildlife
 - soil studies
 - aquatic studies, including hydro-biology and fisheries
 - groundwater resources
 - socio-economic resources
 - infrastructural services
8. Associated and Potential Environmental Impacts
 - impact prediction methodology
 - significant positive impacts
 - significant negative impacts

- site preparation and construction impacts
 - transportation impacts
 - raw material impacts
 - process impacts
 - project specific incremental environmental changes (if any)
 - project specific cumulative effects
 - project specific long/short term effects
 - project specific direct/indirect effects
 - project specific adverse/beneficial effects
 - project specific risk and hazard assessments
9. Mitigation Measure/Alternatives
- best available control technology/best practicable technology
 - liability compensation/resettlement
 - site alternative, location/routes
 - no project option
 - insert a table listing impacts with corresponding mitigation measures
 - compliance with health & safety hazards requirements
10. Environmental Management Plan
- scope of monitoring
 - parameters to be monitored
 - methodology
 - monitoring schedule
11. Remediation plans after decommissioning/closure
12. Conclusions and Recommendations
13. Bibliography
14. Appendices

Annex D

Glossary of Terms

Abatement:	Measures taken to reduce or eliminate pollution or other impact which may involve legislative proceedings and technological applications.
Agency:	Federal Environmental Protection Agency
Appropriate	
Technology:	The choice of technology which is influenced by the natural conditions, the economic and social structure of society and level of education and available managerial capacity.
Auditing:	The organization and analysis of environmental monitoring data in order to establish the record of change associated with a project; and the comparison of actual and predicted impacts in order to determine the effectiveness of the impact assessment And Management Practices And Procedures.
Baseline Studies:	The studies undertaken to describe the environmental setting prior to a development action being reviewed and on-site investigations.
Classified	
Assessment:	An assessment report which in the opinion of the Agency could be used as a method in conducting screening of other projects within the same class
Commissioning:	This is the commencement of operation of a project
De-Commissioning:	This is the closure or end of operation of a project
Ecosystem:	An interdependent system or living organisms and their physical environment.
Effluent:	(a) A liquid which flows out of a containing space (b) Sewage, water, or other liquid, partially or completely treated, or in its natural state, flowing out of the reservoir, basin or treatment plant, or part thereof.
Environmental	
Impact	
Assessment	
Procedure:	A system administering a formal EIA policy that combines the procedures governing when and how EIA is applied and the method of performing and presenting the appropriate analysis.

Environmental Effects:

The measurable changes in the natural system productivity and environmental quality resulting from a development activity.

Environmental Impact:

An estimate or judgement of the significance and value of environmental effects for natural, socio-economic and human receptors

Environmental Impact

Statement (EIS): This is a statement issued by FMENV stating the project, the review results of an EIA study and the conditions of approval or disapproval of a project

Environmentally Sensitive

Area (ESA): These are areas with fragile ecosystem and usually designated by government.

Impact

Identification: An activity in the EIA process which is concerned solely with the anticipation of the effects which are likely to result.

Impact

Monitoring: The activity undertaken to identify variation in environmental parameters which can be attributed with confidence to the presence of a project or other course of action. Its role is to identify project induced change and it can assist in the management of environmental effects by observing the extent of change and the degree of mitigation which is necessary.

Impact

Prediction: The activity of determining the extent, in terms of the time and space, of an impact which is likely to occur. Scientific principles are involved in determining the size of impact and, where appropriate, the probability of the impact occurring is determined

Mandatory

List: List of Projects for which EIAs must be carried out