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109	Environmental Impact Assessment Procedures and Charges Regulations, 2021	B4189-4208

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ENVIRONMENTAL IMPACT ASSESSMENT ACT, 1992
ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURES
AND CHARGES REGULATIONS, 2021



ARRANGEMENT OF REGULATIONS

Regulation :

1. Objectives.
2. Project proposal.
3. Registration.
4. Screening (Initial Environmental Examination).
5. Criteria for categorization.
6. Scoping.
7. Draft EIA report.
8. Public participation.
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SCHEDULES

THE HISTORY OF THE

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S. I. No. 109 of 2021

ENVIRONMENTAL IMPACT ASSESSMENT ACT, 1992
ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURES
AND CHARGES REGULATIONS, 2021

[14th Day of September, 2021]

Commence-
ment.

In exercise of the powers conferred on me by section 59 of the Environmental Impact Assessment Act, 1992; and all other powers enabling me in that behalf, I, SHARON O. IKEAZOR, Honourable Minister of Environment, make the following Regulations—

1. The objective of these Regulations is to indicate the procedure in the Environmental Impact Assessment (EIA) process from project conception to commissioning and follow-up activities in order to ensure that the project is implemented with maximum consideration for the environment. Objective.

2.—(1) A proponent who wishes to embark on any development project contained in the category I and II projects listed in the Schedule to these Regulations shall notify the Department in writing through the Minister, by the submission of a project proposal and a duly completed “EIA Notification Form” which is available online, upon payment of the sum of N50,000 application fee through www.remita.net. Project proposal.

(2) The project proposal shall include all relevant information available including a land-use map of the proposed project area to enable an Initial Environmental Examination (Screening) of the project to be carried out.

(3) A proposal and supplementary documents shall be addressed to the Minister at the Abuja Headquarters office and uploaded *via* available electronic portals of the Ministry.

3. The Environmental Assessment Department of the Ministry shall officially register the project proposal, issue a registration number and acknowledge receipt immediately. Registration.

4. Upon receipt of the project proposal and the completed EIA registrations from the proponent, the Ministry shall carry out an Initial Environmental Examination (IEE) and assign the project or activity into category I, II, or III project. Initial Environmental Examination (Screening).

5.—(1) The criteria for categorization of projects shall be, the— Criteria for categorization.

- (a) magnitude, which is the extent or scope ;
- (b) duration and frequency ;
- (c) risks ;
- (d) significance ; and
- (e) mitigation measures available for associated and potential environmental impacts.

(2) Location of the project in Environmentally Sensitive Areas (ESAs) is a criteria for consideration by the EIA secretariat in making a decision and site visit may be undertaken by the Ministry.

(3) Projects listed in category II of the Schedule to these Regulations but located in or close to Environmentally Sensitive Areas (ESAs) shall be assigned as a mandatory study project (category I) which shall be subject to full-scale EIA.

(4) The following is required for projects under category II of the Schedule to these Regulations—

(a) a partial EIA ; and

(b) 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.

(5) The Ministry shall issue an EIA certificate to a proponent who request for it in respect of projects in category III of the Schedule to these Regulations, which are expected to have essentially beneficial impacts on the environment.

(6) The Director of Environmental Assessment shall provide screening report, letter of notification or any other appropriate advice in writing to the proponent on receipt of the proposal.

Scoping.

6.—(1) Upon receipt of the screening report or letter from the Environmental Assessment Department, the proponent shall carry out a scoping exercise to ensure that all significant impacts and reasonable alternatives are addressed in the intended EIA.

(2) The proponent shall submit a Terms of Reference (TOR) indicating the scope of the proposed EIA study and—

(a) the Department 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 may be called for, depending on the public interest in the project ;

(c) where the data available is inadequate, the proponent may be required to undertake specific studies to fill data gaps and after consideration of paragraphs (a) and (b) of this regulation, the Department shall define the scope of the EIA required ; and

(d) the proponent shall carry out the EIA study according to the TOR agreed with the Department.

7.—(1) The proponent shall submit a draft EIA report (in hard and soft copies) to the Department for review.

Draft EIA report.

(2) The report shall include the proceedings of consultations with adjoining communities and other stakeholders who participated in public hearing.

(3) The proceedings shall be documented as an *appendix* to the report.

8. Public participation shall be regarded as a continuous programme for the environmental and economic sustainability of the project.

Public participation.

9. The following are available to aid the EIA preparer—

Sectoral guidelines.

(a) sectoral guidelines developed by the Ministry ;

(b) other national guidelines such as the Environmental Guidelines and Standards for the Petroleum Industry in Nigeria, (EGASPIN) ;

(c) internationally acceptable guidelines like those of the World Bank, International Finance Corporation (IFC), African Development Bank (AfDB) and the Equator Principles ; and

(d) other extant environmental laws.

10.—(1) The Department shall upon receipt of the draft EIA report from the proponent, evaluate it to establish the form of review which may include—

Review process.

(a) in-house review ;

(b) panel review ;

(c) the sitting being in public ; and

(d) public review of document, displays and disclosures for a period of 21 working days.

(2) The venues of display shall include the Local Government Areas, the State Ministries of Environment, the Ministry Headquarters and State Offices as well as electronic portals and websites of relevant organisations.

(3) The public shall be invited to participate in the review process through newspaper advertisements, radio announcements and electronic media.

(4) Panel site visits may be initiated during the review meetings which may be held virtually or physically.

(5) The Ministry shall inform the proponent in writing of the selected method of review of the draft EIA report.

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

(7) The final EIA report shall include all issues raised at the review process and answers proffered to them by the proponent including any amendment to the report of the EIA study.

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Criteria and stages of disapproval.

11.—(1) Stage I- where the EIA report after review is adjudged unsatisfactory, a revised report shall be submitted to the Ministry for review and approval.

(2) Stage II- where there is an unsatisfactory final report, a “No Project” option decision may be taken by the Ministry and such decision shall be communicated to the proponent.

Follow up programmes.

12.—(1) After the submission of a satisfactory final EIA report, the Ministry, may set a number of conditions which may provide for the establishment of a follow-up programme such as mitigation compliance and monitoring plan with specified tasks to be undertaken in the construction, operational and decommissioning phases of the development.

(2) A monitoring strategy and audit procedure may also be determined by mutual agreement at this early stage, so that the proponent can make the necessary budgetary provisions in advance.

Penalty.

13.—(1) Penalties stipulated in the Act may be invoked for failure to adhere to the conditions of approval.

(2) The criteria for disapproval shall include non-compliance with the stipulations of the Act, these Regulations, other regulations made pursuant to the Act and the environmental unsustainability of the project.

Charges and fees.

14. There shall be fees and charges applicable for the review of all applications for EIA certification.

Decision making.

15.—(1) The Minister is the decision making authority on approval or disapproval of Environmental Impact Assessments.

(2) The Minister shall upon receipt of satisfactory comments from the review process and an acceptable final EIA report, consider and approve the issuance of an EIA certificate.

Certification.

16.—(1) The proponent may after certification, proceed to implement the project in accordance with all the stipulated mitigation measures as contained in the final EIA report.

(2) The proponent in implementing the project shall, conform with the stipulated specifications presented in the final EIA report and where the project is not commissioned within the validity period provided in the certificate, the proponent shall seek revalidation of the certificate from the Ministry by re-submitting a revised EIA.

Impact mitigation and compliance monitoring.

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

18. An environmental auditing including post commissioning which involves a periodic assessment of the positive and negative impacts of the project shall be carried out by the Ministry to help improve the EIA process.

Environmental auditing.

19. In these Regulations—

Interpretation.

“*Act*” means the Environmental Impact Assessment Act, 1992 ;

“*Department*” means the Environmental Assessment Department of the Federal Ministry of Environment ;

“*Minister*” means the Minister responsible for environment ;

“*Ministry*” means the Federal Ministry responsible for Environment ; and

“*person*” includes a proponent.

20. These Regulations may be cited as the “Environmental Impact Assessment Procedures and Charges Regulations, 2021”.

Citation.

SCHEDULES
FIRST SCHEDULE

1. EIA and post EIA proponent facilitation charges

	<i>Activity</i>	<i>Telecoms, Mini Grids/Minor</i>	<i>Category I and II Projects</i>	<i>ESMPs Projects</i>
1.	Registration	50,000.00 Per State	N50,000.00	N50,000.00
2.	Site Verification/IEE	To Be Determined	N500,000.00	To Be Determined
3.	Scoping Workshop	(Optional)	250,000.00	
4.	Data Gathering Witnessing	To Be Determined	250,000.00	To Be Determined
5.	Laboratory Analysis Witnessing	To Be Determined	250,000.00	To Be Determined
6.	In House Tech Reviews	200,000.00	200,000.00 to 1,500,000.00	200,000.00 to 800,000.00
7.	Panel Reviews		1,000,000 to 10,000,000.00	
8.	Newspaper and Radio Adverts Where Applicable		To Be Determined According To Prevailing Rates	Optional
9.	Impact Mitigation Monitoring (First Visit)		500,000.00	400,000.00
10.	Final Assessed Charges Below	See FAC Chart Below	See FAC Charts	200,000.00 to 800,000.00
11.	Admin Charges on Violation Charges	MAX 1,000,000.00		
12.	Issuance of Certificates	250,000.00	100,000.00	
13.	Certificates Re-issuance/ Renewal	250,000.00	500,000.00	250,000.00

2. Post EIA (oil and gas and other sectors) activities charges

	<i>Activity</i>	<i>New Charges</i>	<i>Rate</i>
1.	Environmental Audit/EES/EER Registration	50,000.00	Per Project
2.	Post Impact Assessment Registration	50,000.00	Per Project
3.	Environmental Audit Certification Fee	500,000.00	Per Project
4.	Post Impact Assessment Certification	500,000.00 to 1,500,000.00	Per Project
5.	Data Analysis Witnessing/Laboratory Analysis (Per Activity)	250,000.00	Per Project
6.	Facility Inspections/Environmental Compliance Monitoring (ECM) And Audits	500,000.00 to 1,500,000.00	Per Project
7.	Operational Permits (Effluents, Emmissions, Waste Treatment, Underground Injection)	250,000.00	Per Source
8.	Laboratory Accreditation Renewal (Inspection)	400,000.00	Per Source
9.	Laboratory Accreditation Renewal Fee	120,000.00	Per Source

3. Final charge

<i>Sector</i>	<i>Final Charge (New)</i>	<i>Rate</i>
(1) <i>Agriculture or agro allied</i>		
(a) Land development schemes	25,000.00	Per Hectare
(b) Agricultural estates	25,000.00	Per Hectare
(2) <i>Fisheries</i>		
(a) Fishing harbours or jetty	500,000.00	Lump Sum
(b) Fish processing facilities	500,000.00	Lump Sum
(c) Aquaculture on swamps	100,000	Per Hectare
(3) <i>Forestry</i>		
Logging	3,000,000.00	Per Hectare
(4) <i>Industry (manufacturing)</i>		
(a) Chemicals plant (large scale)	2,000,000.00	Lump Sum
(b) Petro-chemicals	5,000,000.00	Lump Sum
(c) Metals (non-ferrous)	1,000,000.00	Lump Sum
(d) Non-metallic	1,000,000.00	Lump Sum
(e) Iron and steel	2,000,000.00	Lump Sum
(f) Pulp and paper	1,000,000.00	Lump Sum
(g) Wood factories	2,000,000.00	Lump Sum
(h) Ceramics	500,000.00	Lump Sum
(i) Fertilizer or blending plants	500,000.00	Lump Sum
(5) <i>Food and beverages</i>		
(a) Beverages (large scale)	1,000,000.00	Lump Sum
(b) Dairy	500,000.00	Lump Sum
(c) Large scale poultry	1,000,000.00	Lump Sum
(d) Vegetable oil processing	1,000,000.00	Lump Sum
(6) <i>Infrastructure</i>		
(a) Hospitals (specialized)	500,000.00	Lump Sum
(b) Industrial estates (free zones)	2,000,000.00	Lump Sum
(c) Coastal resort	2,000,000.00	Lump Sum
(d) Resort facilities in national parks	1,000,000.00	
(7) <i>Ports</i>		
(a) Construction of ports	5,000,000.00	Lump Sum
(b) Port expansion	2,000,000.00	Lump Sum
(8) <i>Housing</i>		
Housing development	500,000.00	Lump Sum
(9) <i>Airport</i>		
(a) Airports	5,000,000.00	Lump Sum
(b) Airstrip development	2,000,000.00	Lump Sum

(10) <i>Drainage and irrigation</i>			
(a) Irrigation dams and lakes	5,000,000.00	Lump Sum	
(b) Drainage of wetlands	100,000.00	Per Hectare	
(c) Irrigation schemes	100,000.00	Per Hectare	
(11) <i>Rail ways</i>			
(a) Construction of new routes	200,000.00	Per Km	
(b) Construction of branch lines	100,000.00	Per Km	
(c) Rehabilitation of rail lines	50,000.00	Per Km	
(12) <i>Transportation</i>			
(a) Rural feeder roads(new)	100,000.00 to 250,000.00	Per Km	
(b) New highways	250,000.00	Per Km	
(c) Highways (rehabilitation)	100,000.00	Per km	
(d) Township roads (new)	50,000.00	Per km	
(13) <i>Power</i>			
(a) Power generation			
(i) Thermal (gas fired >50 MW)	1,000,000.00	Lump Sum	
(ii) Thermal (gas fired <50 MW)	50,000.00	Per MW	
(iii) Thermal (coal fired >50MW)	3,000,000.00	Lump Sum	
(iv) Thermal (coal fired < 50MW)	100,000.00	Per MW	
(v) Thermal (gas or closed cycle >50MW)	750,000.00	Lump Sum	
(vi) Large hydro dams	5,000,000.00	Lump Sum	
(vii) Small or mini hydro	500,000.00	Lump Sum	
(viii) Solar mini-grid	nil		
(ix) Solar power	200,000.00	Lump Sum	
(b) Power transmission			
(i) Land	250,000.00	Per Ha	
(ii) Swamps or forests	500,000.00	Per Ha	
(iii) Expansions	20,000.00	Per Ha	
(14) <i>Mining</i>			
(a) Mining (large scale)	2,000,000.00	Lump Sum	
(b) Small scale mining	500,000.00	Lump Sum	
(c) Ore processing and beneficiation	1,000,000.00	Lump Sum	
(d) Sand mining (commercial)	0.20	Cubic Metres	
(e) Quarries	500,000.00	Lump Sum	
(15) <i>Oil and gas</i>			
(a) Drilling			
(i) Swamp	3,000,000.00	Per Well	
(ii) Land	2,500,000.00	Per Well	
(iii) Nearshore	2,000,000.00	Per Well	
(iv) Off-shore	1,000,000.00	Per Well	
(b) Seismic surveys			
(i) Swamp	20,000.00	Per Square Km	
(ii) Land	10,000.00	Per Square Km	
(iii) Offshore	5,000.00	Per Square Km	

(c) Flow station development		
(i) Swamp	5,000,000.00	Lump Sum
(ii) Land	2,000,000.00	Lump Sum
(iii) Offshore (FPSOs)	10,000,000.00	Lump Sum
(e) Oil and gas pipeline		
(i) Swamp	200,000.00	Per Km
(ii) Land	100,000.00	Per Km
(iii) Offshore	50,000.00	Per Km
(f) Modular refinery		
(i) Swamp	5,000,000.00	Lump Sum
(ii) Land	3,000,000.00	Lump Sum
(iii) Offshore		
(g) Gas utilization plants		
(i) Swamp	2,500,000.00	Lump Sum
(ii) Land	2,000,000.00	Lump Sum
(iii) Offshore platforms	2,000,000.00	Lump Sum
(h) Lube oil blending plants		
(i) Swamp	1,500,000.00	Lump Sum
(ii) Land	1,000,000.00	Lump Sum
(i) LPG plants		
(i) Swamp		
(ii) Land	500,000.00	Lump Sum
(j) Oil and gas storage tanks		
(i) Swamp	1,000,000.00	Per 5000 MT
(ii) Land	750,000.00	Per 5000 MT
(iii) Offshore	500,000.00	Per 5000 MT
(16) <i>Waste treatment facilities</i>		
(a) Municipal incinerators	2,500,000.00	Lump Sum
(b) Medical or hazardous incinerators	1,000,000.00	Lump Sum
(c) Dumpsites	250,000.00	Lump Sum
(d) Engineered landfills	5,000,000.00	Lump Sum
(e) Thermal desorption units	500,000.00	Lump Sum
(f) Municipal sewage plants	2,500,000.00	Lump Sum
(g) Effluent treatment plants	500,000.00	Lump Sum
(17) <i>Water supply</i>		
Small dams	500,000.00	Lump Sum
(18) <i>Dredging and sand filling</i>		
(a) Swampland reclamation	500,000.00	Per Ha
(b) Coastal reclamation	500,000.00	Per Ha
(c) Dredging (capital)	10.00	Cubic Metres
(d) Dredging (Mtce)	0.50	Cubic Metres

(19) *Telecoms*

(a) Base transceiver stations	50,000.00	Per Site
(b) Rural telephony	50,000.00	Per State
(c) Radio or TV masts	200,000.00	Per Site
(d) Fibre optic lines	500.00	per Km

SECOND SCHEDULE

FORMAT AND MINIMUM CONTENT OF ESIA REPORT

The executive summary which shall provide a summary of the content of the EIA in generally no-technical language and ensure that key pieces of information such as background, project location, legislative framework, EIA process, the host environment, key project activities, impacts of concern and measures to mitigate and manage adverse impacts are covered and include—

(1) chapter 1—background and introduction, which is an introductory chapter and shall—

(a) contain information on the EIA Terms of Reference (TOR), relevant background information about the proponent and legal and administrative framework for EIA in Nigeria,

(b) state the applicable environmental limits for air quality, noise, effluent discharge or as may be required, and

(c) discuss relevant international laws, conventions, treaties and environmental and social safeguards ;

(2) chapter 2—justification for the project, benefits, sustainability and alternatives, which shall discuss the project justification, its sustainability, the need and value and analyses of project options and alternatives considered; the options may include technology, site, energy or water requirements or as may be required ;

(3) chapter 3—description of the project, which shall describe the details of the proposed project such as the philosophy, phases, key equipment, key facilities, civil works, technical processes, anticipated waste streams and handling approach, raw material requirements, HSE considerations, personnel requirements and schedule; an estimate and discussion of the Greenhouse Gas (GHG) emissions expected from the project is required for projects that may emit up to 25,000tons per annum of CO2 equivalent ;

(4) chapter 4—description of the project environment, which shall—

(a) provide an overview of the baseline conditions around the project area,

(b) define the project's area of influence, primary data collection methods, sources of secondary data, the biophysical and social such as health characteristics of the project environment ;

(c) describe the sensitive environmental resources and the attendant natural or manmade hazards in the area,

(d) provide the possible effects of climate change on the project for category I projects, and

(e) provide detailed results in the appendices to the EIA ;

(5) chapter 5—associated and potential impacts, which shall—

(a) provide a qualitative and quantitative assessment of the project-environment interactions,

(b) discuss the impact assessment methodology used for the analysis of the project-environment interactions and the identified and ranked (in terms of significance), associated and potential environmental, health and social impacts of the proposed project,

(c) state the significance of all ranked impacts based on objective criteria and provide that during the EIA scoping stage, necessary, impact assessment shall be supported by the use Geographical Information Systems (GIS), air quality modelling, noise modelling, oil spill modelling, dredging impact modelling, ground water modelling or as may be determined ;

(6) chapter 6—mitigation measures, which shall—

(a) provide the mitigation measures that have been recommended to eliminate or minimize adverse and residual project impacts,

(b) present the measures in relation to impacts identified, assessed and ranked in chapter 5, and

(c) provide that the mitigation measures is appropriate to the impacts of concern and is recommended to be practical, implementable and able to eliminate or minimize the impact ;

(7) chapter 7—Environmental and Social Management Plan (ESMP), which shall—

(a) indicate the environmental monitoring and wastes management programme during various phases of the project, and

(b) provide a cost-effective ESMP that may be adopted throughout the project's life-cycle up to decommissioning and the ESMP shall provide—

(i) mitigation measures for each adverse environmental or social impact considered to be significant during project implementation phases such as site preparation, construction, operations, and decommissioning,

(ii) references to control guidelines, limits, and standards,

(iii) plans and frequency for verification and checking compliance with mitigation measures, safeguards and other compliance requirements,

(iv) environmental and social monitoring plan including specific environmental components and associated parameters and social and community health variables to be monitored, frequency of monitoring and reporting,

(v) responsibilities for the implementation of the ESMP,

(vi) regulatory agency involvement in the ESMP,

(vii) training requirements to ensure implementation of the ESMP,
(viii) reporting requirements, and

(ix) supporting plans which are other stand-alone management plans that are considered necessary to achieve the environmental and social goals of the project and are determined by the nature of the project-environment interactions at the EIA scoping stage, and

(x) the supporting plan may include resettlement action plan, waste management plan, stakeholder engagement plan, biodiversity action plan, water management plan, occupational health plan, traffic management plan, oil or chemical spill contingency plan and emergency response plan ;

(8) chapter 8—decommissioning, which shall provide an overview of decommissioning plans for the project after the useful life of installed facilities and outline the plans for site restoration and remediation after closure or abandonment ;

(9) chapter 9—conclusion, which shall provide a conclusion on the ESIA Study and its key findings ;

(10) references ; and

(11) appendices.

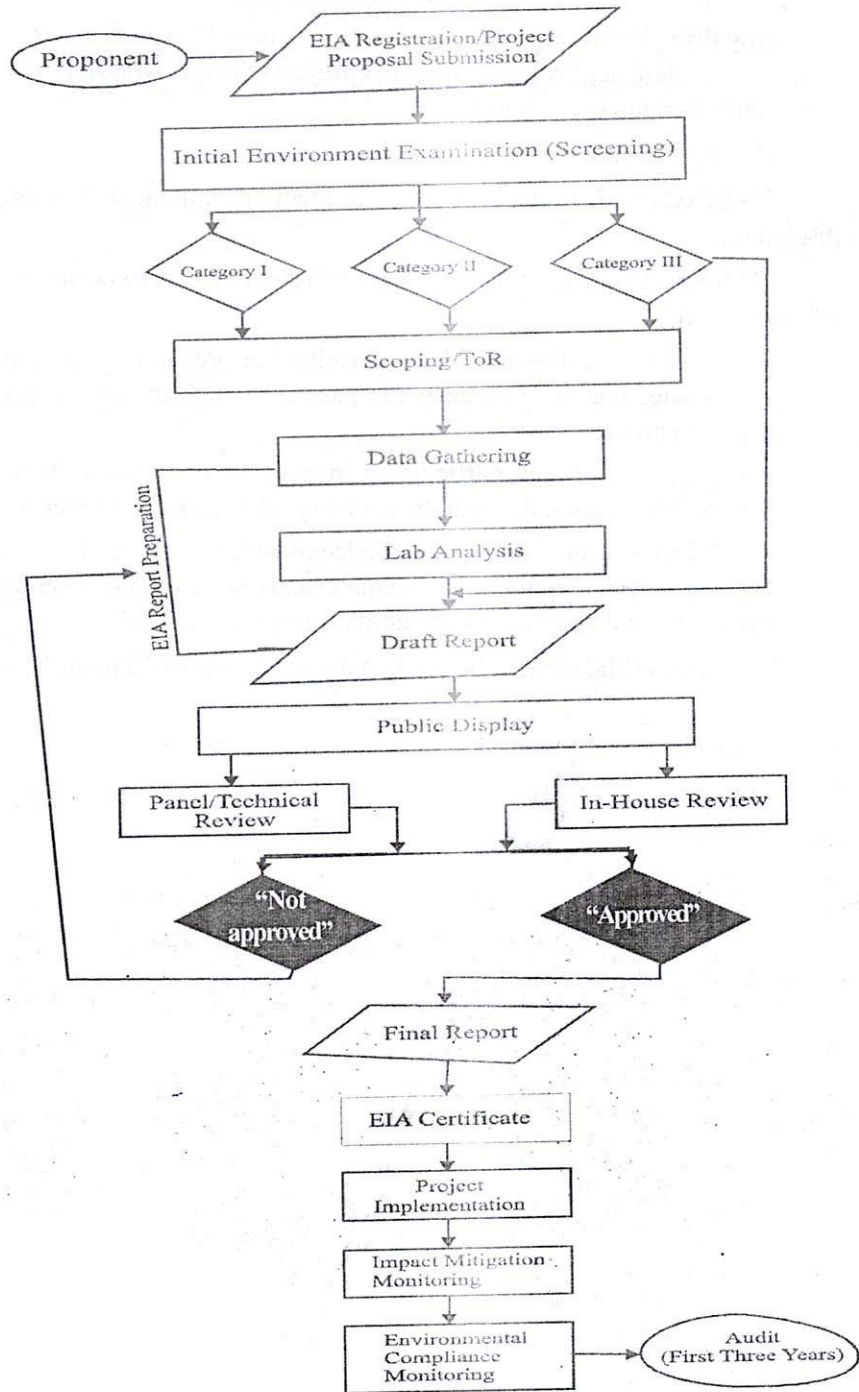
THIRD SCHEDULE

MINIMUM QUALIFICATIONS FOR EIA PROJECT
MANAGERS OR DIRECTORS

Any firm or institution which seeks to conduct EIA studies of category I or II projects shall deploy a qualified EIA project manager who shall meet the following minimum requirements—

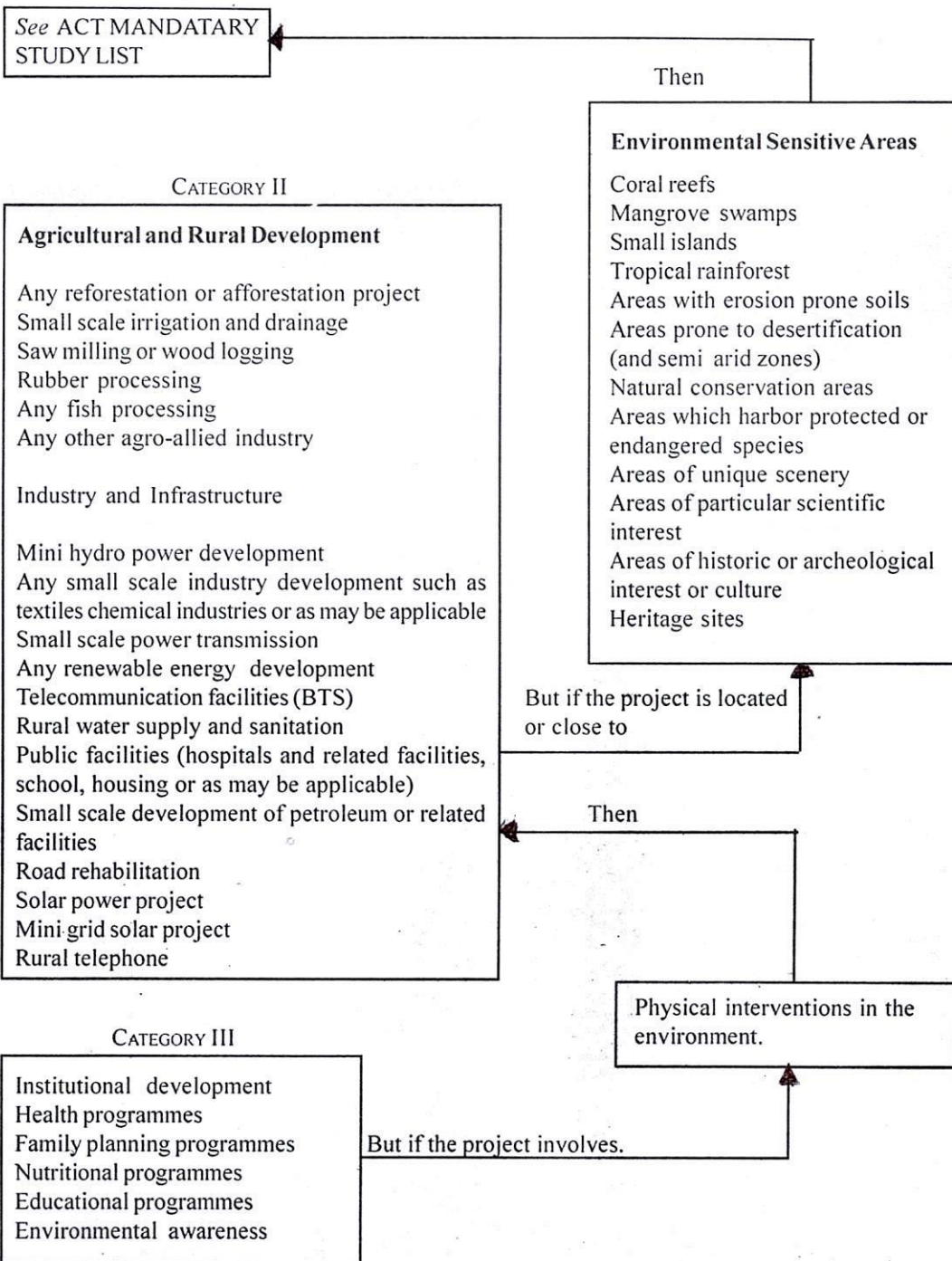
- (1) be a Nigerian ;
- (2) be educated up to post graduate level or equivalent in a relevant discipline;
- (3) possess a minimum of 7 years of relevant EIA experience such as to—
 - (a) have verifiably been lead consultant or preparer on more than 5 EIA studies that have successfully passed through the Ministry's EIA approval process,
 - (b) have verifiably participated in over 10 EIA studies that have successfully passed through the Ministry's EIA approval process, or
 - (c) demonstrate working knowledge of core EIA principles, relevant Nigerian legal and administrative requirements, contemporary international environmental and social safeguards and standards; and
- (4) possess valid certification as EIA project managers from the Ministry.

FOURTH SCHEDULE
ENVIRONMENTAL IMPACT ASSESSMENT FLOW CHART
EIA PROCESS FLOWCHART



FIFTH SCHEDULE

ENVIRONMENTAL IMPACT ASSESSMENT CATEGORIZATION



B 4208

MADE at Abuja this 14th day of September, 2021.

SHARON O. IKEAZOR
Honourable Minister for Environment