

***Appendix M: Approved Terms of Reference and
NEMC Letter***

August 2019



NATIONAL ENVIRONMENT MANAGEMENT COUNCIL(NEMC)
BARAZA LA TAIFA LA HIFADHI NA USIMAMIZI WA MAZINGIRA

Telephone: +255 22 2774889,
Direct line: +255 22 2774852
Mobile: 0713 608930
Fax: +255 22 2774901
Email: dg@nemc.or.tz
Website: www.nemc.or.tz

35 Regent Street,
P. O. Box 63154
11404 Dar es Salaam
TANZANIA

In reply please quote:

Ref: NEMC/HQ/EIA/10/0148/ VOL.I /4

Date: 15/09/2017

Managing Director,
Total East Africa Midstream BV,
369 Toure Drive,
Ground Floor, Kilwa House, Oysterbay
Dar es Salaam.

**RE: ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED ONSHORE
EAST AFRICA CRUDE OIL PIPELINE AND MARINE STORAGE TERMINAL,
AND OFFSHORE TRESTLE JETTY AND LOAD-OUT FACILITY IN TANGA
BAY**

We acknowledge receipt of your letter submitted with 5 copies and an electronic version of Scoping Reports and draft ToR for undertaking Environmental Impact Assessment (EIA) of the aforementioned project. The project have been registered and allotted Application Reference Number (ARN) **6725**. We advise you to refer to the respective project's **ARN** and **Reference Number** whenever you communicate with the Council concerning the project.

In regard of the above, the ToR was reviewed and generally found to be adequate and therefore can guide the EIA study of the named project. Therefore after study, you will be required to submit to NEMC 15 copies of the Environmental Impact Statement (EIS) for review.

You are also required to incorporate all the comments attached to this letter in the EIS to avoid delays.

Kindly submit immediately 2 copies of the approved ToR as separate document for endorsement.

Upon submission of the EIS you will be required to pay to the Council charges for the review and approval processes. You are therefore required to submit the investment cost as the amount to be paid will be calculated from it.

All correspondence should be addressed to the Director General

The EIS should be submitted together with a fully filled **Form No. 2** in the 3rd Schedule to the Environmental Impact Assessment and Audit Regulations, 2005.

For further information or clarification on this matter please do not hesitate to contact us through Tel. No. 0767477180 (Peres Ntinginya), 0715793915 (Edika Masisi) or 0784508062 (Redempta Samwel), Monday – Friday around 8:00am to 16:00pm.

Yours Sincerely,



G. J. Kombe

For: Director General.

Cc: JSB EnviDep Ltd,
P. O. Box 32312,
Dar es Salaam.

COWI Tanzania Ltd,
P. O. Box 1007,
Dar es Salaam.

All correspondence should be addressed to the Director General

COMMENTS ON THE SCOPING REPORT AND DRAFT TOR FOR CONDUCTING EIA FOR THE PROPOSED ONSHORE EAST AFRICA CRUDE OIL PIPELINE(1157KM)FROM MUTUKULA (KAGERA REGION TO CHONGOLEANI, NORTH OF TANGA PORT (TANGA REGION) AND MARINE STORAGE TERMINAL ,OFFSHORE TRESTLE JETTY AND LOAD-OUT FACILITY IN TANGA BAY TANZANIA

1. Chapter 3: Policies and Legislation missing
 - The Graveyard Removal Act (No. 9 of 1969)
 - The Land Disputes Courts Act (No. 2 of 2002)
 - National Human Settlements Development Policy, 2000,
 - Community Development Policy, 1996,
 - National Employment Policy, 1997.
2. Section 7.2: Objectives of ESIA
There should be a specific objective for Community Engagement apart from Stakeholders Engagement. This will help to create awareness about the project and manage community expectations. Learning from previous related projects, communities are normally taken for granted are not given enough attention which may lead to project rejection or uprising (for example the gas pipeline in Mtwara).
3. On item 7.5.1 Project design and description should include description of all project components and facilities and should include description of the following:
 - Pipe coating plant
 - Camp sites
 - Access roads
 - Pumping stations
4. In section 7.5.2 specific relevant sections should be cited and it should be indicated how the proponent will comply with the requirements
5. Before section 7.5.5 which is on mitigation and enhancement measures there should be a section on impact identification and analysis, and impacts should be identified for all project activities for each facility during pre-construction, construction, operation and decommissioning phases. Also impacts should be analyzed based on the deviation from the baseline data
6. In section 7.5.5 , since this is a linear project, mitigation measures should be mapped along the entire route
7. In table 7:9-1 Proposed EIS table of content, section 7 should also include description of the main stakeholders' concerns and an indication on how they will be addressed in the EIS. Also, before section 9 include a section on impact mitigation/enhancement measures
8. Non-technical Executive Summary and the EIA Main Report should be submitted according to the requirements of Regulations 19 to 21 of the *EIA and Audit Regulations of 2005*.
9. Section 4 (page 4-47 onwards): the report should state how it will add knowledge to marine environment by collecting primary data which can be used for future monitoring instead of depending on secondary data. For example, if no documentation of metocean conditions exists then a plan should be made to collect them so that the project uses data specific to the project area and not another location.
10. If no primary data is collected, an assessment on accuracy in predictability and applicability of secondary data should be made so as to determine how reliable the data is.
11. 7-3 (7.5): identify an international or national instrument which will be used as a tool for public engagement so as to provide insight on plans and conditions for stakeholder engagement.

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12. Table 7.5-1 and Appendix C-7; incorporate impact of climate change on the project and not just impact of project on climate change. A thorough climate-proofing is required for the EACOP project. Climate-proofing will protect the project from the impacts of climate change by analyzing the risks that climate change may pose to the project activities, hence increasing its sustainability. Also there is a mention of Greenhouse Gas (GHG) emission quantification, and nothing on climate change modelling; integration of climate change impacts projection (modelling), mitigation and adaptation measures are strongly recommended.
13. Appendix C-2; incorporate vegetation cover (forest cover) which can be linked to land clearance and include assessment of migratory birds.
14. Appendix G; consider involving undergraduates with no experience in the EIA team so as to build capacity and legacy of the project. The provided profile is good but given the level of unemployment and need for skilled labour, it is important to give opportunities to young people who may never have the chance to take part in a project like this one.
15. Page 7-13: Marine environment should include tanker operations e.g existing tanker traffic and ballast water discharge.
16. Page 7-13-15: incorporate current cultural studies so that it can link with historical studies. This will help in assessing level of cooperation of existing population in protecting heritage sites and provide a way forward for any discrepancies identified. Therefore, it is important to include an expert in anthropology.
17. Page 7-15 & 7-17: Hazard analysis should incorporate obligations for cleanup cost or adverse impact on community in case of spillage and risks posed; legal and institutional setup for compensation. For example, how vulnerable are communities to spills and what is the risk of delay by existing or non existing institutional setup to respond and manage disasters which may result from project operations.
18. Literature Review:
The ESIA should highlight challenges encountered by the construction and operation of the Madimba-Kinyerezi Gas infrastructure and provide clear plan on how they will be managed in the EACOP project.

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