



RECORD OF PROCEEDINGS DURING PUBLIC HEARING MEETING FOR THE ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT ON THE PROPOSED COAL POWER PLANT HELD ON 26TH AUGUST, 2016 AT KWASASI AREA, HINDI/MAGOGONI, LAMU WEST, LAMU COUNTY

The meeting was called to order by the Chairman-County Commissioner of Lamu County Mr. Joseph Kanyiri at 11.00am. Mzee Salim volunteered to give opening prayer. The Assistant County Commissioner of Hindi Division Mr. William Magiri gave welcoming remarks to representatives of national government departments, county government, public benefit organizations and the community members who attended the public hearing meeting. He assured members present of their safety and security in the area.

The Deputy County Commissioner for Lamu West Sub-county Mr. Sangolo gave introductory remarks and noted that the public hearing meeting provided a good opportunity for all stakeholders (NEMA, County Government of Lamu, Amu Power, Ministry of Energy, National Land Commission, farmers, pastoralists and civil society groups) concerned with the proposed Amu Power coal fired power plant to give their views to help guide the decision-making process.

The County Commissioner for Lamu Mr. Joseph Kanyiri acknowledged the presence of national government departments, county government of Lamu, the public, farmers, pastoralists and civil society groups. He shared on the procedure for public hearing and noted that the public, departments and organizations present shall be given fair time to give reasons for or against the project. The County Commissioner also sensitized the public on the need for registration of every person who is present

Handwritten notes:
② Chwanya
put in
place
Chwanya
B.U. in JWP
Chwanya 09/11/14

in the public hearing meeting. He invited the Director Compliance and Enforcement Mr. David Ongare to give his remarks on behalf of Director General-Nema

The Director Compliance and Enforcement Mr. David Ongare gave the apologies of the Director General of NEMA-Professor Geoffrey Wahungu who was held up due to logistical reasons but might still make it to the function. Mr. Ongare appreciated all members for finding time to be present during the public hearing. He stated that details about the power project had been published in the Kenya Gazette, daily newspapers, and radio broadcasts. He also said that NEMA shared the Environmental Impact Assessment Study report for the proposed Amu Power Coal Fired Plant with key stakeholders such as county government of Lamu, Kenya National Commission for Human Rights among others.

Mr. Ongare informed the gathering that the purpose of the meeting was to get the views of the public for or against the proposed project. He reiterated that NEMA is impartial, and welcomes all views on the proposed project to arrive at a decision. He encouraged everybody to give their independent opinions without fear and in a respectful manner.

The County Commissioner of Lamu acknowledged the presence of the area Member of Parliament Hon. Ndegwa (Lamu West M.P), nominated MCA Hon. Muthoni Marubu and some delegates of Amu Power.

In his address, Hon. Julius Ndegwa, M.P, acknowledged the presence of the County Commissioner, Amu Power, government agencies and the public. He stated that the public hearing gave all present an opportunity to better understand the proposed project. He pointed out that as an elected leader, he cannot support a project which is harmful to the community and similarly the government cannot do that to its own people. He appreciated Amu Power for creating opportunity that would spur economic development of the area. He said that the community has waited for this project for long and therefore implementation should not delay. He stated that as an accountant, he respects and acknowledges expert opinion from other professionals and therefore his main duty was to listen during the meeting.

267

The County Commissioner of Lamu provided the procedure for making oral or written submissions in the following order:

1. Those who oppose the proposed project
2. Those who support the proposed project
3. Those who have questions, corrections or amendments to the proposed project
4. Lead agencies
5. The project proponent-Amu Power to provide clarification on issues raised

The County Commissioner informed the public that those making submissions must state their names, residence or affiliate organizations or the office that one holds. He said that there were five phases of making submissions and each phase was allocated 20 minutes.

THOSE OPPOSING THE PROPOSED PROJECT

Mr. Mohamed Athman (Representative of Amu Water Resource Users Association)

Challenged the procedure for giving opinions about the proposed project i.e. the separation of those opposing and those supporting the proposed project may create conflict in the meeting. He said that he does not oppose nor support the project but had a number of issues to raise. He noted that the public consultation process was not done effectively as per EMCA and NEMA regulations; the EIA study report did not state the rates for compensation i.e. how much amount per acre of land and that the EIA study report only took into consideration those living within the project area but not those residing outside and may be affected by the project activities. He cited that the public hearing ought to have been done after 30th August, 2016 according to the law. In closing he stated that Amu WRUA is not opposing the proposed project but was keen to ensure health and safety of communities during the operational phase of project

Somo M. Somo -Chairman-Lamu County Beach Management Unit Network

He stated that he does not support nor oppose the proposed project. He acknowledged that the BMUs were not adequately consulted during the scoping stage of EIA study. He handed over written submission to Mr. Ongare, Director Compliance and Enforcement (NEMA).

Shalom Ndiku- Lawyers for Natural Justice

He challenged the procedure for public hearing. He stated that he is concerned about the environment and compliance with the law but does not oppose nor support the project. He noted that the EIA study report states that the thermal effluent discharge shall be 9°C higher than the intake temperature and that is higher than the recommended 3°C by the regulation. He pointed out that the high temperatures shall lead to the death of aquatic species such as fish and coral reefs. He noted that there are changes in the EIA study report which did not appear in the EIA project report e.g. the use of conveyor belt of 15km to transport coal from Lamu Port to the Coal plant; this was initially to be done by smaller ships-the potential impacts of the conveyor belt were not captured by the EIA study report. He also noted that the issue of limestone concession on 2000 acres at Witu to Amu Power was not well detailed in the EIA study report. He pointed out that Regulation 22 of EIA Regulations states that a public hearing should be located in a place accessible by the affected persons but for this project, some affected persons come from very far. He requested for more public hearing meetings. He also challenged the reason for having the public hearing on a Friday which is a prayer day for Muslims named it an infringement on the right to worship.