

Minutes of the High Level Stakeholders' Meeting for the ESIA and RAP Studies for the Proposed Nairobi Expressway Project Held on 10th December 2019 at College of Insurance, South C, Nairobi.

Subject/Ref	ESIA and RAP Studies for the Proposed Nairobi Expressway Project
County	Nairobi
Meeting Venue	College of Insurance, South C
Date and time of Meeting	10 th December 2019 at 2:45- 5:30pm
Project representatives Present	Eng. Stanley Mwawasi (KENHA) Eunice Opondo (CENTRIC AFRICA) Joyce Owino(CENTRIC AFRICA) Allan Owino(CENTRIC AFRICA) Michael Kabare(CENTRIC AFRICA) Kavata Mutisya(CENTRIC AFRICA)
Number Of participants	Male: 55 Female: 14
Distribution	KeNHA, CRBC and Centric

Agenda of the Meeting

The agenda was as follows:

- Opening remarks/prayer
- Introduction of participants
- Overview of the agenda of the meeting by Centric Africa
- Presentation of the proposed project by KeNHA
- Presentation of the ESIA process and development of ESMP and Resettlement Action Plan by Centric Africa
- Question and answer session
- Closing and adjourning of main meeting

Commencement of the Meeting

The meeting was opened by a representative from Centric Africa with a word of prayer. He then proceeded to state the agenda of the meeting as a high level stakeholders' meeting. Introductions of the project representatives was done and Eng. Stanley Mwawasi was invited to present an overview of the proposed project.

Project Description (Project Manager, KeNHA)

- Eng. Stanley Mwawasi provided an overview of the proposed Nairobi Expressway project
- The justification of the proposed project was a) The original state of Mombasa road b) Populations growth of Nairobi c) Contribution of the highway to the economy d) Decongesting so as to reduce losses in time and money, minimize accidents and air pollution caused by the incomplete combustion of vehicle fuels in traffic jam e) other initiatives to provide relief to the road, namely the bypasses.
- A value for money analysis was done to find out the cheaper option for the proposed project and it was found that it would be 32.6% cheaper for the road bed section (Mlolongo- Next Gen) and 40% cheaper for the elevated section (NextGen to ABC place) if done with the private investor.
- It was preceded by concept studies which were carried out by the proponent. A traffic forecast was also done and key issues such as the number of lanes addressed. The tolling rates were also evaluated by surveys which were done to determine the willingness to pay.

The characteristics of the proposed expressway were as follows:

- A 26.7 km long expressway largely on the median of the existing A8
- The expressway starts from Mlolongo, proceeds to JKIA, Nairobi CBD, Westlands and terminating at ABC place. 26.764km long expressway which includes 15.739km at grade section (Mlolongo to Southern Bypass interchange) and 11.025km elevated section (Southern Bypass interchange to ABC Place)
- The road will comprise four lanes with two emergency lanes to be used by ambulances, fire brigades, police and other emergencies service providers who will be allowed to use it for free. Some sections will have six lanes. The breakdown was as follows: a) ABC place to the southern bypass will have four lanes and will be elevated b) The Southern Bypass to the Eastern Bypass will have six lanes and will be on the road bed and c) The Eastern Bypass to Mlolongo will have four lanes and will be on the road bed.
- The road design drawings made provisions for access to the Standard Gauge Railway (SGR), Jomo Kenyatta International Airport (JKIA), Eastern Bypass, Southern Bypass, Capital Centre interchange, Thika Road interchange and the James Gichuru Roundabout.
- There will be service roads, ramps, foot bridges and interchanges.
- The road will be fully fenced with controlled access and have ten entries/exits.
- The project is a Public Private Partnership under the B.O.T model (Build-Operate-Transfer) between a private investor (CRBC) and the Government of Kenya, and will be constructed over a period of 3 years commencing in 2020
- This is the first BOT (Build-Operate-Transfer) road project whereby the (Investor takes the revenue risk)
- All facilities will be handed back to the Government of Kenya after a concession period of 30 years, together with its advanced technology and management.
- The cost of construction of the expressway is approximately 557 million US dollars.
- The road will be tolled for purpose of CRBC recouping their investment.

- The anticipated benefits of the construction of the expressway include a) Reduced traffic congestion b) Reduced transit time c) Easier transportation of people and goods hence promoting local economy d) Provision of job opportunities e) Direct transfer of technology f) Largest FDI to attract more private investment g) Realisation of vision 2030 and the Big four agenda h) Enhanced competitiveness i) Savings on motorists since it is estimated that fifty million shillings is lost in Kenya daily in traffic jam j) Reduction of vehicular emissions hence improved air quality k) Reduction in response time for emergencies l) Attraction of international investors m) Business opportunities for local supply chain n) Attractiveness of areas around Mlolongo to both foreign and local investors
- The social and environmental issues that were highlighted were creation of employment opportunities, safety precautions during construction and interruptions during construction
- The mitigation measures were optimised land use, comprehensive traffic management plan to avoid or minimize interference with existing A8 road. The plan will entail dumping of construction materials at night and development of ESMPs plans.
- The project implementation process consisted of the launching which was done on 16th October 2019, a construction period of 3 years, the implementation by a private entity and the recovery of the funds through a tolling system.

ESIA Process, ESMP Development and Resettlement Action Plan (Centric Representative)

- The Centric representative defined ESIA as the process of maximizing positive impacts and minimizing or eliminating the negative ones. She also explained that the requirement for an ESIA is enshrined in the Environmental Management and Coordination Act (EMCA), 1999, (amended in 2015) which is the framework law on environmental management in Kenya. The Act provides for environmental protection through processes such as Environmental Impact Assessment, Environmental Audit and Monitoring.
- The Second Schedule of the Act identifies development of road projects as requiring EIA studies
- The representative gave the progress of the ESIA which started with a desk study, then development of the terms of reference which were approved by NEMA and various studies which included air quality assessment, noise and vibration survey, soil sampling, water quality assessment, climate change analysis, socio-economic survey and biodiversity assessment. A Resettlement Action Plan is also underway. She highlighted the avid stakeholder engagement involved in the process. They consisted public consultation meetings at Mlolongo, Syokimau, South B, South C, Imara Daima and Westlands, Focused Group Discussions and high-level stakeholders' meetings.
- By way of consideration of the nature of anticipated environmental and social impacts in terms of severity, ease of reversibility, longevity and the geographical scope which may be impacted by the project, it has been determined the Expressway project will be subjected to a Full ESIA Study to enable an in-depth identification and analysis of potential impacts, and subsequent devising of appropriate mitigation and enhancement measures

- The ESIA process entails screening a project to determine whether an EIA is required or not, and if needed, the level of scrutiny (environmental assessment) that the project should be subjected to. Screening is following by a baseline and scoping study to determine the nature and magnitude of anticipated environmental and social impacts
- Stakeholder consultation is a key aspect of the EIA Study and, is anchored in the Constitution of Kenya 2010 and is also supported by the Public Participation Bill of 2018. It is therefore crucial that stakeholders in any given development are identified and engaged at various levels with an aim of obtaining their views, concerns, suggestions and recommendations, to be incorporated in the project. Centric explained that it is for this reason that stakeholder engagement is being carried out with various parties including line national government institutions, county government, civil society organizations, professional bodies, roadside traders and large establishments fronting the proposed alignment, residents along the corridor and various road users including long distance truck drivers, PSVs, cyclists, pedestrians etc.
- Impact prediction and analysis paves way for the development of the ESMP whereby appropriate mitigation measures are devised for anticipated adverse impacts and enhancement measures are suggested for positive impacts
- The ESIA Consultant will prepare an elaborate ESMP to cater for all anticipated project impacts. Some of the mitigation measures to be proposed will largely be informed by best industry practice. Previous reports done in
- Centric explained that the Terms of Reference for the ESIA Study had been submitted to NEMA for review and the approval to proceed with the study had been granted
- Once the ESIA Report is submitted to NEMA, the Authority will generate the summary of potential impacts and mitigation measures for publication in two local dailies and in the Kenya gazette. The public will be invited through the advert to peruse the report and give comments over a period of thirty days.
- NEMA will then review the report and decide whether to issue an EIA license with conditions or not.
- Another Centric Africa representative presented on the Resettlement Action Plan (RAP).
- He highlighted the objective of RAP is to provide a guide for the resettlement and rehabilitation of project affected persons (PAPs)
- The specific objectives included a) Identifying the Project Affected Persons b) Coming up with a compensation plan c) Ensure compliance with legal and regulatory requirements d) Incorporating the outcome of consultations and participations e) Development of a Grievance Redress Mechanism (GRM) and f) Monitoring and evaluation
- The scope of RAP involved: a) Collection of baseline socio-economic data b) Census of PAPs to develop inventory c) Analysis of the nature of impacts d) Categorization of the PAPs based on impact e) Eligibility criteria for compensation f) Valuation of structures, crops and total land affected g) Entitlement matrix h) the Grievance Redress Mechanism (GRM) i) Determination of cut-off date and finally j) Legal review to inform PAPs the legal implications

Interactive Session with Participants

The meeting then progressed to an interactive session whereby the participants were given the opportunity to ask questions, make comments, seek clarification, air their views, concerns and recommendations for incorporation into the project development.

Table 1: ISSUES RAISED AND RESPONSES GIVEN

Topic	Participant	Issue Raised	Responses
Project design	Daniel Baaru - L'oreal	Enquired how the access to their business would be affected in regard to the number of lanes their customers would have to cross to access their premises and wanted to find out what will happen to the current advertisements they have on the current highway.	Crossing points will be established along the expressway at designated points. The older footbridges will be reinstated. The advertising will have to be discussed with the project proponent.
	John Mwangi - Sameer Business Park	Enquired if storm water drainage was catered for in the design	Careful studies are being done to address the issue and come up with effective designs.
	Job Mwangi - Imara Daima Estate Association (IDEA)	Requested to have a footbridge put closer to their establishment because the current one is too far so people opt to just cross the road and this results in accidents	The expressway will have footbridges and they will be improved to cater for ergonomics too. However, the community should be sensitized to make use of the existing facilities even in the event they are not necessarily at the doorstep because not all facilities can be that conveniently placed.
	Sanjil - stakeholder	Enquired if making improvements on the section that will be on the road bed so as to facilitate proper drainage are part of the project scope because the current drainage	Proper design work and topography will be done to cater for effective drainage systems

Topic	Participant	Issue Raised	Responses
	Nicholas Kweyu – Vivo Shell Bellevue	<p>systems are not working</p> <p>Enquired if the design of the expressway is taking into consideration the traffic flow that the existing service stations along the highway maximize their profits on.</p> <p>Also wanted to find out when the project affected persons will be informed for the setting out of the project so that they can plan on a course of action in time</p> <p>Wanted to find out if the current design could be shared with the stakeholders to enable them to make necessary adjustments</p> <p>Also suggested that as the project is being implemented, the stakeholders will be as involved as they have been so far.</p>	<p>Studies on traffic flow are being done so as to minimize the effect the proposed expressway will have on the service stations. Nonetheless, some of the service stations will be affected.</p> <p>Studies are being done and some trials are already being done for instance, near the airport. The solution has not been found yet but a lot of thinking is being done and cooperation with different parties so as to minimize the negative effects that could result</p> <p>The design is not detailed enough to be shared but it will be around February next year.</p> <p>The suggestion was noted</p>
	Anthony Patrick Muthee – Stelix Kenya	<p>Enquired the exact point of K0 and suggested the design to put into consideration proper waste management and cover the projected population growth</p>	<p>Near Valley View estate at the footbridge. The problem is well noted and for all the utility services that will be interfered with will be noted and relocated even</p>

Topic	Participant	Issue Raised	Responses
	Sandy Bhabra – Subaru Kenya	because the current waste management system is inefficient. Enquired if the U-turns that provide access to their business will be maintained.	before construction commences. Turning movements will be maintained
	John Mwangi – Sameer Business Park	Suggested that the existing roads such as enterprise and Likoni roads to be properly done to alleviate traffic during construction of the proposed project	Having possible dispersal roads makes sense and the suggestion will be considered
	Patrick Mwangangi – Hotel Connections Mlolongo	Enquired how people would move from one side of the road to the other	There will be designated crossing points for pedestrians, but the road will be enclosed
Project affected persons	Moses Mangeere N-Proma Investments	Wanted to find out if he was a primary or secondary affected person.	The affected persons are categorized according to impact the project will have on them. Land owners are primary affected persons and those leasing from the land owners are secondary affected persons.
	George Mungai-Kangtels Motors	Requested that more details be shared with the actual project affected persons and in good time so that business owners can plan accordingly and in good time on the way forward for their businesses	The designs haven't been fine-tuned yet but once they are, the specific people who will be affected will be contacted again and engaged separately and in depth to come up with effective and timely solutions
	Wendy Makena-Panesar Centre	Enquired if the service providers of power,	Yes, they've been actively engaged and have even

Topic	Participant	Issue Raised	Responses
	John Hinitu- Kapa Oil	<p>internet and water who will be affected have been consulted</p> <p>Enquired about relocation of utilities owned by independent private contractors</p> <p>Asked if there would be a service charge for independent contractors who may want to improve accessibility to their business</p>	<p>already shared detailed location plans and maps with GPS co ordinates and there's a clear plan on how to go about it</p> <p>If done legally, there should be an agreement with the public service providers and that agreement will be adhered to.</p> <p>The private contractor would decide this</p>
	Asaria Mansul - Architect ASL/WB	Requested to have a similar meeting once the detailed design drawings are ready	The meeting will involve only the affected persons
Compensation	Daniel Mutuku Mbevi - MCA	Enquired if the compensation plan factors in land owners who have only sale agreements and not title deeds	The National Land Commission will address this
	Wendy Makena- Panesar Centre	Asked if the people with adverts and signages on the existing highway would be compensated because they cost a lot of money to put up	The agreement signed when putting up the signages will be referred and adhered to.

Topic	Participant	Issue Raised	Responses
Tolling	Daniel - Stakeholder	Was concerned that the tolling charges would impact the social life of those using the road. He also enquired if discounts would be offered.	The company involved is a private one, hence maintain that discretion. However, there may be promotional strategies to attract users. Where the users are unable to afford the tolling rates, there is another viable option (the existing road) that is free of charge.
Air Quality	George - Stakeholder	If there will be compensation for the stakeholders who are affected by dust during construction	Concerns have been heard and will be addressed effectively.
Project Effects	Daniel Mutuku Mbevi - MCA	Enquired if the project will affect the existing services such as water services	The services that will be affected are already being addressed and being relocated.
Corporate Social Responsibility	Daniel Mutuku Mbevi - MCA	Enquired if the corporate social responsibility to the people in Mlolongo had been put into consideration. He also asked if the process of recruiting workers will consider the youth in Mlolongo	The project is being done by a private company, hence they are not obligated to do so but the suggestion was forwarded and is being considered.
General	Daniel Mutuku Mbevi	Requested assurance that use of the road will remain optional throughout the 30 years Enquired the reason behind the stalling of the already existing projects such as interchange to the Makutano junction	The assurance is in the agreement signed by the parties involved The projects stalled because of financial constraints. However, acquisition of a bond is underway that is expected to restart the stalled road projects.

Closing and Adjournment

The ESIA Consultant thanked the participants for creating time to attend the meeting. The Consultant said that the adjournment of the meeting did not mean the end of engagement. The participants were invited to share further comments and views via the email address provided in the project background information document.

He made his closing remarks by thanking the stakeholders for availing themselves for the meeting despite their busy schedules and for the contributions they had made.

The meeting ended with a word of prayer from a volunteer from the stakeholders

Confirmation of Minutes

Minutes prepared by: Centric Africa

Date

Minutes confirmed by:

Hon Daniel Mbevi Date *9/1/2020*

Position

MCA Mlolongo/Sydekiman ward.

ANNEX I PHOTOS OF THE HIGH LEVEL STAKEHOLDERS' MEETING



Photo 1: KeNHA representative making the presentation for the proposed project



Photo 2: Centric Africa representative making the presentation of the ESIA and ESMP



Photo 3: One of the stakeholders airing his concerns



Photo 4: The stakeholders in attendance



Photo 5: Another stakeholder voicing her concerns



Photo 6: The KeNHA representative responding to the stakeholders' questions

ANNEX II HIGH LEVEL STAKEHOLDERS' MEETING ATTENDANCE LIST



HIGH LEVEL STAKEHOLDERS' MEETING SIGN SHEET FOR THE PROPOSED NAIROBI EXPRESS PROJECT ESIA STUDIES

NAME	ORGANIZATION	DESIGNATION	TELEPHONE NUMBER/EMAIL	SIGNATURE
Adam Mbugua	Kasina B. Park	Director	0725 271054	
Mwangi Karuvici	Kasina Park	Director	0722769358	
CHEKE KARIUKI	KASINA PARK	DIRECTOR	0721 383 389	
Anthony Patrick Muthoe	STELIX KENYA	DIRECTOR	0722 788008	
PETER NJERU	MPPS	ADMINISTRATOR	0702 829339	
YVONNE FRIDAH	DOSHI P/C	HRO	0718614905	
PETER WATHWA	JOMAN TIMBER	DIRECTOR	0720490300	
Mwangi Wadhwa	Joman Timber	Stakeholder	0719 626 352	
Darius Githin	Kellies Creptex	Property manager	0741079084	
SHAMI PATEL CHARAN PATEL	Kobicon/K/ Ltd	Director	0722765646	



HIGH LEVEL STAKEHOLDERS' MEETING SIGN SHEET FOR THE PROPOSED NAIROBI EXPRESS PROJECT ESIA STUDIES

NAME	ORGANIZATION	DESIGNATION	TELEPHONE NUMBER/EMAIL	SIGNATURE
Hon Daniel Mbon	Makindu County Assembly	MCA	0722 858845	
Job Mwangi	IMARA DAIMA ESTATE ASSOCIATION (IDEA)	SECRETARY	0721387592	
Denis Kuria	Permatu/Koimisi LTD	Director	0722 749142	
JACKSON OKANDO	GATEWAY MALL	properties manager	0721725301	
OMENO HILARY	VEK	ENGINEER / SAFETY	072551089	
NICHOLAS KWEYU	VEK	ENGINEER	072668820	
MUKIRA ABDUL	Abdi diesel workshop	Abdi diesel	0717-814-100	
GESDHE NUNGAI	KANGITHS MOTORS	Director	0700436468	
ASHA ASARIA	ASL/WB	Arch	0733812567	
STELLA NYAKUNBI	KRONA PARK	PROPERTY MANAGER	0722987987 ramco@goodliving.co.ke	



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NAME	ORGANIZATION	DESIGNATION	TELEPHONE NUMBER/EMAIL	SIGNATURE
PATRICK KEMET	NORWICH UNION PROPERTIES LTD	PROPERTY MANAGER	0720820426, Patrick@norwich.co.ke	
SANDY BHABHA	Oriel/Subaru	ADMINISTRATOR	0722 701173 sandy@onitkenya.com	
PETER SAWE	NMG	MANAGER	0721571154 psawe@le.nahar.co.ke	
AMARAGO JAROO	BANQUES LTD	GM	0722394285 gm@telesales.co.ke	
Moses M. Njiru	prova/machia	Director	0706545429 Mosesm29@yahoo.com	
JOHN HIMITI	KAPA OIL SERVICES	Manager	0726065600 Maintenance@kapa-oil.com	
Gautam Patel	Polythene Int.	Director	Gautam@polythene.co.ke - 0733-726101	
PETER MUTAVI	STANDARD GROUP	Prod. Manager	0721717900 Pmutavo@stada-labedia.co.ke	
Juried Mwendu	RURAL ELECTRIFICATION & RENEWABLE	Ag. SSCMO	0712253726 juriedmwendu@gmail.com	
Indar Bahra Gurcharan Bahra	Scham Oil Kenya	Managing Director	0700518840 0723974463 info@schamoil.co.ke	



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NAME	ORGANIZATION	DESIGNATION	TELEPHONE NUMBER/EMAIL	SIGNATURE
Pius Makau	St. Joseph's College	Mlolongo	0722 776027	
Tom Aduma	Amithena Holdings Ltd	Mlolongo	0722588074	
Justus Mungai	C&S properties	Mlolongo	0720 70915	
NICHOLAS M. MATWA	HARISE PLAZA	MLOLONGO	0700 203023	
Lawrence Omondi	Interstrad Ltd	Belleve, Shell	0780 202014	
MICHAEL KIBARI	CENTRIC	ES CONSULTANT	0733 399685	
Joyce Owino	Centric	ES CONSULTANT	0714906409	
Kavata Mutisya	Centric	Consultant	0702699958	
ALLAN OWINO	CENTRAL	ESS CONSULTANT	0729924873	
EUNICE OPONDO	CENTRIC	ES CONSULTANT	072464681	



HIGH LEVEL STAKEHOLDERS' MEETING SIGN SHEET FOR THE PROPOSED NAIROBI EXPRESS PROJECT ESIA STUDIES

NAME	ORGANIZATION	DESIGNATION	TELEPHONE NUMBER/EMAIL	SIGNATURE
ELIZABETH NUNDA	PHOENIX ADVISORS	(Sister to owner) DEADEND MURRAY	0728594210	
CHRISTINE MURUGU	JULEX	MANAGER	0726605904	
JOHN MURUGU	LAMBER BUSINESS PARK	MAINTENANCE MANAGER	0732999310	
EVALYNE WADHARI	THERMOTEC LTD	SALES REPRESENTATIVE	0710339881	
ANANESH PATEL	LAB & ALLIED	CHAIRMAN	0722 513653	
J. LUTHLA	UNITED COMPLEX	MANAGING DIRECTOR	0791482248	
George Ochumoda	ETKA HOTEL	Engineer	0701122698	
Rachel Crotome	Big Square	Project	0721422898	
MORRIS NYAMBIAIC	DASHI GROUP	Administrator	0725686671	
Peter m. Kusengele	Elkams Products	Logistic Manager	0721560006	



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NAME	ORGANIZATION	DESIGNATION	TELEPHONE NUMBER/EMAIL	SIGNATURE
Glady's Njeri Mwarui	Off Kapiti RD Glady's ENT	DIRECTOR	0721701967	<i>[Signature]</i>
Stahly Mwarasi	KENHA	H/PPP	0722510416	<i>[Signature]</i>
NEAH Mwarua	PHUPS	ADMINISTRATOR	0718920013	<i>[Signature]</i>
Isaac Kang'anyi	Kisumu mlolongo	owner	073563574	<i>[Signature]</i>
Peter Musilo	Stage 1111 Tulimani Holdings	Owner	0790999996	<i>[Signature]</i>
Amos Okech	H&C-H&B	GM	0721952887	<i>[Signature]</i>
WESTON KAMAU	KIFARU PLACE	DIRECTOR	0722885632	<i>[Signature]</i>
Daniel BAAU	LORAL	EHS MANAGER	0721255833	<i>[Signature]</i>
Peter NZANI	NZANI ENT, HD	DIRECTOR	0713509838	<i>[Signature]</i>
Margaret Mwarui	Sema Health Products	DIRECTOR	0722399788	<i>[Signature]</i>



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NAME	ORGANIZATION	DESIGNATION	TELEPHONE NUMBER/EMAIL	SIGNATURE
Esther Kagema	LOCAL E.A	Security. M	0723978642	
WENDI MAKWA	PANESAR'S	Property Manager	016450507	
Patrick Mwangi	HOTEL CONNECTIONS	HOSPITALITY -	0722175922	
Servaneel Mwangi	IDEA-IMMORT	introduction	0722843703	
STEPHEN O. WAMBATI	SPINON GROUP	MANAGER OF	0720801392	
CASADO	LANCER INS.		0721862832	
FENS LTD	John Cichok	MANAGER	0721593670	