



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

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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.

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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.

Julian Mulupi-World Wide Fund for Nature (WWF)

She shared with the public the work of WWF in Lamu County-marine conservation and sustainable forest conservation in Boni and Dodori area. She noted that the EIA report does not articulate the impacts of the proposed project on marine life. She also noted that the report relied on studies done in other areas and therefore does not reflect the real picture on the ground. She also said the proposed cooling system was not effective. She stated that public engagements have not been done well since project inception.

Umul Kheir-Muslims for Human Rights (MUHURI)

She said that she does not support nor reject the report. She pointed out that the time given by law after publication of the report is thirty (30) days and that is not enough for one to read 1800 pages of the EIA study report. She noted that Kizingitini community was not included in the public participation yet they are fishermen who shall be greatly affected by the project. She cited that the EIA study report is written in English and should be translated in Kiswahili for ease of understanding. The report did not include the steering committee which would work together with Amu Power to address any issue that may arise during the project's operational phase.

Mohamed Jaafar-Kenya national Commission for Human Rights representative

On behalf of his organization he promised to give a written memorandum but raised concerns about the 2000 acres limestone project and its potential impacts on local communities. He was also concerned about the proposed cooling system for the power plant and asked that adequate mitigation measure be put in place

THOSE SUPPORTING THE PROJECT

Hussein-Chairman Kwasasi Farmers

He acknowledged the presence of concerned government departments, farmers and pastoralists. He appreciated that there was nobody who opposed the project and that the public participation process had been thorough. He thanked Amu power for supplying water to locals and for choosing Kwasasi to implement the coal power project. He noted that farmers were not concerned about the 1800 page EIA study report but to about timely and adequate compensation since they have waited for long. He noted that they have had 46 meetings with Ministry of Energy and Amu Power. He said that Lamu people are happy to contribute energy for the country. She stated that fishermen should address any livelihood concern to the fisheries department for appropriate action to be taken. He requested the lead consultant Prof. Sanjay to reduce the 1800 pages and summarize it to 18 pages. He reported that the project shall create economic opportunities and developments not only in Lamu County but the entire country and therefore he supports the project. He requested for a meeting between Amu Power and Kwasasi Community Committee.

Kassim-Committee Treasurer; Kwasasi Project

He noted that people should not dispute professional opinions. He challenged the 9°C increase in thermal effluent cited by earlier speaker. He pointed out that the EIA study report states clearly that the thermal discharge shall be 3°C higher. He noted that the government cannot bring 'poison' to its own people. He said that Kwasasi community has had 34 meetings with Amu Power and therefore public participation has been effectively done. He stated that Kwasasi community support the proposed project and are ready to testify in court if need be.

Mr Abdulrahman Aboud- Committee Chairman; Kwasasi Project

He stated that there was sufficient public participation with over 30 meetings and that the National Museums of Kenya had undertaken baseline studies regarding the marine ecosystem. He stated that additional studies were undertaken by SGS and

that the approximately 629 families had been waiting for a long time (over 2 years) for the project to start. His position was that the project would have no negative impacts on the environment in light of the proposed mitigation measure. Noting that poverty was a major challenge in the area he exhorted those present to strike a balance between the environment and development/economy. He urged Amu Power to give priority to locals during employment.

Francis Kangema-Representing Civil Society Groups in Kilifi County

He noted that despite the fact that the proposed project shall bring economic developments in Lamu County, it is good to consider also the negative impacts that it shall be associated with. He pointed out that the Paris Agreement (COP21) requires countries to reduce greenhouse gas emissions by 30%. He urged participants to consider renewable energy such as wind instead of coal. He also pointed out that the National Climate Change Action Plan advocates for the reduction in use of fossils and that coal is a fossil fuel. He said that the Energy Policy promotes use of renewable energy. He cited Electricity Regulation 2010 No. 17 which requires that energy production should comply with environmental and health safety.

M.A. Mohamed-Representative from Lamu County Government

He handed over a written memorandum but opined that there were several gaps in the EIA study report including baselines on health status of the county. He further pointed out the need for land ownership issues to be comprehensively addressed.

REPRESENTATIVES OF AMU POWER

Ahmed Bajaber-Director Amu Power

He appreciated the earlier speakers who stressed the need to apply appropriate technical expertise in dealing with complex matters such as those related to the coal project. He noted that before 1900, Mombasa was an island with farming activities but now it is an industrial town offering employment and producing finished products. He urged the public to be ready to embrace change.

Francis Njogu- Managing Director Amu Power

He stated that 23rd January, 2015, was the first time he reached the project site- Kwasasi. He noted that the first question the community asked was whether the project shall have adverse impact on their health, whether they shall be given consideration on employment opportunities and whether they shall be compensated. He reported that baseline studies on water and air were done by SGS Company and that the records are available. He said that the proposed project shall enable more people to use electricity for domestic use since currently only 15% of the total population use gas and electricity while the rest depend on charcoal, paraffin and fuel wood for domestic use. He reported that the project if implemented shall lead to reduction in greenhouse gas emissions as provided by Climate Change Act, 2016. He noted that as per established practice site for public hearing should be located where the project shall be implemented and not Amu or other islands. He pointed out that the report was translated into Kiswahili while Amu Power had engaged educators to update residents in various islands on the proposed project in Kiswahili Language. He reported that Amu Power shall provide employment opportunities to Kwasasi farmers and their children and that micro-enterprises support shall be provided to those who shall not qualify for employment opportunities for other reasons. He requested the community to continue supporting Amu Power till the project becomes operational.

Hon. Muthoni Marubu-Nominated M.C.A

She reported that the County Assembly of Lamu has approved the proposed Coal Fired Power Plant in its entirety. She provided a justification for location of the project at Kwasasi- being near the port and availability of enough land for the proposed project.

Hon. Julius Ndegwa, M.P. Lamu West

He appreciated the public for being patient and listening to different opinions about the proposed project. He expressed surprise at the sentiments made by Francis Kangema- representative of civil society groups in Kilifi County and questioned his interest in the matter owing to the fact he is from a different county. He said that the government cannot support a project which is harmful to its people highlighting the fact that India generates 4000MW of energy from coal and the proposed project shall only generate 1050MW. He told the public that the local leadership shall continue to support the proposed project as long as it leads to livelihood enhancement of the people. He stated that he appreciates expert opinion in issues such as the one at hand

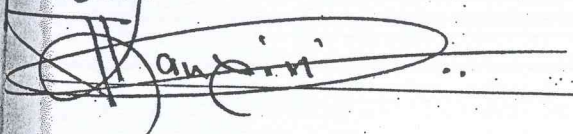
Way Forward

The presiding officer asked the consultant for Amu Power to respond to the issues raised. The consultant (Mr. Sanjay) promised to address the technical issues and gaps that were raised during the meeting.

Mr Ong'are was then asked to give closing remarks. He stated that this is not the end of the public engagement exercise and that we were still open to receive submissions on this project both at our county office and at the headquarters. He thanked the participants and assured them that their sentiments would be consolidated and used to guide the decision-making process

A participant (Mr. Chalo) at the forum offered closing prayers and there being no other business the meeting adjourned at around 1.30pm

Signed



Date

30/8/2016

Mr. Joseph Kanyiri.

Presiding officer and County Commissioner,

Lamu