

# Strategic Environmental Assessment of the Eselenkei Group Ranch Landuse and Subdivision Plan, Kajiado South Sub-County, Kajiado County



**FINAL SEA REPORT  
MAY 2023**

Submitted To:

**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY**  
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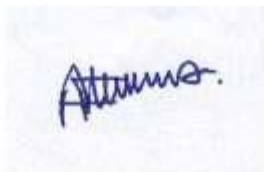
## DOCUMENTATION AUTHENTICATION

The Revised Final Report for the Strategic Environmental Assessment (Plan SEA) of the Eselenkei Landuse and Land Sub-Division Plan, Kajiado County, is submitted to NEMA on behalf of the Eselenkei Group Ranch, Big Life Foundation and Amboseli Ecosystem Trust by ENRM Associates (K) Ltd by:

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**27<sup>th</sup> May 2023**

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#### 3. Amboseli Ecosystem Trust

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## SEA TEAM

Consultant	Qualifications	Responsibility
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<b>John Kiringe</b> , (NEMA Lead Expert), Wildlife conservationist	<ul style="list-style-type: none"> <li>• PhD, (Ecology), Leicester University (UK)</li> <li>• M.Sc., B.Sc., (Ecology) University of Nairobi</li> </ul>	Rangeland pastoralism and wildlife conservation
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<b>Tiffany Mwake</b> , Project Assistant	<ul style="list-style-type: none"> <li>• B.Ed. (University of Nairobi)</li> </ul>	Logistics and documentation support

## **ACRONYMS & ABBREVIATIONS**

AEMP	-	Amboseli Ecosystem Management Plan
AET	-	Amboseli Ecosystem Trust
ALOCA	-	Amboseli Landowners Conservancy Association
ASALs	-	Arid and Semi-Arid Lands
BLF	-	Big Life Foundation
CGK	-	County Government of Kajiado
CMS	-	Convention on Migratory Species
DSWT	-	David Sheldrick Wildlife Trust
EIAs	-	Environmental Impact Assessments
EMCA	-	Environmental Management and Coordination Act
GAE	-	Greater Amboseli Ecosystem
GoK	-	Government of Kenya
HWC	-	Human Wildlife Conflict
KENHA	-	Kenya National Highway Authority
KFS	-	Kenya Forest Services
KWS	-	Kenya Wildlife Service
LSP	-	Landuse and Subdivision Plan
MEAs	-	Multilateral Environmental Agreements
EGR	-	Eselenkei Group Ranch
MWCT	-	Maasai Wilderness Conservation Trust
NBSAP	-	National Biodiversity Strategy and Action Plan
NCCRS	-	National Climate Change Response Strategy
NEMA	-	National Environmental Management Authority
NGOs	-	Non-Governmental Organizations
NIA	-	National Irrigation Authority
NRM	-	Natural Resources Management
PEIA	-	Plan Environmental Impact Assessment
PPP	-	Policies, Plans and Programmes
REDD+	-	Reducing Emissions from Deforestation and Forest Degradation
SEA	-	Strategic Environmental Assessment
UNESCO	-	United Nations Educational, Scientific and Cultural Organization
WCMA	-	Wildlife Conservation and Management Act
WRA	-	Water Resources Authority
WRUAs	-	Water Resources User Associations

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Tiffany Mwake and Eric Mwenda of ENRM Associates (K) Ltd are appreciated for field and office support

## NON-TECHNICAL SUMMARY

### 1. BACKGROUND

The promulgation of the National Constitution of Kenya 2010, which created three types of land tenure, namely, public, community and private land has recently accelerated the winding up of group ranches in Kenya through their transformation from community to private land tenure. This is likely to affect wildlife conservation and communal pastoralism through the privatization of rangelands which might eventually restrict seasonal livestock movement in private land parcels. The land reform is likely to trigger a wide range of environmental and social transformations such as increased fencing of individual land parcels, further land subdivision, and sale of land to outsiders. Apart from increasing dispossession of land from the Maasai people, the transformation will likely lead to increased introduction of landuse practices which are incompatible with traditional livestock husbandry and wildlife conservation.

### 2. ESELENKEI LANDUSE AND SUBDIVISION PLAN (LSP)

The need for Eselenkei LSP arose following the desire of the Eselenkei Group Ranch (EGR) landowners to subdivide their ranch and acquire individual title deeds. In line with the resolution, the group ranch representatives subsequently applied for and obtained consent from the Director of Land Adjudication and the Settlement Officer to dissolve the group ranch and subdivide the land among members. Consequently, the MGR management prepared the Landuse and Subdivision Plan (LSP) to facilitate issuance of individual land titles to members. The LSP was necessary to guide the land subdivision and the subsequent registration of land rights for private landowners. The aim of the LSP was to fulfil the desire of members to own individual land, while ensuring sustainable conservation and management of natural resources to secure communities' livelihoods now and in the future. The principal role of the LSP is to serve as a governance tool for regulating landuse in the new private tenure regime. The LSP was approved by the County Government of Kajiado (CGK), and the primary ownership and responsibility for implementation of the LSP is vested in the Eselenkei Board of Trustees and Cooperative Society.

The zoning plan used for the Eselenkei LSP was aimed at achieving prosperity, efficiency, equity, and sustainable development by promoting and accommodating competing landuses. The zoning strategy is expected to promote socio-economic growth while ensuring effective conservation of the environment and natural resources. It seeks to reduce human-wildlife conflicts through active interventions that maintain and protect the ecosystem through adoption of the following landuse zones:

- a) *Settlement zone*: This zone has been set aside for the settlement of members. It comprises the existing settlement areas where members were previously residing in which each landowner was allocated 10 acres with a title deed.
- b) *Agriculture and settlement zone*: This zone is focused on the irrigated agricultural areas along the Nolturesh water pipeline and Eselenkei River. Each landowner was allocated 2-5 acres with title deed for this zone.
- c) *Grazing and settlement zone*: This zone has been designated as the main livestock grazing zone in which human settlement will be allowed. Each landowner was allocated 42 acres with title deed for this zone.
- d) *Pastoralism development and wildlife zone*: This zone covers the Tulakaria-Osewan and Marite-Oseki, which sustain traditional wildlife movements between the Selenkay Conservancy, Amboseli National Park and the Greater Amboseli Ecosystem. 700 EGR members were allocated 47-acre land parcels each in this zone without title deeds. The

landowners have entered into a lease agreement with Big Life Foundation for the 33,000 acres to be sustained as an intact block of land mainly for wildlife and controlled dry season grazing.

- e) *Wildlife corridors, conservancy and tourism zone*: The zone is mainly centred around the Selenkay Conservancy whose primary focus is wildlife conservation and tourism.
- f) *Transportation and infrastructure*: This is associated with the transport, communication and related infrastructure.

The LSP has clearly prescribed the permitted activities and landuse restrictions for each of the above zones.

### **3. JUSTIFICATION FOR STRATEGIC ENVIRONMENTAL ASSESSMENT**

The SEA is one of the tools used to protect the environment for the benefit of present and future generations as enshrined in Articles 42, 69 (a & g), and 70 (2b) of the National Constitution of Kenya 2010. Article 42 of the National Constitution of Kenya 2010 pertains to the right to a clean and healthy environment, which can be violated through implementation of policies, plans and programmes, which are environmentally unsustainable. The Eselenkei LSP SEA is in compliance with S57A(1&2a) which requires all new policies, plans and programmes (including those from local communities like MGR) to be subjected to strategic environmental assessment. The purpose of the LSP SEA is to reinforce and legitimize the LSP beyond the County Government of Kajiado (CGK) approval by legalizing it under section 57A (1) of the Environmental Management and Coordination Act (Amendment Act 2015) by subjecting the LSP to comprehensive environmental and social screening for effective environmental and natural resources governance. The SEA would ensure that the LSP is well aligned with relevant policies, legal frameworks and subsidiary regulations at local, county and national levels for ease of implementation and enforcement as the principal landuse governance instrument under the private land tenure regime. The gazettment of the SEA report will legalize the Eselenkei LSP and support its application including legal enforcement of landuse restrictions to avoid landuse disorder and irreversible environmental and social problems that are likely to be triggered by land sub-division and land reforms such as widespread land disposal, land leasing, fencing, charcoal burning and landuses which are incompatible with pastoralism and wildlife conservation.

The Eselenkei LSP SEA is a rare grassroot effort in compliance with S57A (1&2a) which requires "All Policies, Plans and Programmes to be subjected to Strategic Environmental Assessment. The SEA will address management gap associated with the emerging and inevitable challenge of land subdivision and landuse change in the Amboseli ecosystem. The issue was not considered in the 2014 Plan SEA for the AEMP (2008-2018) because the SEA was mainly commissioned in response to the one-year Amboseli Moratorium of 2013 which suspended all development activities especially in the tourism sector until AEMP was gazetted so that it could serve as a regulating instrument for development activities in the ecosystem. The 2014 Amboseli ecosystem-wide Plan SEA did not consider the issue of group ranch land sub division, which mainly started after 2019. Prior to that land sub division had only occurred in the Kimana Group Ranch without a SEA which culminated in a wide range of negative environmental and social impacts (including widespread land dispossession through mass acquisition of land by "outsiders", fragmentation of pastoral and wildlife landscapes through fencing, loss of critical wildlife habitats and migratory corridors, and degradation of environmentally sensitive environments such as the Kimana wetland and wildlife sanctuary). The Eselenkei LSP SEA and other similar interventions will reinforce the Amboseli Ecosystem SEA by the AET, which was not covered in the umbrella SEA.



#### 4. APPROACH AND METHODOLOGY FOR THE STRATEGIC ENVIRONMENTAL ASSESSMENT

The ex-post plan SEA was undertaken in accordance with the National Guidelines for Strategic Environmental Assessment in Kenya and the standard best practice roadmap and protocol as highlighted below:

- Screening and scoping to determine the specific issues to be considered in the SEA,
- Preparation of a PPP Brief (LSP Brief) and submission of the same to NEMA for the records,
- Preparation of a screening and scoping report and ToR for submission to NEMA for approval,
- Preparation of a comprehensive environmental and social regulatory framework for the SEA through identification of relevant PPPs and collation and review of PPP documents,
- Detailed PPP analysis to determine the environmental regulatory framework for the SEA,
- Compliance assessment of Eselenkei LSP against relevant environmental regulatory benchmarks,
- Establishment of a suitable stakeholder's engagement and participation strategy for the SEA process,
- Stakeholders consultations and public participation,
- Field missions and case studies for baseline situation analysis,
- Plan environmental impact assessment (PEIA) and mitigation,
- Identification of plan alternative options,
- Preparation of a comprehensive Environmental Management and Monitoring Plan, and
- Compilation and validation of the LSP SEA report.

#### 5. ENVIRONMENTAL REGULATORY FRAMEWORK AND PPP ANALYSIS

The Eselenkei LSP was interrogated against the environmental and social obligations in relevant frameworks at local, county, national and international levels as highlighted below:

Framework level	Relevant frameworks
Local	1. Amboseli Ecosystem Management Plan 2020-2030
County	2. Kajiado County Land Sub-Division Guidelines 2018 3. Kajiado County Spatial Plan 2019-2029
National	4. National Constitution, 2010 5. National Environment Policy, 2014 6. EMCA Cap 387 7. National Landuse Policy, 2017 8. Integrated National Landuse Guidelines, 2011 9. National Wildlife Policy, 2020 10. Wildlife Coordination and Management Act, WCMA 2013 11. National Climate Change Framework Policy, 2016 12. Kenya Vision 2030 13. Kenya National Spatial Plan 2015-2045 14. National Water Master Plan 2030 15. National Biodiversity Strategy and Action Plan (NBSAP 2021-2030) 16. National Climate Change Response Strategy (NCCRS) 2010
Regional & global	17. EAC Protocol on Environment and Natural Resources 18. Convention on Migratory Species (CMS) 19. UNESCO's Programme on Man and the Biosphere (MAB)



## 6. SEA FINDINGS

On the overall, the PPP analysis showed clear synergy between the EGR LSP and other existing PPPs especially the following principal ones:-

- Kajiado County Land Sub-Division Guidelines 2018 (CGK 2018) – The LSP is aligned with the guidelines.
- Kajiado County Spatial Plan 2019-2029 (CGK 2019) – The LSP is aligned with the CSP.
- National Environment Policy, 2014 (GoK 2014) – The LSP will integrate the policy goal on protection of WCDAs (s4.10.2(1) through the introduction of the hybrid private-communal land tenure in the pastoralism and wildlife conservation zones.
- National Wildlife Policy, 2020 and National Wildlife Strategy 2030 – The LSP will support the policy goal on incentives for landowners hosting WCDAs through the hybrid private-communal land tenure - Big Life Foundation annual lease payments for landowners.
- Kenya Vision 2030 – The LSP will support the flagship goal of “securing wildlife corridors and migratory routes by 2030” through the hybrid private-communal land tenure.
- CMS – The LSP will align with Article 2.1 on conservation of migratory species through the hybrid private-communal land tenure.

The potential positive impacts expected from implementation of Eselenkei LSP after land subdivision will include:

- Higher land value,
- Security of land tenure,
- Absolute land ownership rights,
- Provision of individual landuse freedom,
- Individual right for individual landowners to enjoy the right to freely own, use, gift or bequest land,
- Benefits of more diversified livelihood opportunities beyond traditional pastoralism,
- Freedom from ineffective group ranch governance and management regime,
- Improved and well-planned human settlements,
- Improved provision of infrastructure and essential services,
- Increased employment and business opportunities,
- Improved cushioning of households against low livestock returns through introduction of alternative economic options, and

The potential negative impacts and mitigation options are highlighted below.

Landuse zone	Potential negative impacts with violation of landuse restrictions	Mitigation options
1. Settlement areas	<ul style="list-style-type: none"> <li>• Uncontrolled land subdivisions and disposal</li> <li>• Mass acquisition of land by outsiders</li> <li>• Disputed land sales leading to disinheritance, loss of family wealth, numerous clan or family feuds</li> <li>• Introduction of a desperate class of landless Maasai</li> <li>• Dilution of the norms and values of the Maasai culture</li> <li>• Increased crime and indecency due to collapse of traditional customary systems</li> <li>• Lower aesthetic appeal of Eselenkei as a tourism hub due to negative visual impacts</li> <li>• Increased water demands and scarcity</li> <li>• Increased wildlife crime</li> </ul>	<ul style="list-style-type: none"> <li>• Controlling land disposal without the consent of family members, especially women and youth</li> <li>• Controlling the sale of settlement land to outsiders</li> <li>• Addressing the potential problem of increased crime and social vices in the zone</li> <li>• Addressing the potential problem of inadequate water supply for mushrooming settlements</li> <li>• Controlling illegal bush meat activities</li> <li>• Controlling solid waste disposal</li> </ul>

2. Agriculture and settlement areas	<ul style="list-style-type: none"> <li>• High influx of high-end irrigation farmers from agrarian regions</li> <li>• Mass acquisition of land by outsiders</li> <li>• Increased water demands and scarcity</li> </ul>	<ul style="list-style-type: none"> <li>• Regulating water abstraction to prevent the drying up of Eselenkei River</li> <li>• Regulating encroachment of agriculture into riparian buffer zones through proper zoning</li> <li>• Regulating new irrigation farms on private land</li> <li>• Mitigating water-related conflicts</li> <li>• Limit use of agro-chemicals especially pesticides</li> </ul>
3. Grazing and settlement areas	<ul style="list-style-type: none"> <li>• Uncontrolled land subdivisions and disposal</li> <li>• Mass acquisition of land by outsiders</li> <li>• Disputed land sales leading to disinheritance, loss of family wealth, numerous clan or family feuds</li> <li>• Introduction of a desperate class of landless Maasai</li> <li>• Dilution of the norms and values of the Maasai culture</li> <li>• Increased crime and indecency due to collapse of traditional customary systems</li> <li>• Increased wildlife crime</li> </ul>	<ul style="list-style-type: none"> <li>• Controlling land disposal without the consent of family members, especially women and youth</li> <li>• Controlling the sale of settlement land to outsiders</li> <li>• Addressing the potential problem of increased crime and social vices in the zone</li> <li>• Addressing the potential problem of inadequate water supply for mushrooming settlements</li> <li>• Controlling illegal bush meat activities</li> </ul>
4. Pastoral and wildlife rangeland	<ul style="list-style-type: none"> <li>• Uncontrollable land subdivisions and disposal</li> <li>• Fragmentation of pastoral and wildlife landscapes through fencing</li> <li>• Mass acquisition of land by outsiders</li> <li>• Introduction of land activities which are incompatible with nomadic pastoralism and wildlife conservation</li> <li>• Disputed land sales leading to disinheritance, loss of family wealth, numerous clan or family feuds</li> <li>• Introduction of a desperate class of landless Maasai</li> <li>• Dilution of the norms and values of the Maasai culture and traditions</li> <li>• Escalation of rangeland degradation</li> <li>• Curtailing of traditional livestock mobility networks in pursuit of pasture and water</li> <li>• Collapse of traditional pastoral systems and practices</li> <li>• Increased crime and indecency due to collapse of traditional customary systems</li> <li>• Reduced capacity to cope with and adapt to climate change</li> <li>• Increase in human-wildlife conflicts and retaliatory attacks against wildlife</li> <li>• Increase in wildlife crime</li> </ul>	<ul style="list-style-type: none"> <li>• Controlling of further land subdivision and disposal</li> <li>• Regulating land disposal without the consent of family members, especially women and youth</li> <li>• Creating private land as common land for shared use for communal livestock grazing and wildlife use</li> <li>• Establishing conservancies in the pastoralism and wildlife zone</li> <li>• Regulating livestock population by introducing improved breeds</li> <li>• Preventing collapse of the proposed REDD+ carbon credit project</li> </ul>
5. Wildlife corridors, conservancy and tourism	<ul style="list-style-type: none"> <li>• Lower aesthetic appeal of Eselenkei as a tourism hub in the Amboseli ecosystem due to negative visual impacts of landscape change</li> <li>• Curtailing of traditional livestock mobility networks in pursuit of pasture and water</li> <li>• Collapse of traditional pastoral practices</li> <li>• Collapse of the proposed REDD+ carbon credit scheme in Eselenkei</li> <li>• Collapse of existing tourism revenue-generating opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• Conversion of the conservation zone into a conservancy</li> <li>• Ensuring equitable sharing of benefits accruing from wildlife conservation and tourism</li> <li>• Regulating livestock population by introducing improved breeds</li> <li>• Preventing collapse of the proposed REDD+ carbon credit project in Eselenkei</li> </ul>

	<ul style="list-style-type: none"> <li>• Increased wildlife-related conflicts</li> <li>• Increased wildlife crime</li> </ul>	
6. Transportation and infrastructure	<ul style="list-style-type: none"> <li>• Fragmentation of grazing and wildlife landscapes through construction of access roads</li> <li>• Obstruction of wildlife and livestock movement corridors by roads</li> <li>• Increase vehicle-wildlife-livestock collisions</li> <li>• Increased crime including wildlife crime due to the opening up of the area</li> </ul>	<ul style="list-style-type: none"> <li>• Controlling obstruction of wildlife-livestock corridors by roads in the rangelands</li> <li>• Addressing potential risk of vehicle-wildlife-livestock collisions</li> <li>• Addressing the potential problem of increased crime including wildlife crimes due to greater landscape accessibility and penetration</li> </ul>

## 7. STAKEHOLDER VIEWS AND CONCERNS

The findings showed that the Eselenkei landowners were aware of the subdivision process and were conversant with the six landuse zones that have been created and were in agreement with the landuse zones. The consultations established that prior to the subdivision process, a verification of the official and bona vide EGR members was done to ensure non-members were not introduced. It was also established that landowners were adequately informed about, sensitized on and agreed with the permitted activities in each zone. Similarly, landowners were aware about the land restrictions in the six landuse zones. The consultation findings showed that landowners and their leaders had agreed the duration for the landuse restrictions should be 30 years with a review after 10 years. Some landowners however suggested that the review should be done after five years to enable people experience private land tenure and make amendments without overburdening them.

## 8. ENVIRONMENTAL MANAGEMENT AND MONITORING PLAN

A detailed Environmental Management and Monitoring Plan (EMMP) has been prepared to support effective implementation of the Eselenkei LSP as an instrument for land sub-division and landuse governance after the land reform and transition into private land tenure regime. The EMMP will support the long-term management, monitoring and evaluation of the environmental and social status in the landuse zones.

## 9. CONCLUSIONS

The promulgation of the National Constitution of Kenya 2010, which created three types of land tenure classes, namely, public, community and private land, will continue encouraging winding up group ranches in Kenya through their transformation from community to private land tenure. Although the land reforms from communal to private land tenure will enhance land rights for pastoral communities, it is likely to trigger a wide range of negative environmental and socio-economic transformations including land dispossession and introduction of incompatible landuse in the rangelands which will disallow traditional co-existence of livestock husbandry and wildlife conservation.

Our assessment shows that lack of the SEA intervention will lead to long-term environmental and social disaster not only in the two group ranches but also in the entire Amboseli Ecosystem (AE) due to the collapse of the traditional pastoralism practices and loss of critical wildlife corridors and dispersal areas.

The PPP analysis for the Eselenkei LSP SEA showed that the LSP is compliant with environmental and social obligations in relevant frameworks at local, county, national and international levels.

Demarcation of landuse zones in the Eselenkei LSP is compliant with the landuse zones, permitted activities and landuse restrictions in the Amboseli Ecosystem Management Plan (AEMP) 2020-2030. Our assessment showed that the EGR LSP is strictly compliant with the land use zones as stipulated in the AEMP. The gazettment of the EGR LSP SEAs will support the enforcement of the AEMP at the local level thereby enabling grassroot domestication of ecosystem landuse zoning scheme. Implementation of the MGR LSP landuse restrictions in the pastoralism and wildlife conservation blocks, as gazetted in the SEA, will sustain pastoralism and WCDAs. Lack of the SEA intervention will lead to long-term environmental and social disaster not only in the two group ranches but also in the entire in Amboseli Ecosystem (AE) due to the collapse of the traditional pastoralism practices and loss of critical wildlife corridors and dispersal areas.

The Eselenkei LSP is aligned with the Kajiado County Land Sub-Division Guidelines of 2018. The guidelines advocate for retention of the group ranches in their traditional state. Similarly, the LSP is well aligned with the Kajiado County Spatial Plan of 2019-2029. However, the LSP has prescribed the licensing of non-commercial harvesting of natural products (such as medicinal plants and firewood) in the pastoralism and wildlife zone but the licensing criteria has not been spelt out. It has also prescribed the undertaking of scientific research in the conservation and tourism development zone but the approval modalities for these activities is unclear.

The overall impact analysis for the Eselenkei LSP including the environmental scenario building clearly showed that the negative environmental and social impacts of land sub-division in the group ranch might exceed the positive impacts. This observation is consistent with the findings of many scientific research studies, which have been undertaken on the subject both locally and abroad. Despite this, the desire of the landowners to subdivide the communal land is strong and resolute. This is probably due to strong desire for absolute land ownership rights by the landowners and the systemic weaknesses in the group ranch management regime including poor transparency and accountability.

The Eselenkei LSP offers suitable landuse prescriptions for each zone as key pillars for effective planning and sustainable management of land for current and future generations. There is no guarantee however that these restrictions will not be challenged and violated. This eventuality can be mitigated through firm decrees and agreements among the landowners on compliance with gazetted restrictions including fines and penalties for restriction violators.

## **10. RECOMMENDATIONS**

The headline recommendations for each landuse zone are highlighted below.

### **10.1: Settlement zone**

- a) Land disposal without the knowledge and approval of family members, including women and youth, should be controlled by enforcing the Land Control Board disposal consent requirement for involvement of family members as prescribed in the Land Act.
- b) Sale of settlement land to outsiders by private landowners should be controlled through gazettment of restrictive regulations and signing by landowners at issuance of title deeds on the following: -
  - i) Restricted sale of settlement land and migration to the pastoralism and wildlife zone,
  - ii) Forfeiture of conservation fees and carbon credit revenue benefits accruing from the communal land in the pastoralism zone, and
  - iii) Grazing prohibition rules for private landowners who dispose their land in the settlement zone and migrate to the pastoral rangeland and wildlife zone.

### **10.2: Agriculture and settlement zone**

- a) Establishment of new irrigation farms on private land should be controlled through the involvement of Nyumba Kumi Groups, which should approve the leasing of new farms in their local areas and regulate the number of water abstraction pumps and pumping hours through common agreements.
- b) The WRUAs in the zone should clearly demarcate the riparian buffer zones with clear beacons according to relevant legal frameworks in partnership with private landowners through Nyumba Kumi Groups and enter common agreements to control encroachment by irrigation farms.

### **10.3: Grazing and settlement zone**

- a) Land disposal without the knowledge and approval of family members, including women and youth, should be controlled by enforcing the Land Control Board disposal consent requirement for involvement of family members as prescribed in the Land Act.
- b) Sale of settlement land to outsiders by private landowners should be controlled through gazettment of restrictive regulations and signing by landowners at issuance of title deeds on the following:-
  - iv) Restricted sale of settlement land and migration to the pastoralism and wildlife zone,
  - v) Forfeiture of conservation fees and carbon credit revenue benefits accruing from the communal land in the pastoralism zone, and
  - vi) Grazing prohibition rules for private landowners who dispose their land in the settlement zone and migrate to the pastoralism zone.

### **10.4: Pastoral rangeland and wildlife zone**

- a) Landowner owners in this zone can enter into a legally binding agreement to transfer their property rights to the Eselenkei Land Owners Association and the Cooperative Society for governance and management as shared common land for pastoralism and wildlife use and the collective interests of Eselenkei landowners.
- b) Access to conservation fees, carbon credit revenue and mining royalties should be linked to preservation of private land through a signed agreement.
- c) Conservancies can be established in the pastoralism and wildlife zone through conservation easement agreements between willing private landowners, AET and other conservation partners with clear strategies to ensure that private landowners earn good revenue failure to which they might decide to dissolve them.
- d) The REDD+ carbon credit project in Eselenkei should be sustained by entering into lease agreements with beneficiary landowners outlawing further subdivision and rampant vegetation clearance.
- e) Enforcement of licensing regulations for non-commercial harvesting of natural products in the pastoralism and wildlife zone.

### **10.5: Wildlife corridors, conservancy and tourism zone**

- a) The constitution for the Eselenkei Landowners association and/or Cooperative Society should clearly define the formula for equitable sharing of revenue accruing from wildlife conservation and tourism and provide a strategy for dispute resolution.
- b) The REDD+ carbon credit project should be sustained by entering into lease agreements with beneficiary landowners outlawing further subdivision and rampant vegetation clearance.

- c) The following landuse restrictions are recommended as adopted in the SEA validation workshop:-
- i) No further land subdivision
  - ii) No permanent settlement including construction of permanent "bomas" or buildings
  - iii) No fencing except for natural bush fences around temporary bomas
  - iv) No change of use
  - v) No crop farming

It is recommended that a review of landuse restrictions should be undertaken after 10 years after gazettment of the Eselenkei LSP SEA report based on recommendations of a wide section of stakeholders. The Eselenkei LSP SEA and other similar interventions will reinforce the 2014 Amboseli Ecosystem SEA by the AET in terms of addressing the potential negative impacts of land sub division, which was not covered in the umbrella SEA. It is therefore necessary for the recommendations of the Eselenkei LSP SEA especially regarding the landuse restrictions to be annexed to the Amboseli Ecosystem SEA by the AET.

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## **1. INTRODUCTION AND BACKGROUND**

### **1.1: Group Ranch Land Sub-division in Kajiado County**

The promulgation of the National Constitution of Kenya 2010, which created three types of land tenure classes, namely, public, community and private land, has recently accelerated the winding up group ranches in Kenya through their transformation from community to private land tenure. Kajiado County in southern Kenya has traditionally been associated with communal land tenure through the group ranch framework which was previously authorized by the Group (Land Representatives) Act of 1968, and which was later repealed by the Community Land Act, No. 27 of 2016. The group ranch model enabled communal pastoralism as the dominant landuse practice in the dryland rangelands (ASALs) which are often too dry for rain-fed agriculture and have low capacity for livestock husbandry in restricted space.

Rangeland communal pastoralism relies heavily on extensive opportunistic movement of household livestock in shared common land based on the availability of pasture and water (BurnSilver & Mwangi 2007, Thornton *et al*, 2006, Ntiati 2002). The land reforms from communal to private land tenure is likely to trigger a wide range of environmental and socio-economic transformations including increased fencing of individual land parcels, further land subdivision, and sale of land to non-locals. Apart from increasing dispossession of land from the Maasai people, the transformation is likely to result in increased introduction of landuse practices which are incompatible with traditional livestock husbandry and wildlife conservation through encroachment into livestock grazing and wildlife conservation areas. Land subdivisions in Maasai group ranches are therefore, likely to affect communal pastoralism and wildlife conservation and through privatization of the rangelands which might restrict seasonal livestock and wildlife movement in private land parcels.

### **1.2: Eselenkei Landuse and Subdivision Plan (LSP)**

The need for the Eselenkei LSP arose following the desire of the Eselenkei Group Ranch (MGR) landowners to subdivide the ranch and acquire individual title deeds. The push for the subdivision of the group ranch was influenced in part by the experience of neighbouring group ranches such as Kimana and Mailua which had been subdivided communal land and members were issued with title deeds for their respective land parcels. The sub division was also influenced by increased awareness on land rights as guaranteed in the National Constitution of Kenya 2010. In line with members resolution to subdivide the group ranch, the Eselenkei representatives subsequently applied for and obtained consent from the Director of Land Adjudication and the Settlement Officer to dissolve the group ranch and subdivide the land among members.

Subdivision of EGR was guided by and implemented in line with the principles and provisions of the relevant laws, namely, the National Land Policy, Land (Group Representatives) Act, Community Land Act, Physical Planning and Landuse Act, Survey Act, Land Act, County Government Act, Urban Areas and Cities Act, Wildlife Conservation and Management Act, and the National Land Commission Act.

In 2021, the Eselenkei management commissioned Geodev (K) Consultants to prepare the Landuse and Subdivision Plan (LSP) to facilitate land subdivision and issuance of individual land titles to members. The LSP was necessary to guide the land subdivision and subsequent registration of land rights for private landowners. The aim of the LSP was to fulfil the desire of members to own individual land, while ensuring sustainable conservation and natural resources. The overall purpose of the Eselenkei LSP was to:-

- a) guide land surveying and issuance of title deeds for registration of individual land rights,
- b) ensure sustainable development especially with regard to the following considerations:
  - i. organized distribution of human settlements,
  - ii. allocation of land for various landuse activities especially pastoralism, agriculture, and tourism,
  - iii. preserving land for environmental conservation including protection of wildlife corridors, habitats and dispersal areas, and
  - iv. land allocation for essential infrastructure and social services, and
- c) serve as the tool for overall governance and development coordination of the area after dissolution of the group ranch management.

The specific objectives of the LSP are to:-

- a) manage human settlement by creating liveable and functional centralized places for Eselenkei landowners to live, work and play to forestall the possibility of spontaneous and unregulated settlements,
- b) provide social and physical infrastructure proximate to the population concentration areas and commensurate to demand,
- c) spur economic development of Eselenkei by expanding livelihood domains and income-generating options by:-
  - i. improving pastoralism practices,
  - ii. strengthening tourism in the area, and
  - iii. developing crop and fodder farming,
- d) protect and conserve the fragile natural environment including wildlife heritage including preservation of local and regional ecological connectivity to improve the quality of life and livelihoods, and
- e) promote good governance by mainstreaming transparency and accountability and by institutionalizing community participation in the management of the affairs of Eselenkei's development after the dissolution of the group ranch.

Land subdivision in Eselenkei will transform traditional communal land into multiple parcels of private land through the issuance of titles to individual members. The land subdivision will mark the dissolution of the group ranch leadership after the transition from communal to a private tenure regime. The principal role of the LSP is to serve as an important governance tool for regulating landuse in the new private land tenure regime.

The LSP was approved by the County Government of Kajiado (CGK) and the primary ownership and responsibility for the implementation vested in the Eselenkei Cooperative Society.

### **1.3: Justification for Strategic Environmental Assessment (SEA)**

The SEA is one of the tools used to protect the environment for the benefit of present and future generations as enshrined in Articles 42, 69 (a & g), and 70 (2b) of the National Constitution of Kenya 2010. Article 42 is associated with the universal right to a clean and healthy environment, which can be violated through implementation of policies, plans and programmes which are environmentally unsustainable. Article 69 (a) is aimed at ensuring sustainable exploitation, utilisation, management and conservation of the environment and natural resources including equitable sharing of accruing of benefits. Article 69 (g) aims at eliminating processes and activities that are likely to endanger the environment while Article 70 (2b) empowers relevant public officers to take measures to prevent or discontinue any act or omission that is harmful to the environment.

The Eselenkei LSP SEA is a rare grassroots effort for compliance with S57A (1&2a) which requires "All Policies, Plans and Programmes to be subjected to Strategic Environmental Assessment (SEA). The SEA was to reinforce and legitimize the Eselenkei LSP beyond the CGK approval by legalizing it under section 57A (1) of the Environmental Management and Coordination Act (Amendment Act 2015) after subjecting it to comprehensive screening against relevant environmental and social governance frameworks. The SEA was expected to ensure that the LSP is well aligned with relevant policies, legal frameworks and subsidiary regulations at local, county and national levels for ease of implementation and enforcement as the principal landuse governance instrument under the private land tenure regime. The gazettelement of the SEA report would legalize the Eselenkei LSP and support its application including legal enforcement of landuse restrictions in order to avoid landuse disorder and irreversible environmental and social problems that are likely to be triggered by land subdivision and land reform including widespread land disposal, land leasing, fencing, charcoal burning which are incompatible with pastoralism and wildlife conservation. The aim of the SEA was to legalize and legitimize the LSP through its gazettelement to instil the required muscle as a communal strategy against negative landuse changes which are likely to affect community livelihoods in a negative way.

## 2. ESELENKEI LANDUSE SUBDIVISION PLAN

### 2.1: Background

Eselenkei Group Ranch (2,19' 57"S; 37°18',8"E) with an approximate total area of 188,994 acres and 3,407 registered members is registered under Land Title No. Loitokitok/Selenkei/1) under the Land Group Representative Act 287 (Revised 2010). Preparation of the LSP for the EGR was guided by the following principles according to Geodev Consultants (2021):

- a) The need to maintain ecological integrity of the area for continued flow of environmental services including sustaining the provision of livestock pasture, sustenance of traditional wildlife migratory routes and dispersal habitats for tourism revenue, exploitation of alternative socio-economic opportunities including agriculture, commerce, and industry,
- b) The desire to reduce incidences of human-wildlife conflicts, while at the same time maintaining wildlife and livestock interactions,
- c) Ensuring rational use of land for socio-economic development.

The zoning plan, in order to conform with the above guiding principles, combined traditional and cultural norms with contemporary concepts for sustainable natural resource management to arrive at a rationalized model for the optimum use of land resources with conflict-free gains by the community while taking into consideration space requirements for wildlife. The zoning plan was informed by:-

- a) the desire by Eselenkei landowners to maintain an ecologically sound environment without further land sub-division to allow continuation of traditional pastoralism practice,
- b) the knowledge that pasture management and livestock numbers are critical to socio-economic development and socio-economic sustainability of Eselenkei,
- c) traditional ecological knowledge and analysis by wildlife ecology experts, both of which indicate that the Tulakaria-Osewan and Marite-Oseki which sustain traditional wildlife movements between the conservancy, Amboseli National Park and the Greater Amboseli Ecosystem especially in the wet season, and
- d) the desire by Eselenkei landowners to continue accessing wildlife-related tourism benefits.

### 2.2: Designated Landuse Zones

The zoning plan for the Eselenkei LSP was aimed at achieving prosperity, efficiency, equity, and sustainable development in the area by promoting and accommodating competing landuse practices in a harmonious way. The zoning strategy is expected to promote economic growth while ensuring effective conservation of the environment and natural resources including wildlife heritage. It seeks to reduce human-wildlife conflicts through active interventions that maintain and protect the ecosystems through the adoption of the following landuse zones:

- a) *Settlement zone*: This zone has been set aside for the settlement of members. It comprises the existing settlement areas where members were previously residing for which each landowner was allocated 5 acres with title deed.
- b) *Agriculture and settlement zone*: This zone is focused on the irrigated agricultural areas along the Nolturesh water pipeline and Eselenkei River. Each landowner was allocated 2-5 acres with title deed.
- c) *Grazing and settlement zone*: This zone is designated as the main livestock grazing zone in which human settlement is allowed with each landowner getting 42 acres with title deed.
- d) *Pastoralism development and wildlife zone*: This zone covers the Tulakaria-Osewan and Marite-Oseki which sustain traditional wildlife movements between the Selenkay Conservancy, Amboseli National Park and the Greater Amboseli Ecosystem. 700 EGR



members were allocated 47-acre land parcels each in this zone without title deeds. The landowners have entered into a lease agreement with Big Life Foundation for the 33,000 acres to be sustained as an intact block of land mainly for wildlife and controlled dry season grazing.

- e) *Wildlife corridors, conservancy and tourism zone*: The zone is mainly centred around the Selenkay Conservancy whose primary focus is wildlife conservation and tourism.
- f) *Physical and social infrastructure*: This is associated with the transport, communication and related infrastructure

**Figure 2-1** shows the distribution and area coverage for each of the land zones.

### **2.3: Designated Landuse**

**Table 2-1** shows the designated landuse zones, their permitted activities and landuse restrictions including per capita land allocations as provided in the Eselenkei LSP.



**Table 2- 1: Designated landuse zones, permitted activities and restrictions in the Eselenkei LSP**

Landuse zone	Permitted landuse activities	Restricted landuse activities	Management standards
<b>1. Settlement areas</b>	<ol style="list-style-type: none"> <li>1. Commercial and residential development</li> <li>2. Light industries</li> <li>3. Social amenities such as education, health, etc</li> <li>4. Permanent buildings</li> <li>5. Road construction</li> <li>6. Street lighting</li> <li>7. Change of user</li> <li>8. Greening the residential areas and road reserves</li> </ol> <p><b>Note:</b> - Prior to undertaking any of the above activities, development approval shall have to be granted by the competent planning authority</p>	<ol style="list-style-type: none"> <li>1. Livestock rearing</li> <li>2. Further subdivision and change of user</li> <li>3. Row housing</li> <li>4. Illegal boreholes</li> </ol>	<ol style="list-style-type: none"> <li>1. The type, location, and management of wastes to form pre-requisite conditions prior to approval</li> <li>2. Setbacks; at 3m front, 2 m side back for residential areas</li> <li>3. Land use plans to be prepared for existing and proposed settlements to guide on infrastructural development and environmental conservancy</li> <li>4. 50% plot coverage for residential sites</li> <li>5. Designated burial site</li> <li>6. 75% plot coverage for commercial plots</li> <li>7. Setback of 2 m front for commercial</li> <li>8. Plot ratio, ground+1 for all users</li> </ol> <p><b>Note:</b> The settlement committee or each of the nucleated settlement shall be established including a residential association</p>
<b>2. Agriculture and settlement</b>	<ol style="list-style-type: none"> <li>1. Cultivation of high value crops such as vegetable, tomatoes, onions, capsicum, coriander, and herbs</li> <li>2. Perimeter fencing of irrigation and settlement areas</li> <li>3. Laying of irrigation infrastructure</li> <li>4. Settlement</li> <li>5. Animal husbandry</li> <li>6. Permanent buildings</li> <li>7. Fencing of individual parcels</li> <li>8. Agroforestry</li> </ol>	<ol style="list-style-type: none"> <li>1. Change of user</li> <li>2. Construction of multiple permanent "bomas" or building units</li> <li>3. Further land subdivision</li> <li>4. Change of ownership</li> <li>5. Mon-organic farming</li> </ol>	<ol style="list-style-type: none"> <li>1. Soil erosion control and water conservation to be prioritized</li> <li>2. Restriction of the number of animals per household</li> <li>3. Plot coverage at 25%</li> <li>4. Enforcement of the Water Act 2016 to protect riverbanks by maintaining the 30m buffer zone</li> <li>5. Restriction of illegal water abstraction and illegal boreholes</li> </ol>
<b>3. Grazing land and settlement</b>	<ol style="list-style-type: none"> <li>1. Pastoralism</li> <li>2. Wildlife conservation</li> <li>3. Animal watering</li> <li>4. Cattle dips</li> </ol>	<ol style="list-style-type: none"> <li>1. Permanent settlements units</li> <li>2. Change of ownership</li> <li>3. Road construction</li> <li>4. Crop farming</li> </ol>	<ol style="list-style-type: none"> <li>1. Rehabilitation of degraded areas affected by erosion and invasive species</li> </ol>

	<ul style="list-style-type: none"> <li>5. Ecolodges</li> <li>6. Telecommunication infrastructure</li> <li>7. Apiculture</li> <li>8. Research activities</li> <li>9. Reforestation through indigenous species</li> </ul>	<ul style="list-style-type: none"> <li>5. Fencing</li> <li>6. Further land subdivision</li> <li>7. Change of user to commercial, residential, recreational and industrial use</li> </ul>	<ul style="list-style-type: none"> <li>2. Restriction of any form of commercial development</li> <li>3. Controlled scientific research, wildlife watching and filming</li> <li>4. Controlled settlement to ensure temporary structures only</li> <li>5. Reforestation control to allow indigenous species only</li> </ul>
<b>4. Pastoral and wildlife rangeland</b>	<ul style="list-style-type: none"> <li>1. Temporary manyattas</li> <li>2. Pastoralism</li> <li>3. Wildlife conservation</li> <li>4. Animal watering points</li> <li>5. Research expeditions</li> <li>6. Collection of firewood and medicinal plants</li> <li>7. Construction of classified roads only</li> </ul>	<ul style="list-style-type: none"> <li>1. Commercial development</li> <li>2. Crop cultivation</li> <li>3. Fencing</li> <li>4. Construction of permanent buildings</li> <li>5. Further subdivision of the 47 acres</li> <li>6. Change of user</li> <li>7. Road construction in the hinterlands</li> </ul>	<ul style="list-style-type: none"> <li>1. Type, design and number of beehives to be controlled</li> <li>2. Number and location of telecommunication masts to be controlled</li> <li>3. Number of wildlife watching nature trails to be controlled</li> <li>4. Number and location of ecolodges and tourism facilities to be controlled</li> <li>5. Regulated sporting activities e.g. marathons and motor sports</li> </ul>
<b>5. Wildlife corridors, conservancy and tourism</b>	<ul style="list-style-type: none"> <li>1. Wildlife conservancy</li> <li>2. Ecological research</li> <li>3. Laying of underground infrastructure</li> <li>4. Construction of water pans</li> <li>5. Planting of indigenous trees</li> </ul>	<ul style="list-style-type: none"> <li>1. Crop cultivation</li> <li>2. Any form of land subdivision</li> <li>3. Change of current user</li> <li>4. Human settlements or buildings in any form</li> <li>5. Road construction</li> <li>6. Construction of dams and wells</li> <li>7. Planting of exotic trees</li> </ul>	<ul style="list-style-type: none"> <li>1. Bed capacity for each camp to range between 10 and 20 beds</li> <li>2. Location of tent camps to be restricted through stakeholder consultation</li> <li>3. Cultural manyattas based on the Maasai concept</li> <li>4. Vehicles to be restricted to 4X4 to limit road construction</li> <li>5. Opening and grading of access roads</li> </ul>
<b>6. Transportation and infrastructure</b>	<ul style="list-style-type: none"> <li>1. Classified primary and secondary roads</li> <li>2. Creation of buffer roads around the conservancy</li> <li>3. Gravelling of all roads that link Eselenkei with the region and collector and distributor roads</li> </ul>	No specified restrictions	<ul style="list-style-type: none"> <li>1. Maintain appropriate road widths</li> <li>2. Restrict development other than transportation</li> <li>3. Encourage establishment of road furniture to enhance safety</li> <li>4. Encourage greenery along the roadways</li> </ul>

	<p>4. Primary, secondary and nucleated settlement road reserves may be used in laying utility and services</p> <p>5. Establishment of an airstrip in the conservancy</p>		<p>5. Encourage regular opening of roads particularly access roads to maintain width</p> <p>6. Full implementation of the proposed scheme plans road provisions</p>
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### 3. APPROACH AND METHODOLOGY FOR THE STRATEGIC ENVIRONMENTAL ASSESSMENT

#### 3.1: SEA Objectives and Scope

The motivation for the *ex-post* plan SEA was associated with the decision by the Eselenkei landowners to subdivide the group ranch land following the land reform from communal land tenure to private land tenure. Subsequently, the Eselenkei LSP is expected to serve as an important governance tool for regulating landuse under the new private land tenure regime. Consequently, there was need to ensure proper integration of all the necessary instruments of environmental and social governance and control in the LSP.

The aim of the plan SEA was to interrogate the effectiveness of the LSP as the governance tool for regulating landuse after the transition to the private land tenure regime. The overall aim was to strengthen the legal status of the LSP (which has already been approved by the CGK) through its gazettment by NEMA under EMCA Cap 387 in order for it to serve as the long-term landuse and environmental governance tool under the new land tenure dispensation. The specific objectives of the plan SEA were to:-

- a) undertake compliance screening of Eselenkei LSP against relevant environmental and social policies, legal frameworks, subsidiary regulations, guidelines and standards both at local, county and national levels for sustainable development,
- b) consult Eselenkei landowners and partners in order to ensure they understand the necessity of the SEA for the legalization of the LSP under the new land ownership arrangements associated with private owner driven landuse management regime,
- c) create awareness on the LSP as the principal instrument of land governance as opposed to the group ranch governance regime with emphasis on:-
  - awareness and acceptance of the LSP,
  - awareness and acceptance regarding the land subdivision zones,
  - awareness and acceptance regarding the permitted activities in each landuse zone,
  - awareness and acceptance regarding the restrictions in each zone with emphasis on the pastoralism and wildlife zone as well as the conservation and tourism zone.
- d) prepare a comprehensive SEA report which:- i) demonstrates the compliance of LSP to relevant multi-level environmental and social frameworks, ii) demonstrates the LSP acceptance by all the stakeholders, and iii) addresses any LSP gaps especially with regard to compliance with environmental and social frameworks as well as any disregarded stakeholders' interests and concerns, and
- e) Facilitate gazettment of the Eselenkei LSP SEA under s57A of EMCA Cap 387 for legitimate enforcement of permitted landuse activities and restrictions.

#### 3.2: Terms of Reference

- a) *Review of the LSP and other documents:* The documents included Kajiado County Land Sub division Guidelines of 2018, Kajiado County Spatial Plan of 2019-2029, Amboseli Ecosystem Management Plan 2020-2030, among other relevant frameworks at national, regional and international levels including MEAs. The aim of this was to identify areas of interface and linkages between the LSP and other binding frameworks for effective governance and management of the group ranch after its subdivision,
- b) *Determining the scope of the SEA:* This was to be undertaken through the standard participatory scoping approach as provided in the National Constitution, EMCA Cap 387 and National SEA Guidelines of 2012, among other guidelines,

- c) *Gathering baseline information and situation analysis*: The aim was to provide a comprehensive understanding of the potential environmental and social risks (including unsustainable landuse) which are likely to emerge during implementation of the LSP. The SEA was then expected to recommend suitable mitigation for any potential risks and impacts,
- d) *Exploiting participatory approaches to effectively engage relevant stakeholders*: The main aim was to ensure effective and sustained public engagement during the SEA process including adequate engagement with vulnerable and marginalized groups (e.g., women, youth, elderly). The SEA engagement process was expected to ensure a clear understanding of the power relations between different stakeholders, and how they interact with each other and the environment in order to eventually ensure agreeable options for the smooth implementation and enforcement of the LSP,
- e) *Prediction and analysis of environmental and social impacts*: The consultant was expected to undertake a comprehensive analysis of the potential short term, medium term and long-term impacts which are likely to emerge through implementation and enforcement of the Eselenkei LSP based on the review of documents, baseline surveys and stakeholder consultations. This was to include prediction of scale, magnitude (low, medium and high risks) and level of significance for the potential environmental (soil, water, biodiversity, climate change, etc.) and social impacts (poverty, human wildlife conflicts, gender inequality, household conflicts etc.),
- f) *Identification of suitable environmental and mitigation options*: The consultant was expected to identify suitable alternative measures for addressing mitigating environmental and social impacts during implementation of the LSP including enforcement of agreed landuse restrictions in order to identify suitable trade-offs and best-fit options to avoid unacceptable and unsustainable environmental and social situations in the group ranch subdivision. The consultant was expected to rely heavily on the application of the standard impact management hierarchy for identification of the most appropriate options,
- g) *Identification of measures to enhance opportunities and mitigate adverse impacts*: The Consultant was expected to focus on the realization of the positive opportunities during implementation of the LSP including the enforcement of agreed landuse restrictions especially in line with the Sustainable Development Goals (SDGs) and recommend suitable strategies for minimizing any negative risks. The aim of the SEA was to develop “win-win” situations where multiple, mutually reinforcing gains could strengthen the economic base, provide equitable conditions for all, and protect and enhance the state of environment within Eselenkei as well as the Greater Amboseli Ecosystem (GAE) and Kajiado County,
- h) *Identification and gazettement of nature-based enterprises*: These was to include compatible landuses and sustainable income options especially within the within the pastoral rangeland and wildlife conservation areas in Eselenkei,
- i) *Developing a binding framework for coherent landuse management*: - This was to include sustainable livestock production, sustainable grazing strategy such as binding grazing regulations, approved grazing management committee and clear obligations for landowners in order to ensure sustainable landuse, equitable benefit sharing and reduced human wildlife conflicts especially within the pastoral rangeland and wildlife conservation areas,
- j) *Draft report on the findings of the SEA*: This was to involve preparation, compilation and presentation of a Draft SEA Report for review once the technical analysis and stakeholder consultations are completed. This was expected to include a succinct, non-technical summary which would be of particular use in explaining the findings to the members, who should be well informed about the environmental implications of the management plan in order to submit their SEA comments and validate the final document, and



- k) *Final SEA report for submission to NEMA and making recommendations to decision makers:*  
The Consultant was expected to prepare and present the final SEA report after incorporating the comments from all stakeholders for submission to NEMA. Thereafter, the Consultant was expected to follow-up with NEMA regarding provision of the necessary approvals to support gazettment of the Eselenkei LSP including the enforcement of agreed landuse restrictions.

### **3.3: Approach, Methodology and Workflow**

The SEA was undertaken in accordance with the National Guidelines for Strategic Environmental Assessment in Kenya and the standard best practice roadmap as highlighted below and also in **Figure 3-1:-**

- Screening and scoping to determine the specific issues to be considered in the SEA,
- Preparation of a PPP Brief (LSP Brief) and submission of the same to NEMA for the records,
- Preparation of screening and scoping report and ToR for submission to NEMA for approval,
- Preparation of a comprehensive environmental and social regulatory framework for the SEA through identification of relevant PPPs for the SEA and collation and review of PPP documents,
- Detailed PPP analysis to determine the environmental regulatory framework for the SEA,
- Compliance assessment of the Eselenkei LSP against relevant environmental regulatory benchmarks,
- Establishing a suitable stakeholder engagement and participation strategy to be used in the SEA process,
- Stakeholder consultations and public participation,
- Field missions and case studies for baseline situation analysis,
- Plan Environmental Impact Assessment (PEIA) and mitigation,
- Identification of plan alternative options,
- Preparation of a comprehensive Environmental Management and Monitoring Plan, and
- Compilation and validation of the LSP SEA report.

#### ***3.3.1. Baseline Situation Assessment***

A two-day intensive baseline assessment field mission was undertaken in the area in May 2022. The aim of this activity was to get a clear understanding of the LSP landuse zones and their current status in terms of the environmental and social situation as a basis for subsequent environmental scenario building. The situation analysis was carried out in order to understand the likely environmental and social impacts during the implementation of the Eselenkei LSP.

#### ***3.3.2. Identification of the Environmental PPP Framework***

A comprehensive PPP framework was developed for the Eselenkei LSP SEA by considering the relevant local, county, national and international frameworks against which the LSP was interrogated. The aim of this was to ensure compliance with relevant environmental and social obligations in policies, legal frameworks, subsidiary regulations, guidelines and standards. **Table 3.1** provides a summary of the PPP framework used in the Eselenkei LSP SEA.

Workstream	Activity	Month/Week																				Deliverables				
		April				May				June				July				August					September			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4		1	2	3	4
1. Mobilization, inception planning &	Activity 1.1: Contract signing																									
	Activity 1.2: Information gathering and review																									
	Activity 1.3: Stakeholder analysis & mapping																									
2. SEA scoping consultations & baseline situation assessment	Activity 2.1: Scoping consultations with Eselenkei Group Ranch opinion leaders and relevant institutional key informants																									
	Activity 2.2: Baseline situation assessment and fact-finding field missions in Eselenkei Group Ranch																									
	Activity 2.3: Preparation of the SEA Plan Brief and submission to NEMA																									
	Activity 2.4: Preparation of the SEA Scoping Report and submission to NEMA for approval																									
3. PPP analysis, impact prediction and identification of alternative options	Activity 3.1: Identification of strategic environmental obligations in national, county-level and regional PPP frameworks																									
	Activity 3.2: Evaluation of the Eselenkei Group Ranch Landuse and Subdivision Plan against strategic environmental frameworks																									
	Activity 3.3: Impact analysis and identification of alternative options																									
	Activity 3.4: Preparation of Draft SEA report including a detailed EMMP for landuse code enforcement																									
4. Stakeholder engagement and consultations	Activity 4.1: Workshops for presentation of Draft SEA report																									
	Activity 4.2: Review of Draft SEA report to incorporate stakeholder inputs																									
	Activity 4.3: Submission of Draft SEA Report to NEMA for national stakeholder review (30 days)																									
	Activity 4.4: Gazettement of public notices																									
	Activity 4.5: Integration of NEMA comments																									
5. Finalization	Activity 5.1: Validation workshop																									
	Activity 5.3: Submission of final report																									
	Activity 5.4: NEMA approval																									
	Activity 5.5: Gazettement of NEMA approval																									

**Figure 3 - 1: Summary of workstreams and activities for the EGR LSP SEA**

**Table 3 - 1: Summary of the PPP Framework for the Eselenkei LSP SEA**

Framework category	Relevant instruments
<b>Local level</b>	1. Amboseli Ecosystem Management Plan 2020-2030
<b>County level</b>	1. Kajiado County Land Sub-Division Guidelines 2018 2. Kajiado County Spatial Plan 2019-2029
<b>National level</b>	1. National Constitution 2. National Environment Policy, 2014 3. EMCA Cap 387 4. National Landuse Policy, 2017 5. Integrated National Landuse Guidelines, 2011 6. National Wildlife Policy, 2020 7. Wildlife Conservation and Management Act (WCMA), 2013 8. National Climate Change Framework Policy, 2016 9. Kenya Vision 2030 10. National Wildlife Strategy 2030 11. Kenya National Spatial Plan 2015-2045 12. National Water Master Plan 2030 13. National Biodiversity Strategy and Action Plan (NBSAP 2021-2030) 14. National Climate Change Response Strategy (NCCRS) 2010
<b>International level</b>	1. UNESCO Man & Biosphere Reserves 2. Convention on Migratory Species (CMS)

### 3.3.3. Stakeholder Mapping, Engagement and Consultations

Stakeholder analysis and mapping for the SEA was undertaken according to the framework shown in **Figure 3-2**. Thereafter, the stakeholder consultations were undertaken at six levels as shown in **Figure 3-3**. The objective of the scoping consultations was to integrate the views and concerns of all the relevant stakeholders in the entire SEA process including final report content. **Table 3.2** shows the engagement plan used in the SEA scoping consultations. **Plate 3.1** and **Plate 3.2** shows the engagements with the client and some of the target stakeholders.

Stakeholder Cluster	List of stakeholders	Target	Engagement strategy
National Government	1. County Commissioner 2. Deputy County Commissioner 3. Local Chiefs 4. State Agencies • KWS, NEMA, WRA, NLC	Key informants	Office meetings
County Government	1. Chief Officer 2. Director of Planning 3. CECM, Lands, Physical Planning and Urban Development 4. Ward Administrators	Key informants	Office meetings
MGR/EGR Landowners & partners	GR management	Management committee	Office meetings
	GR members	Elders, women and youth	Village SEA PCMs
	Opinion leaders	MGR task force	Group meetings
	Partners	Big Life Foundation	Office meetings
	AET & partners • African Conservation Centre • Amboseli Trust for Elephants (ATE) • Amboseli Tsavo Game Scouts Association (ATGSA) • Big Life Foundation (BLF) • IFAW • WWF • SFS • Born Free Foundation	Key informants	Office & group meetings

**Figure 3 - 2: Stakeholder analysis and mapping framework**

Engagement level	Consultation type	Purpose
Level 1	MGR/EGR management & partners	Discussing the SEA process and stakeholder mapping
Level 2	SEA scoping consultation meetings	To allow relevant stakeholders to contribute in the SESA scoping process as prescribed in the 2012 National Guidelines for Strategic Environmental and Social Assessment in Kenya
Level 3	LSP consultations	Stakeholder commitment assessment
Level 4	Draft SEA report consultations	Presentation of draft report
Level 5	Wider peer review	NEMA process
Level 6	Validation consultations	Presentation of final SEA report

**Figure 3 - 3: Stakeholder engagement strategy**

**Table 3 - 2: Engagement plan for the Eselenkei LSP SEA scoping consultations**

Zone	Coverage	Venue	Date
1. Iltuleta	Iltuleta, Ololunga, Noonkikonyi, Enkaigululu	Iltuleta centre	4 <sup>th</sup> May 2022
2. Lenkism	Lenkism, Loormongi, Olepolos, Lormukia, Enchilichili, Olaaturo	Lenkism market centre	4 <sup>th</sup> May 2022
3. Olanti	Olanti centre, Olanti irrigation, Lorkiu, Ormanie, Lambec	Olanti irrigation area	20 <sup>th</sup> April 2022
4. Oltotoi	Oltotoi market centre	Oltotoi market centre	20 <sup>th</sup> April 2022
5. Iloirero	Iloirero market centre	Iloirero market centre	20 <sup>th</sup> April 2022
6. EGR partners	County Government of Kajiado (CGK), Amboseli Ecosystem Trust (AET), ALOCA, KWS	Various venues	Various dates

*a) Draft SEA report consultations*

These were conducted in October 2022 in six locations, namely, Iltuleta, (Noonkikonyi, Enkaigululu), Ololunga, Lenkism (Loormongi, Olepolos, Lormukia, Enchilichili, Olaaturo), Olanti (Olanti irrigation, Lorkiu, Ormanie, Lambec), Oltotoi market centre and Iloirero market centre.

*b) Wide peer review of the draft SEA report*

This was undertaken for 30 days between in 22<sup>nd</sup> and 18<sup>th</sup> December 2022 which was preceded by Public Notices in the Kenya Gazette (Vol CXXIV-No. 282 of 23<sup>rd</sup> Dec 2022) and Daily Newspapers (East Africa Standard and Star Newspapers), and local vernacular radio stations. The Public Notices are provided in **ANNEX C**.

*c) NEMA Technical Review of MGR LSP Draft SEA Report*

Following the wide peer review of the draft SEA report, the NEMA SEA Technical Team evaluated the emerging comments and also undertook their own administrative review of the report and identified twelve issues which needed to be addressed. The verification of the above responses required a site verification visit by the NEMA Technical Team.

*d) NEMA site verification visit consultations*

The NEMA technical team undertook a SEA site verification visit to the Amboseli region on 28-29<sup>th</sup> March 2023 during which a consultation meeting was held in the Amboseli National Park office. The meeting was attended by the local administration, CGK and representatives of a number of agencies including AET, KWS, WRA, WRTI and the Department of Physical Planning. The meeting was also attended by MGR and EGR representatives as well as the SEA consultant (ENRM Associates). Thereafter, the NEMA Technical Team and other participants undertook visits to a number of critical wildlife corridors and dispersal areas in the region (**Plate 3.1**).



**Plate 3 - 1: SEA site verification visit**

*e) SEA report validation workshop*

The validation workshop for the MGR LSP SEA report was undertaken on Wednesday 18<sup>th</sup> May 2023, at Osarai County Lodge in Eselenkei (**Plate 3.4**).



**Plate 3 - 2: Inception consultations with the client**





**Plate 3 - 3: Scoping consultations**



**a) Olanti meeting**



**b) Lenkism meeting**





a) Iltuleta meeting

Plate 3 - 4: SEA validation workshop



### 3.3.4 PPP Analysis

This involved a comprehensive assessment of the Eselenkei LSP against relevant environmental and social obligations in the frameworks provided in **Table 3.1**. The PPP analysis involved a comprehensive review of relevant policies and legislation to identify all the environmental and social obligations and confirm their integration in the Eselenkei LSP.

### 3.3.5 Indicators and Targets for Plan Environmental Impact Analysis (PEIA)

**Table 3.3** shows the list of environmental indicators and targets used in the PEIA. These were identified mostly from the information and realities on the ground as gathered during the baseline situation assessment. This was also done with reference to the findings of the strategic environmental assessment (SEA) for the Amboseli Ecosystem Management Plan which was undertaken by AET in 2011.

### 3.3.6 Identification of Alternative PPP Options

The identification of alternative PPP options was considered in order to determine the most effective way to improve the long-term outcome of the Eselenkei LSP implementation process. The identification of alternative PPP options was mostly be undertaken on the basis of the following considerations: - a) embracing the obligatory PPP environmental issues which have not been effectively embraced in the Eselenkei LSP. This is necessary in order to ensure that the LSP is properly aligned to the overall goals, principles and plans for environmental sustainability in Kenya. The identification of alternative PPPs was undertaken through a combination of methods including PPP gap analysis, expert judgment, institutional requirements and key stakeholder inputs and contributions during the SEA consultation meetings.

**Table 3.3: indicators and targets for plan environmental impact analysis (PEIA)**

Impact category	Environmental indicators	Environmental targets
Physical impacts	Range degradation	Reversing current degradation
	Land subdivision	Reducing or stopping the sub-division
	Water resources	Sustainable utilization and equitable sharing
	Climate change mitigation and adaptation	Improving the level of community preparedness, coping, adaptation and resilience
Biological impacts	Protection of wildlife movement corridors	Restoration of traditional movement corridors
	Protection of threatened species	Conservation of threatened species
	Protection of springs and wetlands	Conservation of springs and wetlands
	Sustenance and expansion of conservancies	Establishment of additional conservancies for sustenance of traditional wildlife movement corridors, habitats and dispersal areas
	Ecosystem connectivity	Maintaining the traditional ecosystem landscape and ecological connectivity/linkages
	Environmental rehabilitation	Restoring high quality rangeland, riverine and wetlands
Social impacts	Sustainable alternative livelihoods	Improving community livelihoods
	Poverty reduction	Reducing poverty at household level
	Resource conflict alleviation and dispute resolution	Elimination of resource conflicts
Economic impacts	Equitable ecosystem benefit sharing	Equitable resource and tourism revenue sharing
	Boosting county economy	Vibrant county economy

	Boosting Vision 2030	Supporting realization of the goals of Vision 2030
Institutional and transboundary impacts, international implications and public interest	Regional cohesion and partnerships	Improved collaborative trans-boundary environmental management
	Implementation of MEAs	Supporting implementation of MEAs in Kenya
	Public interests	Embracing public concerns in the land subdivision management plan
	Institutional integration and capacity	Improved cross-sectoral integration

#### 4. ENVIRONMENTAL REGULATORY FRAMEWORK AND PPP ANALYSIS

The Government of Kenya has put in place a wide range of policies, legal frameworks, national strategies and action plans to address issues of environmental protection and conservation. The frameworks are derived from statutes in the National Constitution of 2010 as well as obligations in relevant international conventions which the state has ratified. Other environmental governance instruments include subsidiary regulations, guidelines and standards all of which are implemented and enforced by different institutions and lead agencies. The role of the SEA is therefore to ensure integration of relevant environmental obligations existing policies, plans and programs in new development policies, plans and programs such as the Eselenkei LSP. The aim of this is to alleviate, prevent or minimize the risk of environmental degradation. The role of the EIAs for the same purpose is expected later to screen the environmental integrity of projects which originate from development policies, plans and programmes mainly by cross-checking their compliance with specific environmental obligations as prescribed in legal frameworks.

The Eselenkei LSP was screened against the environmental and social obligations in relevant frameworks at local, county, national and international levels which are provided in **Table 3.1**. The PPP analysis involved a comprehensive review of relevant policies and legislation to identify all the environmental and social obligations and confirm their integration in the Eselenkei LSP.

The findings of the PPP analysis are presented below.

##### 4.1: Local level frameworks

Framework	Environmental & Social Obligations for the Eselenkei LSP	Compliance Status
1. Amboseli Ecosystem Management Plan (AEMP) 2020-2030 (AET 2020)	<p><u>Plan Foundations (Issue 8):</u> Land subdivision and landuse planning: -</p> <ul style="list-style-type: none"> <li>- Need to consider landuse models that will ensure that a viable minimum area is maintained to support viable wildlife populations as well as traditional pastoralism after the group ranches are subdivided</li> </ul>	<p>The Eselenkei LSP has identified and demarcated the following zones as areas to be held and used in common in order to continue supporting wildlife as well as traditional pastoralism: -</p> <ul style="list-style-type: none"> <li>a) Pastoralism rangeland and wildlife zone - 99,218.6 acres (equivalent to 52.5% of the total area)</li> <li>b) Wildlife dispersal area and corridors - 33,000 acres</li> <li>c) Selenkay Conservancy – 12,387 acres</li> </ul> <p>The total coverage of this is 144,605 acres which is equivalent to approximately 76.5% of the Eselenkei group ranch area</p>
	<p><u>Section 3-2: AE zoning scheme: -</u></p> <ul style="list-style-type: none"> <li>- The AEMP has classified the Eselenkei as an Exclusive Use and Low-Use Zone with the following landuse prescriptions: - <ul style="list-style-type: none"> <li>• Exclusive Use Zone <ul style="list-style-type: none"> <li>○ Recreational activity prescriptions: Game drives, guided nature walks, walking safaris, camel and horseback safaris, balloon safaris,</li> </ul> </li> </ul> </li> </ul>	<p>The prescribed recreational activities and facilities in the AEMP have been adopted in Eselenkei LSP</p>

	<p>bird shooting, bird watching, bush breakfast, sundowners, and dinners.</p> <ul style="list-style-type: none"> <li>○ Permitted recreational facilities: Camping sites, lodges, eco-lodges, bandas, campsites, interpretation signs, wildlife viewing roads, walking trails (associated with a tourist attraction), administration buildings and compounds, bird hides</li> </ul> <ul style="list-style-type: none"> <li>• Low Use Zone <ul style="list-style-type: none"> <li>○ Recreational activity prescriptions: Game drives, walking safaris, camel and horseback safaris, balloon safaris, bird watching, visit to cultural centers, bush breakfast, sundowners, and dinners</li> <li>○ Permitted recreational facilities: Accommodation facilities targeting the international market will be limited to special campsites along designated walking, camel or horseback safari routes, while accommodation facilities for the domestic market will be limited to student hostels</li> </ul> </li> </ul>	
	<p><u>Landuse zones:</u> - The Eselenkei LSP has adopted the following landuse zones as prescribed in the AEMP: - i) settlement, ii) agriculture and settlement, iii) grazing land and settlement, iv) pastoralism and wildlife conservation, v) conservation, wildlife conservation and tourism, and vi) transportation infrastructure</p> <p>The AEMP prescriptions for permitted activities and landuse restrictions for the above landuse zones are highlighted below.</p> <p>1. <u>Pastoralism zone:</u> <u>Permitted activities:</u> Livestock grazing, construction of traditional 'manyatta's, livestock 'bomas', livestock watering points, cattle dips and fodder storage facilities <u>Restrictions:</u> Construction of permanent 'bomas' or buildings, fencing, further land subdivision, change of user, change of ownership, road construction</p>	<p>The Eselenkei LSP has adopted the permitted activities and landuse restrictions for the pastoral and wildlife rangeland zone as prescribed in the AEMP (<b>Table 2-1, Part 4</b>)</p> <p>Additional activities in the Eselenkei LSP: -</p> <p>a) Licensed the non-commercial harvesting of natural products (e.g. medicinal plants, firewood) for household use only</p> <p>Unclear issues in the Eselenkei LSP: -</p> <p>a) Licensing modalities for the harvesting of natural products in the pastoral and wildlife rangeland zone</p>
	<p>2. <u>Conservation &amp; tourism zone:</u> <u>Permitted activities:</u> wildlife conservation, wildlife viewing and associated infrastructure, controlled construction of visitor accommodation facilities, research, controlled filming and photography, controlled construction of cultural 'manyattas', controlled livestock grazing, laying of underground infrastructure, construction of water pans, drawing water from rivers</p> <p><u>Restrictions:</u> Location of visitor accommodation facilities, bed capacity of visitor accommodation facilities, human settlement or buildings in any form</p>	<p>The Eselenkei LSP has adopted the permitted activities and landuse restrictions for the conservation and tourism zone (appearing as pastoralism and wildlife conservation, v) conservation, wildlife conservation and tourism,) as prescribed in the AEMP (<b>Table 2-1, Parts 4 &amp; 5</b>)</p> <p>Additional activities in the Eselenkei LSP:-</p> <p>a) Temporary manyattas b) Ecological research</p>

	<p>without authority, number of traditional livestock in the 'manyattas', fencing, planting of exotic tree species, change of user and further subdivision</p>	<p>c) Construction of community ranger camps</p> <p>Additional restrictions in the Eselenkei LSP:-</p> <ul style="list-style-type: none"> <li>i. Crop farming</li> <li>ii. Road construction</li> <li>iii. Construction of dams and wells</li> </ul> <p>Unclear issues in the Eselenkei LSP:-</p> <ul style="list-style-type: none"> <li>a) Approval of research activities</li> </ul>
	<p><b>3. Cultivation zone:</b></p> <p><u>Permitted activities:</u> Cultivation of high value crops (e.g. tomatoes, onions, capsicum, coriander, herbs etc.), cultivation of subsistence crops, farming and bulking of fodder, perimeter fencing of the cultivation blocks</p> <p><u>Restrictions:</u> Change of user, further subdivision, change of ownership</p>	<p>The Eselenkei LSP has adopted the permitted activities and landuse restrictions for the cultivation zone (appearing as irrigation zone) as prescribed in the AEMP (<b>Table 2-1, Part 2</b>)</p> <p>Additional activities in the Eselenkei LSP:-</p> <ul style="list-style-type: none"> <li>a) Laying of irrigation infrastructure</li> <li>b) Fencing to reduce human-wildlife conflict</li> </ul> <p>Additional restrictions in the Eselenkei LSP:-</p> <ul style="list-style-type: none"> <li>i. Construction of permanent 'bomas' or buildings</li> <li>ii. Road construction</li> <li>iii. Tree cutting</li> </ul>
	<p><b>4. Settlement Zone</b></p> <p><u>Permitted activities:</u> Commercial and residential buildings, light industrial facilities, social amenities (educational, health, community halls, play grounds, administration, churches, shops, hotels, open air markets etc.), permanent buildings by GR members, burial sites, semi-detached bungalows and flats encouraged, road construction, street lighting, greening the residential areas and road reserves is encouraged, nucleated settlements to be protected by a wildlife fence, urban agriculture; kitchen gardening, small scale poultry industry</p> <p><u>Note:</u> Prior to undertaking any of the above activities, development approval shall have to be granted by the competent planning authority. Development applications seeking for approval or development permission shall be sought from the competent planning authority in a manner prescribed by the law</p> <p><u>Restrictions:</u> Further subdivision and change of user, row housing, burial will be undertaken only in the designated areas</p>	<p>The Eselenkei LSP has adopted the permitted activities and landuse restrictions for the cultivation zone (appearing as irrigation zone) as prescribed in the AEMP (<b>Table 2-1, Parts 1, 2 &amp; 3</b>)</p> <p>Additional activities in the Eselenkei LSP:-</p> <ul style="list-style-type: none"> <li>1. Installation of social infrastructure utilities including electricity, water supply, sewage and waste management structures</li> <li>2. Green bELAs</li> </ul> <p>Additional restrictions in the Eselenkei LSP:-</p> <ul style="list-style-type: none"> <li>i. illegal boreholes</li> <li>ii. Dumping of waste outside designated areas</li> </ul>

	<p><b>5. Physical infrastructure zone</b>  <u>Permitted activities:</u> Primary and secondary roads in the nucleated settlement shall form the backbone of transportation in the GRs, Only the classified roads in the nucleated settlement may be bituminized or graveled, secondary roads may be graveled, primary, secondary and nucleated settlement road reserves may be used in laying utility and services, airstrips may be improved to bituminized surface and auxiliary utilities may be constructed including perimeter fencing</p> <p><u>Restrictions:</u> The tertiary and access roads shall not be opened, constructed and used for transportation purposes to forestall serious degradation of the natural environment, No construction of any form shall be undertaken on the primary and secondary road reserve, tree planting is not allowed on the primary road except in nucleated settlement, bituminization of secondary roads is prohibited, road reserves provided in terms of primary, secondary and tertiary shall not interfere with any form of development, only the primary roads shall be bituminized - The rest of the roads shall be graveled, access roads in the human settlements are exempted from these regulations</p> <p>Community livelihoods &amp; socio-economic programme:-  Action 4-1: Establishing nucleated human settlements to minimize the fragmentation of sensitive environments</p> <p>NRM Programme:  A key action under this programme is the securing of wildlife corridors including the Amboseli NP-Olgulului North-Eselenkei corridor</p>	<p>The Eselenkei LSP has adopted the permitted activities and landuse restrictions for the physical infrastructure zone (appearing as transportation zone) as prescribed in the AEMP (<b>Table 2-1, Part 6</b>)</p> <p>This has been integrated in the Eselenkei LSP as shown in <b>Table 2-1, Part 1</b></p> <p>This has been integrated in the Eselenkei LSP as part of pastoralism and wildlife conservation, v) conservation, wildlife conservation and tourism areas (<b>Table 2-1, Parts 4 &amp; 5</b>)</p>
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## 4.2: County level frameworks

Framework	Environmental & Social Obligations for the Eselenkei LSP	Compliance Status
1. Kajiado County Land Sub-Division Guidelines 2018 (CGK 2018)	Permissible landuses for Eselenkei area: - Pastoralism and Conservation and urban landuse (economic node) as shown in <b>Figure 4.3</b>	The Eselenkei LSP is aligned with the guidelines. However, the guidelines advocate for retention of the group ranches in their traditional state
2. Kajiado County Spatial Plan 2019-2029 (CGK 2019)	Recommended landuse for Kajiado South Sub-County (Kajiado South) is livestock, tourism and conservation as shown in <b>Figure 4.4</b>	This has been integrated in the Eselenkei LSP as part of the pastoralism, communal grazing, conservation area, buffer zones, wildlife corridors ( <b>Table 2-1, Parts 3,4 &amp; 5</b> )
	Strategy for Wildlife Conservation and Tourism Promotion	This has been integrated in the Eselenkei LSP as part of the

	<ul style="list-style-type: none"> <li>- Identification and zoning of corridors for wildlife to remove the encroachment</li> <li>- Establishing wildlife conservancies along corridors to maintain the habitat</li> </ul>	pastoralism and wildlife conservation, v) conservation, wildlife conservation and tourism areas ( <b>Table 2-1, Parts 4 &amp; 5</b> )
	<p>Strategy for Conservation of Environmentally sensitive areas</p> <ul style="list-style-type: none"> <li>- Protection and conservation of Amboseli National Park, wildlife corridors and wildlife dispersal areas</li> <li>- Zoning and protecting wetlands, riparian areas and river banks</li> </ul>	This has been integrated in the Eselenkei LSP as part of pastoralism and wildlife conservation, v) conservation, wildlife conservation and tourism areas ( <b>Table 2-1, Parts 4 &amp; 5</b> )

### 4.3: National level frameworks

Framework	Environmental & Social Obligations for the Eselenkei LSP	Compliance Status
1. National Constitution (GoK 2010)	Article 69(a)-Conservation of the environment and natural resources	This has been integrated in the Eselenkei LSP as part of the pastoralism and wildlife conservation, v) conservation, wildlife conservation and tourism areas ( <b>Table 2-1, Parts 4 &amp; 5</b> )
2. National Environment Policy, 2014 (GoK 2014)	s4.10.2(1)-Protecting, conserving and improving habitats, corridors and wildlife dispersal areas	This has been integrated in the Eselenkei LSP as part of the pastoralism and wildlife conservation, v) conservation, wildlife conservation and tourism areas ( <b>Table 2-1, Parts 4 &amp; 5</b> )
3. EMCA Cap 387 (GoK 2015a)	s57A – Strategic environmental assessment • All Plans for implementation shall be subject to strategic environmental assessment	The Eselenkei LSP SEA was undertaken in fulfilment of this requirement
4. National Landuse Policy, 2017 (GoK 2017)	s138-Ensuring that landuses conform to the relevant landuse plans	The Eselenkei LSP is compliant with the following landuse plans:- 1. Amboseli Ecosystem Management Plan (AEMP) 2020-2030 2. Kajiado County Spatial Plan 2019-2029 3. Kajiado County Land Sub-Division Guidelines 2018
5. Integrated National Landuse Guidelines, 2011 (NEMA 2011)	3.1 Protection of rivers and wetlands • Provide buffer zones of between 2m-30m width measured from the highest water mark for rivers and streams	This has been integrated in the Eselenkei LSP as part of the communal grazing, conservation area, buffer zones, wildlife corridors ( <b>Table 2-1, Part 2</b> )
	3.6 Conservation of biological diversity • Protection of wildlife migratory corridors and dispersal areas	This has been integrated in the Eselenkei LSP as part of the pastoralism and wildlife conservation, v) conservation, wildlife conservation and tourism areas ( <b>Table 2-1, Parts 4 &amp; 5</b> )
	3.9 Preservation of pastoral lands	The Eselenkei LSP has identified and demarcated the following zones as areas to be held and used in common in order to continue supporting wildlife as well as traditional pastoralism:-



	<ul style="list-style-type: none"> <li>• Develop incentives and/or disincentives to discourage subdivision of group ranches</li> <li>• Promote harmonious co-existence of livestock and wildlife (e.g. avoid fencing off wildlife corridors and buffer zones)</li> </ul>	<p>a) Pastoralism rangeland and wildlife zone - 99,218.6 acres (equivalent to 52.5% of the total area)</p> <p>b) Wildlife dispersal area and corridors - 33,000 acres</p> <p>c) Selenkey Conservancy – 12,387 acres</p> <p>The total coverage of this is 144,605 acres which is equivalent to approximately 76.5% of the Eselenkei group ranch area</p>
	<p>3.10 Mining and quarrying</p> <ul style="list-style-type: none"> <li>• Enforce the National Sand Harvesting Guidelines, 2008 and relevant county regulations</li> </ul>	<p>Unclear issues:</p> <ul style="list-style-type: none"> <li>• Measures to be undertaken in order to ensure sustainable sand harvesting especially along Eselenkei River</li> </ul>
4 National Wildlife Policy, 2020 (GoK 2020)	<p>4.2 Management of National Parks, Reserves and Sanctuaries</p> <p>- Developing incentives for landowners that host wildlife in dispersal and connectivity areas</p>	<p>The Eselenkei LSP highlights the following incentives:-</p> <p>a) Annual lease payments for landowners in the conservation area and wildlife corridors through the Big Life Foundation</p> <p>b) The pastoralism and wildlife conservation, as well as conservation, wildlife conservation and tourism zones will generate carbon credits through the Chyulu Hills REDD+ Project has a clear “revenue allocation model” agreed between the other REDD+ partners who comprise KWS, KFS, MWCT, DSWT, BLF, Kuku A, Kuku B, Rombo, Eselenkei group ranches</p>
	<p>4.3 Wildlife Conservation and Management on Private and Community Lands</p> <p>- Promoting wildlife conservation as a land-use option</p>	<p>The Eselenkei LSP highlights the following incentives:-</p> <p>a) Annual lease payments for landowners in the conservation area and wildlife corridors through the Big Life Foundation</p> <p>b) The pastoralism and wildlife conservation, as well as conservation, wildlife conservation and tourism zones will generate carbon credits through the Chyulu Hills REDD+ Project and has a clear “revenue allocation model” agreed between other REDD+ partners who comprise of KWS, KFS, MWCT, DSWT, BLF, Kuku A, Kuku B, Rombo, Eselenkei group ranches</p>
	<p>Providing incentives to support individuals, communities and other stakeholders to invest in wildlife conservation and management</p>	<p>The Eselenkei LSP highlights the following incentives:-</p> <p>a) Annual lease payments for landowners in the conservation area and wildlife corridors through the Big Life Foundation</p> <p>b) The pastoralism and wildlife conservation, as well as conservation, wildlife conservation and tourism zones will generate carbon credits through the Chyulu Hills REDD+ Project has a clear “revenue allocation model” agreed between the other REDD+ partners who comprise KWS, KFS, MWCT, DSWT, BLF, Kuku A, Kuku B, Rombo, Eselenkei group ranches</p>
	<p>Integration of wildlife corridors and dispersal areas</p>	<p>This has been integrated in the Eselenkei LSP as part of the communal grazing, conservation area, buffer zones, wildlife corridors (<b>Table 2-1, Part 2</b>)</p>

5	WCMA 2013 (GoK 2013a)	s39 Establishment of wildlife conservancies or sanctuaries	<p>The Eselenkei LSP has identified and demarcated the following zones as areas to be held and used in common in order to continue supporting wildlife as well as traditional pastoralism:-</p> <p>a) Pastoralism rangeland and wildlife zone - 99,218.6 acres (equivalent to 52.5% of the total area)</p> <p>b) Wildlife dispersal area and corridors - 33,000 acres</p> <p>c) Selenkay Conservancy – 12,387 acres</p> <p>The total coverage of this is 144,605 acres which is equivalent to approximately 76.5% of the Eselenkei group ranch area</p>
6	National Climate Change Framework Policy, 2016 (GoK 2016a)	S9.2.1: Promoting Public-Private Partnerships (PPPs) in climate finance	The conservation area and wildlife corridors will generate carbon credits through the Chyulu Hills REDD+ Project has a clear “revenue allocation model” agreed between the other REDD+ partners who comprise KWS, KFS, MWCT, DSWT, BLF, Kuku A, Kuku B, Rombo, Eselenkei group ranches
7	Kenya Vision 2030 (GoK 2008)	Securing wildlife corridors and migratory routes	This has been integrated in the Eselenkei LSP as part of the communal grazing, conservation area, buffer zones, wildlife corridors ( <b>Table 2-1, Part 2</b> )
8	National Wildlife Strategy 2030 (GoK 2018)	<p>Goal 1 Maintain and improve habitat and ecosystem integrity to reduce biodiversity loss, protect ecosystem function, enhance connectivity, and increase resilience</p> <p>Goal 4 Increase access, incentives, and sustainable use of wildlife resources, while ensuring equitable sharing of benefits</p>	<p>This has been integrated in the Eselenkei LSP as part of the communal grazing, conservation area, buffer zones, wildlife corridors (<b>Table 2-1, Part 2</b>)</p> <p>The Eselenkei LSP highlights the following incentives:-</p> <p>a) Annual lease payments for landowners in the conservation area and wildlife corridors through the Big life Foundation</p> <p>b) The conservation area and wildlife corridors will generate carbon credits through the Chyulu Hills REDD+ Project has a clear “revenue allocation model” agreed between the other REDD+ partners who comprise KWS, KFS, MWCT, DSWT, BLF, Kuku A, Kuku B, Rombo, Eselenkei group ranches</p>
9	Kenya National Spatial Plan 2015-2045 (GoK 2016)	2.8.4 – Protection of rangeland areas which host most of the country’s game reserves, parks, conservancies and sanctuaries as home to more than 90% of the wild game	<p>The Eselenkei LSP has identified and demarcated the following zones as areas to be held and used in common in order to continue supporting wildlife as well as traditional pastoralism:-</p> <p>a) Pastoralism rangeland and wildlife zone - 99,218.6 acres (equivalent to 52.5% of the total area)</p> <p>b) Wildlife dispersal area and corridors - 33,000 acres</p> <p>c) Selenkay Conservancy – 12,387 acres</p> <p>The total coverage of this is 144,605 acres which is equivalent to approximately 76.5% of the Eselenkei group ranch area</p>
10	National Water Master Plan 2030 (GoK 2013b)	s6.2 - Water allocation policy priorities	Unclear issue:-

	1 <sup>st</sup> Priority - Water reserve (apportionment) for ecological functions and basic human needs	The Eselenkei LSP does not indicate how the mushrooming of borehole drilling will be controlled and regulated
11 National Biodiversity Strategy and Action Plan, NBSAP 2019-2030 (GoK 2021)	Goal 4: Promote and enhance fair and equitable sharing of benefits accruing from utilization of biodiversity and ecosystem services	The Eselenkei LSP highlights the following incentives:- a) Annual lease payments for landowners in the conservation area and wildlife corridors through the Big life Foundation b) The conservation area and wildlife corridors will generate carbon credits through the Chyulu Hills REDD+ Project has a clear "revenue allocation model" agreed between the other REDD+ partners who comprise of KWS, KFS, MWCT, DSWT, BLF, Kuku A, Kuku B, Rombo, Eselenkei group ranches

#### 4.4: Regional and global level frameworks

Framework	Environmental & Social Obligations for the Eselenkei LSP	Compliance Status
1. EAC Protocol on Environment and Natural Resources (EAC, 1999)	Article 12 - Management of wildlife resources • Promoting community-based wildlife conservation and management	The Eselenkei LSP has identified and demarcated the following zones as areas to be held and used in common in order to continue supporting wildlife as well as traditional pastoralism:- a) Pastoralism rangeland and wildlife zone - 99,218.6 acres (equivalent to 52.5% of the total area) b) Wildlife dispersal area and corridors - 33,000 acres c) Selenkay Conservancy – 12,387 acres  The total coverage of this is 144,605 acres which is equivalent to approximately 76.5% of the Eselenkei group ranch area
2. UNESCO's programme on Man and the Biosphere (MAB)	The core area of the reserve is the protected Amboseli National Park while the buffer zone comprises the surrounding areas including Olgulului-Lorarashi, Eselenkei, Kimana, Kuku, and Rombo	The Eselenkei LSP has identified and demarcated the following zones as areas to be held and used in common in order to continue supporting wildlife as well as traditional pastoralism:- a) Pastoralism rangeland and wildlife zone - 99,218.6 acres (equivalent to 52.5% of the total area) b) Wildlife dispersal area and corridors - 33,000 acres c) Selenkay Conservancy – 12,387 acres  The total coverage of this is 144,605 acres which is equivalent to approximately 76.5% of the Eselenkei group ranch area
3. Convention on Migratory Species (CMS)	Article 2.1 - Conserving migratory species and protecting their habitats	This has been integrated in the Eselenkei LSP as part of the pastoralism and wildlife conservation, v) conservation, wildlife conservation and tourism areas ( <b>Table 2-1, Parts 4 &amp; 5</b> )

On the overall, the PPP analysis showed clear synergy between the EGR LSP and other existing PPPs especially the following principal ones:-

- Kajiado County Land Sub-Division Guidelines 2018 (CGK 2018) – The LSP is aligned with the guidelines.
- Kajiado County Spatial Plan 2019-2029 (CGK 2019) – The LSP is aligned with the CSP.
- National Environment Policy, 2014 (GoK 2014) – The LSP will integrate the policy goal on protection of WCDAs (s4.10.2(1) through the introduction of the hybrid private-communal land tenure in the pastoralism and wildlife conservation zones.
- National Wildlife Policy, 2020 and National Wildlife Strategy 2030 – The LSP will support the policy goal on incentives for landowners hosting WCDAs through the hybrid private-communal land tenure - Big Life Foundation annual lease payments for landowners.
- Kenya Vision 2030 – The LSP will support the flagship goal of “securing wildlife corridors and migratory routes by 2030” through the hybrid private-communal land tenure.
- CMS – The LSP will align with Article 2.1 on conservation of migratory species through the hybrid private-communal land tenure.

## 5. BASELINE SITUATION AND POTENTIAL ENVIRONMENTAL SCENARIOS

### 5.1: The Location of the SEA Area

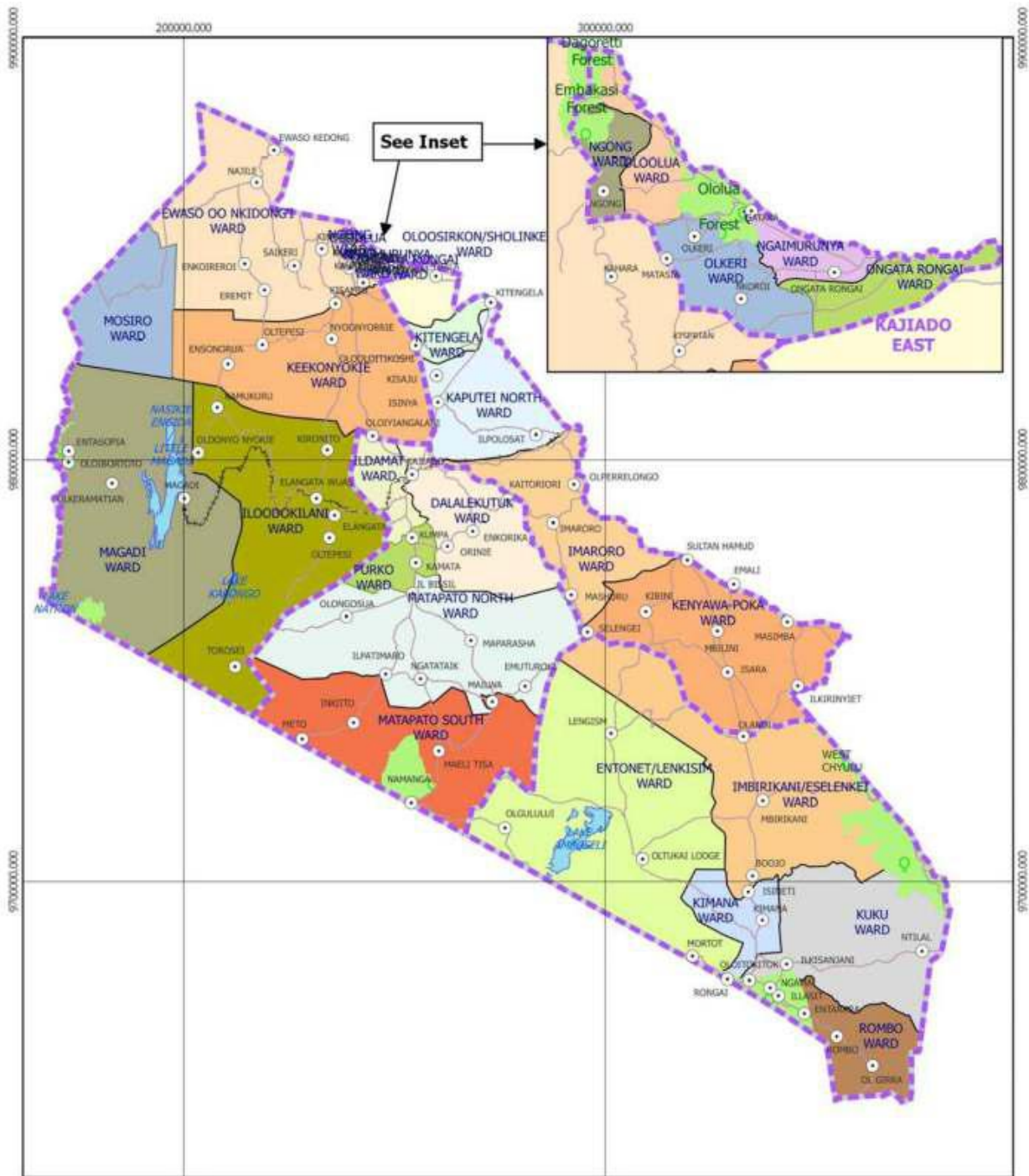
EGR, which is one of the group ranches that surround the Amboseli National Park (ANP), is located in South Sub-county of Kajiado County. Kajiado County is located in the southern part of Kenya bordering the Republic of Tanzania to the South, Nairobi County to the North East (and also considered as one of the counties in the Nairobi Metropolitan Region), Narok County to the west, Kiambu County to the north, Nakuru County to the north west, Taita Taveta County to the south east, Machakos County to the north east and Makueni County to the east. **Figure 5-1** shows a map of Kajiado County while **Figure 5-2** shows the county demographic characteristics.

The EGR is located in Kajiado South Sub-County which is the second largest sub-county with an area of about 6410 km<sup>2</sup>. The sub-county borders Tanzania and Taita Taveta County to the south and Makueni County to the east. The sub-county is predominantly rural having scattered settlements with agriculture, livestock development and wildlife conservation being the main landuses. The major urban areas in the Sub-County are Oloitokitok, Rombo and Kimana. It hosts most of the greater Amboseli ecosystem including the world famous Amboseli National Park. The Amboseli ecosystem covers approximately 5,700 km<sup>2</sup> in an area stretching between Mt. Kilimanjaro, the Chyulu Hills and Tsavo West National Park and the Kenya-Tanzania border. It is a fragile semi-arid ecosystem that is internationally recognized as a UNESCO Biosphere Reserve under the Man and Biosphere Programme (MAB) because of its significance as an area which fulfils the three complementary roles of; conservation, research and development both for the local people in Kajiado County, Kenya and the entire world. **Figure 5-3** shows the location of the Eselenkei. **Figure 5.4** shows the approved landuse zones as provided in the Kajiado County Land Subdivision Guidelines. **Figure 5.5** shows the proposed landuse in Kajiado South Sub-County as provided in the Kajiado County Spatial Plan (CSP) of 2019-2029 (CGK 2019). The dominant landuses as designated in the CSP is pastoralism, wildlife conservation and tourism (**Figure 5-5**).

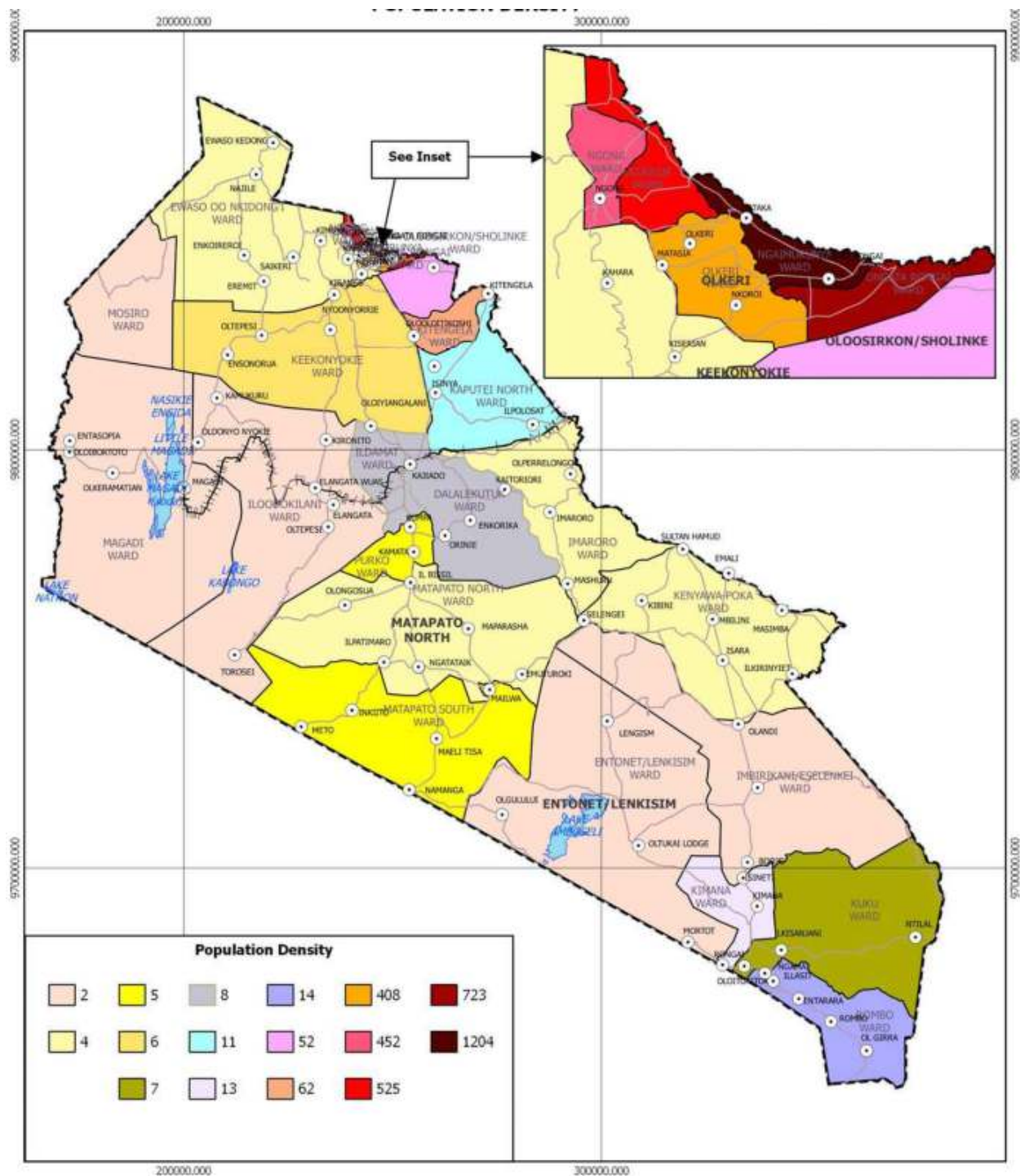
The long-term vision for Kajiado South Sub-County as highlighted in the Kajiado CSP (2019-2029) is to be:-

- a) a place where environment conservation, livestock production and modern farming are practiced to improve the living standards of the people.
- b) a food basket for Kajiado county and Kenya at large, and
- c) a tourism hub in the Amboseli region.

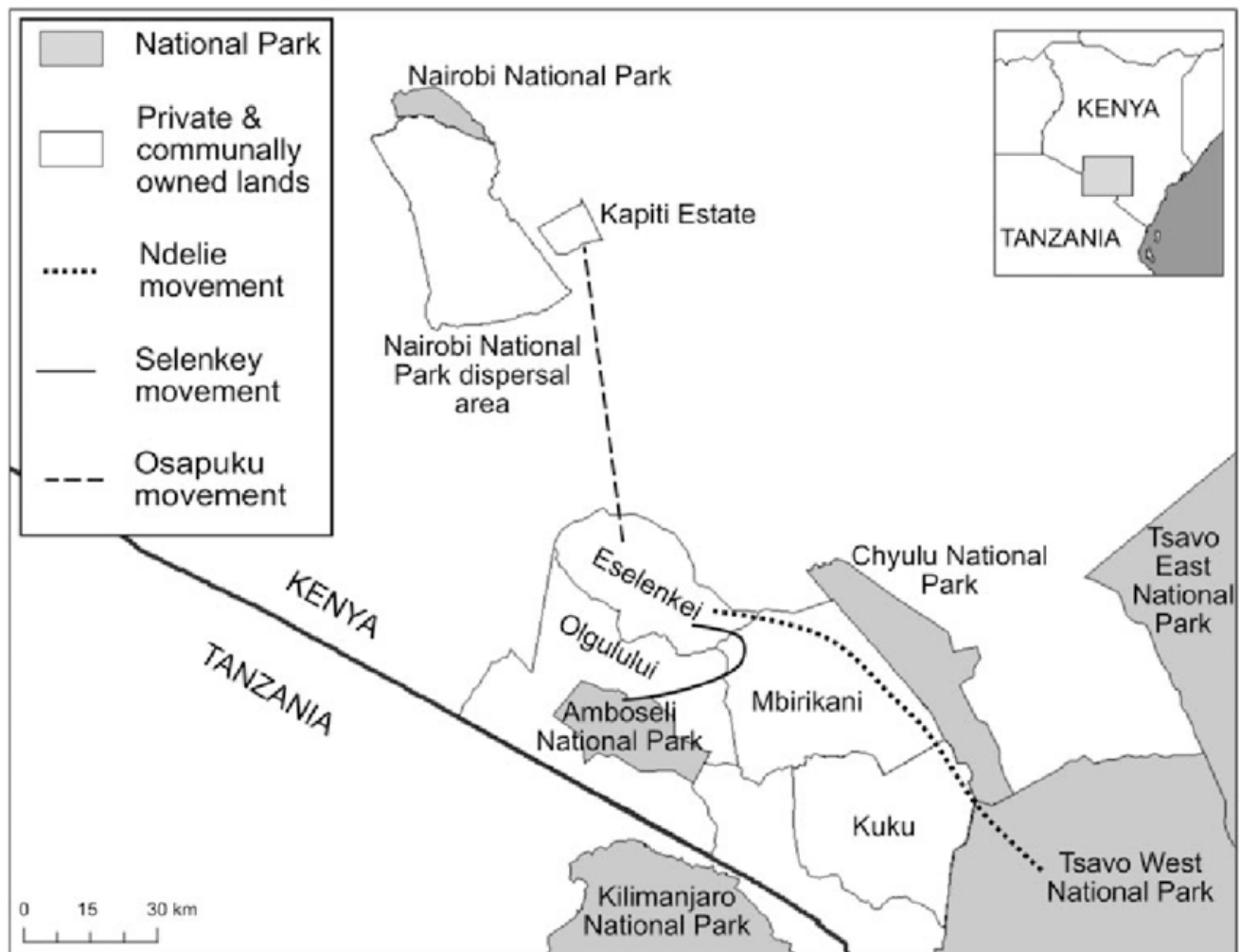
The implementation of the Eselenkei LSP is expected to support the realization of the Kajiado CSP vision.



**Figure 5 - 1: Map of Kajiado County (Source: County Government of Kajiado - CGK 2019)**

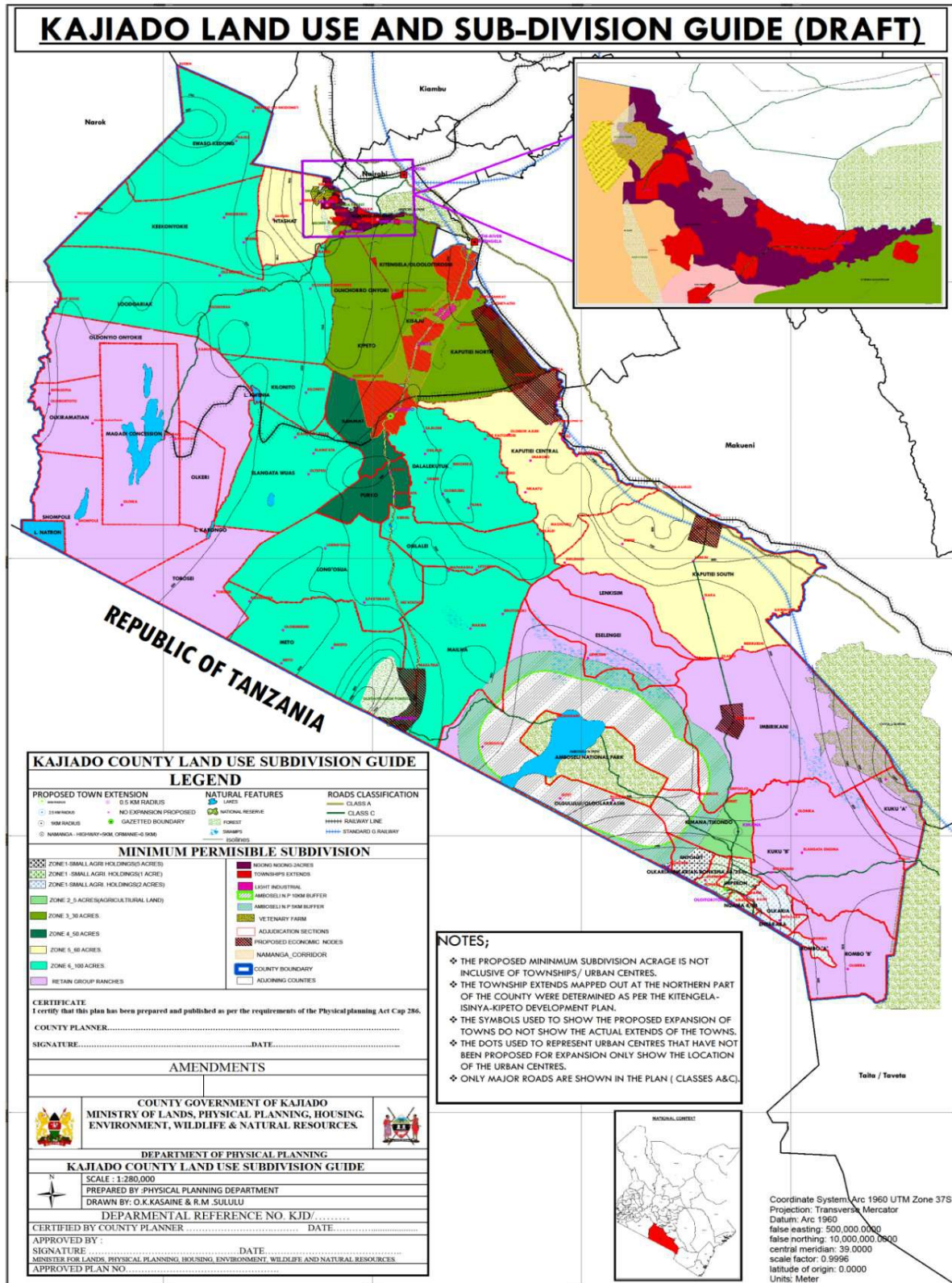


**Figure 5 - 2: Demographic characteristics in Kajiado County (CGK 2019)**

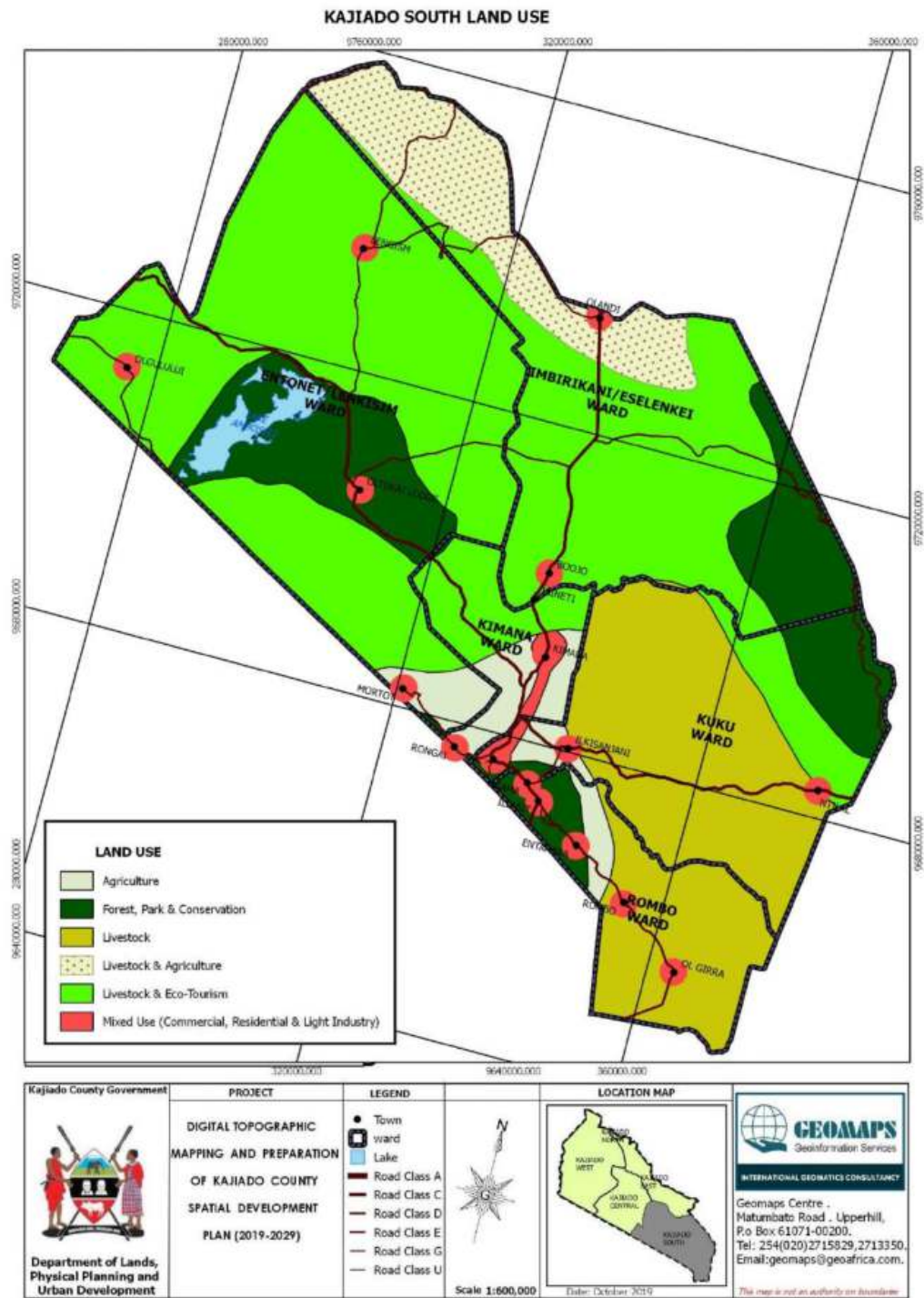


**Figure 5 - 3: General location of Eselenkei**





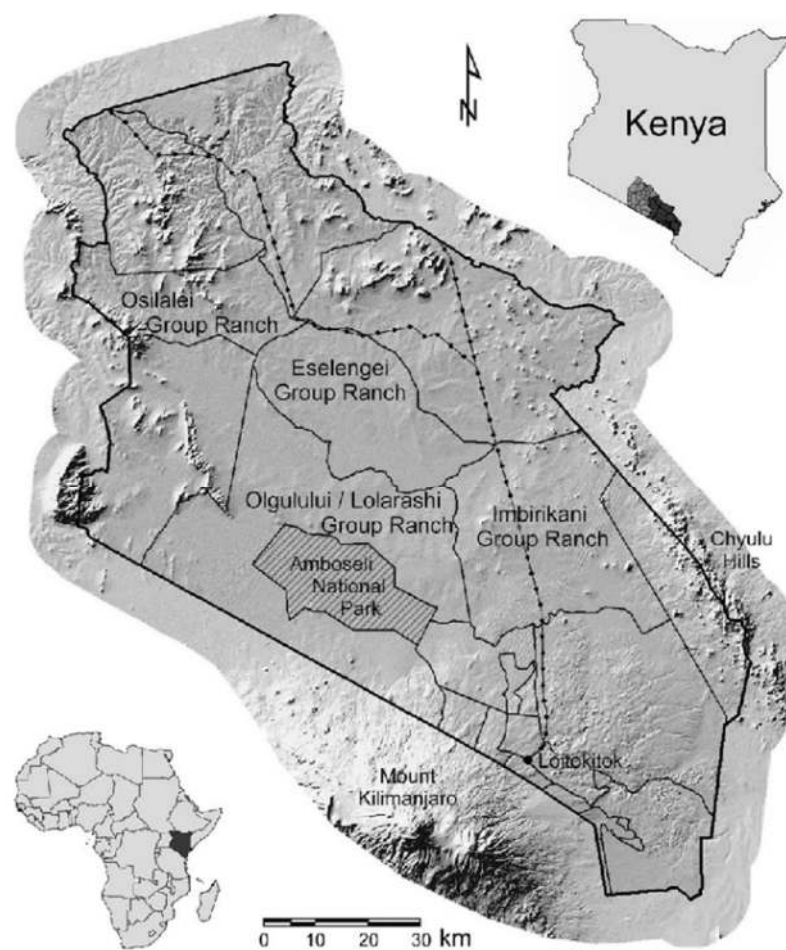
**Figure 5 - 4: Land Subdivision Zones in Kajiado County (CGK 2019)**



**Figure 5 - 5: Proposed landuse in Kajiado South Sub-County (CGK 2019)**

## 5.2: Eselenkei area

Eselenkei Group Ranch (2,19' 57"S; 37°18',8"E) is surrounded by Kaputie South Group Ranch to the north, OOGR to the south, Osilalei Group Ranches to the east and Mbirikani Group Ranch to the west (**Figure 5-6**). The area is semi-arid, which is suitable for livestock grazing, wildlife conservation, and tourism. The group ranch was formed in 1979 mainly by the three clans of the Kisonko Maasai, namely, Laiser, Illmolian, and Iltayok whose landuse is dominated by pastoralism involving the raising of cattle, sheep, goats and donkeys. Small scale irrigation is undertaken using water drawn from the Nolturesh water pipeline from the foot slopes of the Kilimanjaro. In 1997, EGR established the Porini Camp through a partnership with a private investor involving a 15-year lease of land around the Selenkay Conservancy in which the landowners would receive a gate charge and bed-night fee for each tourist entering the group ranch.



**Figure 5 - 6: Location of Eselenkei**

EGR which lies a short distance to the north of the Amboseli National Park constitutes an important dispersal area for the greater Amboseli ecosystem. It serves as part of the wet season migratory range for large mammalian wildlife species in the Amboseli National Park, like the African elephant, wildebeest, zebra, kongoni, Thompson's gazelle, Grant's gazelle, impala, oryx, eland, buffalo, giraffe, warthog, lesser kudu and ostrich. For this reason, KWS has traditionally worked



in partnership with EGR management to ensure sustainable human-wildlife co-existence in the area. The agency supports the local people through the provision of school bursaries as well as the support of local development projects including borehole construction and maintenance.

The area is dominated by *Acacia-Commiphora* bushland and woodland with scattered patches of waterlogged open grassland. The natural vegetation cover has enabled the integration of EGR in the Chyulu Hills REDD+ Project through the coordination of Big Life Foundation (BLF). The initiative has a clear "revenue allocation model" agreed between the other REDD+ partners who comprise KWS, KFS, MWCT, DSWT, BLF, Kuku A, Kuku B, Rombo and Eselenkei Group Ranches. It is hoped that the EGR land subdivision will not affect the carbon credit scheme in a negative way through vegetation clearance.

**Table 5-1** shows the recent (1974-2020) wildlife population trends in Amboseli region (Western & Mose, 2022). **Table 5-2** shows the populations of different wildlife species in MGR and other group ranches based on the 2022 count (Western & Mose, 2022). **Figure 5-7** shows the distribution of wildlife corridors in the Amboseli region including the Eselenkei area where recent surveys has shown increased elephant populations (**Figure 5-8**). The wildlife corridors and dispersal areas are not likely to survive without the preservation of a communal land tenure in the pastoralism and wildlife conservation zones through gazettement and implementation of landuse control restrictions.

**Table 5 - 1: Wildlife population trends in the Amboseli Region (1974-2020)**

Species	1974–2020 population trend		
	$\tau$	Trend	P
Zebra	0.34	+	0.0003***
Wildebeest	-0.08	-	0.4034
Grant's gazelle	-0.06	-	0.5606
Thomson's gazelle	-0.22	-	0.0184*
Elephant	0.3	+	0.0017**
Buffalo	-0.19	-	0.0447*
Shoats	0.52	+	<0.0001***
Cattle	-0.07	-	0.4378
Donkey	-0.4	-	<0.0001***
Eland	-0.05	-	0.5707
Gerenuk	-0.39	-	<0.0001***
Giraffe	0.05	+	0.5809
Impala	-0.5	-	<0.0001***
Lesser Kudu	-0.11	-	0.2265
Warthog	-0.06	-	0.5308
Waterbuck	-0.2	-	0.0391*
Kongoni	-0.28	-	0.0034**
Oryx	-0.32	-	0.0005***
Ostrich	0.02	+	0.8345
Rhino	-0.56	-	<0.0001***
Total wildlife production	0.08	+	0.3707
Total livestock production	0.04	+	0.6544
Total animal production	0.08	+	0.3787

Notes: Elephant, zebra, and shoats increased significantly. Buffalo, Thomson's gazelle, donkey, gerenuk, impala, waterbuck, hartebeest, and rhino decreased significantly. Other species showed no significant change.

\*  $P < 0.05$ ; \*\*  $P < 0.01$ ; \*\*\*  $P < 0.001$ .

**Table 5 - 2: 2022 Wildlife populations in MGR and other group ranches**

Group ranch	Amboseli Park	Olgulului Ololarashi	Imbirikani	Eselenkei	Kaputei South	Kimana	Kuku	Chyulu West
Species								
Burchell's zebra	1,646	5,454	2,432	2,360	2,698	608	4,452	108
Wildebeest	2,165	2,487	2,590	180	90	108	841	0
Kongoni	0	0	0	0	0	0	0	90
Thomson's gazelle	0	0	0	0	0	0	36	0
Grant's gazelle	484	4,721	2,003	396	322	359	590	805
Impala	0	0	18	0	0	0	0	197
Eland	0	108	180	126	1501	519	198	0
Buffalo	1,715	0	0	0	0	0	0	0
Elephant	1,215	18	0	72	18	536	233	36
Giraffe	36	556	717	1381	841	429	681	466
Cattle	2,287	42,851	61,346	37,331	67,659	11,558	33,008	3,020
Sheep & goats	0	69,137	35,377	36,884	62,176	14,182	38,206	3,376
Ostrich	0	288	54	18	0	18	36	0
Donkey	0	2,163	0	0	270	0	90	0
Gerenuk	0	0	0	18	0	0	0	0
Warthog	0	0	0	0	0	90	0	0
Camel	0	108	0	0	179	0	0	0

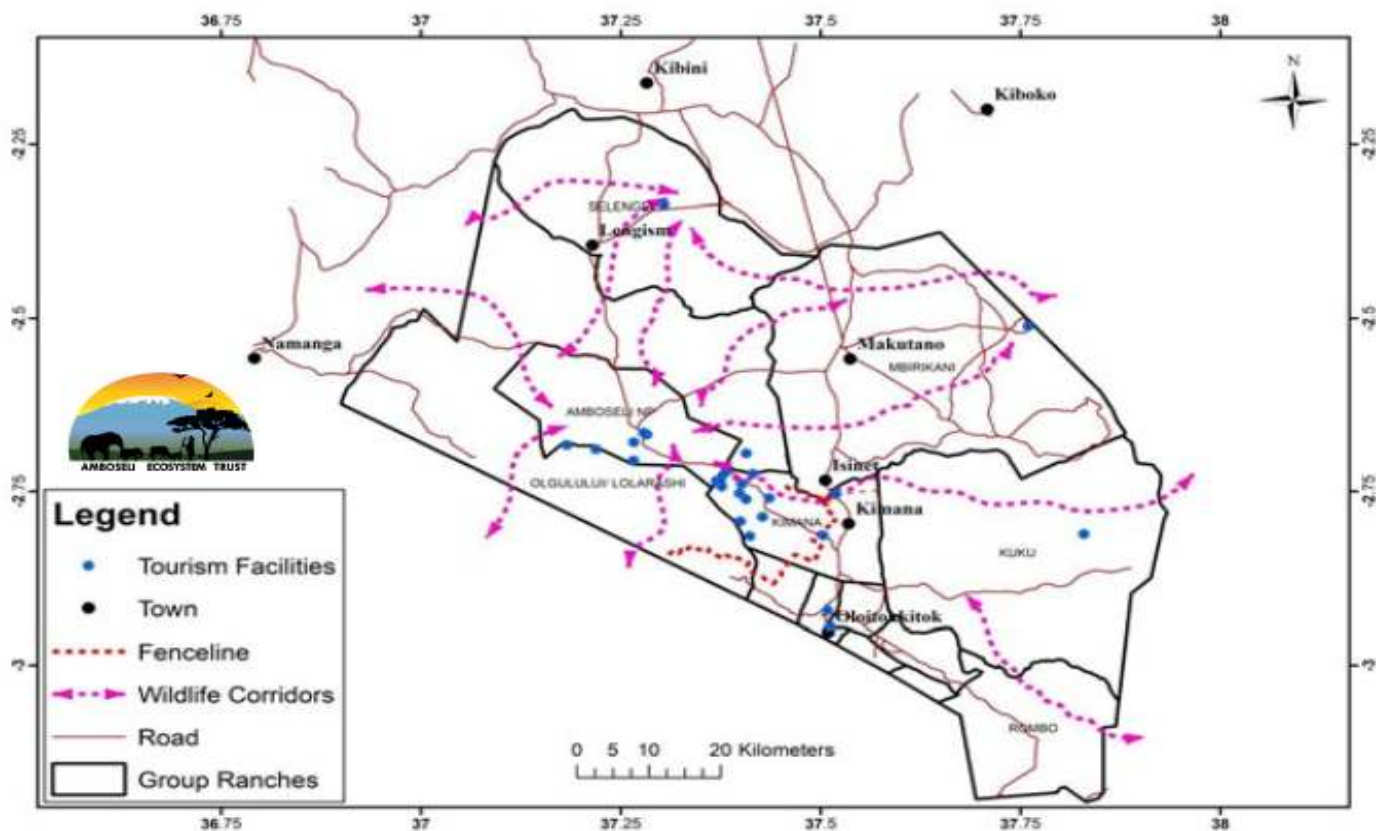
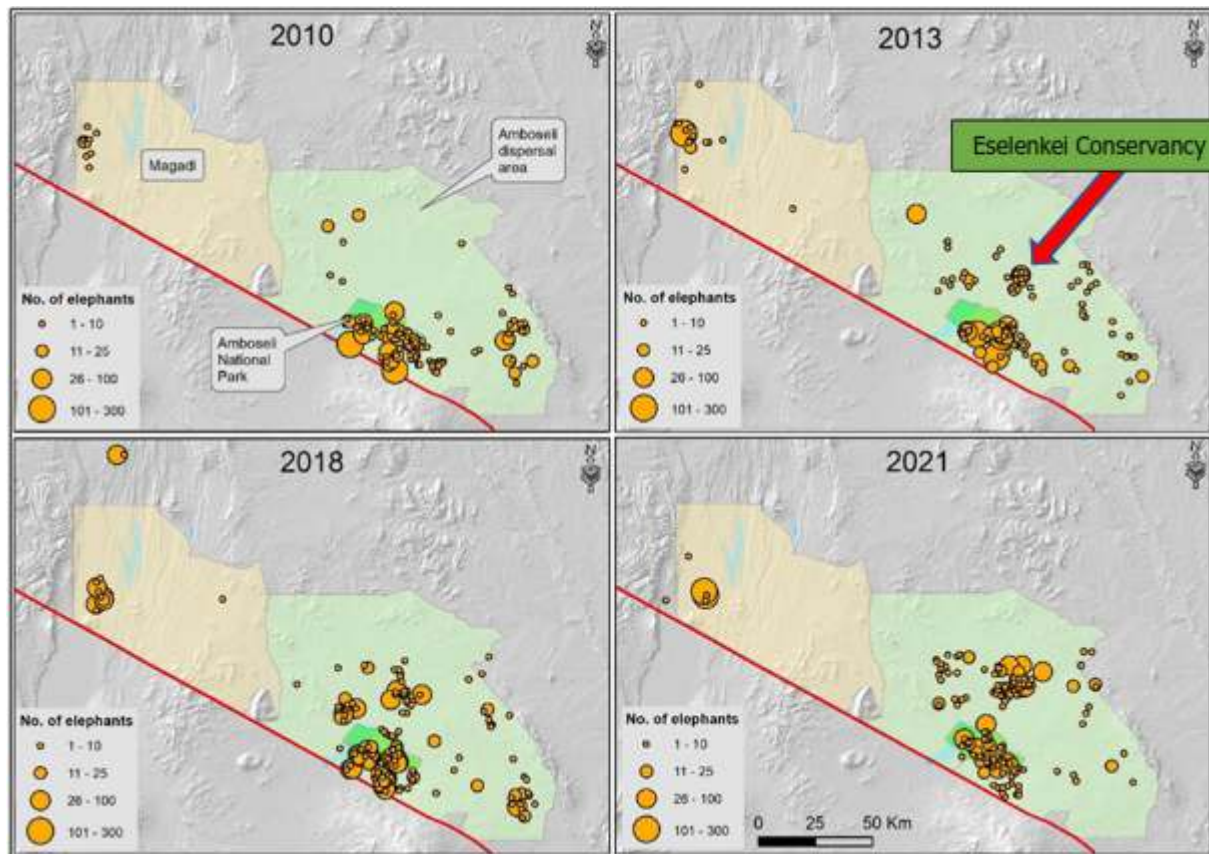


Figure 5 - 7: Wildlife corridors in the Amboseli region (AET 2020)



**Figure 5 - 8: Elephant population trend in Amboseli region (2010-2021)**

### 5.3: Summary of Baseline Situation

The baseline situation analysis revealed that The EGR landowners have relied on traditional governance systems to manage use and access of natural resources (water, pasture, construction materials). This system has a number of significant merits including; a) mitigating resource overuse and environmental degradation, b) ensuring no member is denied access to shared group ranch resources both for livestock husbandry and household's needs, c) preserving the natural state of the environment, its diversity and heterogeneity, d) cushioning livestock and households from the vagaries of climate variability especially drought, e) promoting coexistence between people and wildlife, and f) protecting ecological integrity and health of the environment which is the backbone of local livelihoods and pastoralism. Land subdivision is likely to disintegrate traditional systems in a similar way like what happened in the former Kimana group ranch and other ranches in the country. A summary of the baseline status of different landuse zones as observed during the SEA field mission in May 2022 is highlighted below.

#### 5.3.1: Settlement zone

This will be the second largest landuse zone after the grazing land and settlement zone in which each member has been allocated 10 acres with title deed. It comprises the existing settlement areas where members were previously residing predominantly in nucleated settlements located in six areas, namely Lenkisim, Olanti, Enchilishili, Iloirero, Oltotoi and Iltuleta. The locations are mostly influenced by the availability of water and proximity to social services including transport, educational and medical facilities. The market centres are associated with a wide range of small-scale commercial activities and facilities including shops, hotels and butcheries. Human



settlements are characterized by moderate to heavy grazing (**Plate 5-1**). Some settlements close to the Nolturesh water pipeline and Selengei River are endowed with water resources which have converted them into local hubs for irrigated agriculture (**Plate 5-2**). However, it is not clear whether the farming, especially along the water pipeline will survive for long based on the rising water demand along the Emali-Loitokitok road corridor including the designation of the corridor as the key human settlement zone in the MGR. The only tarmac road in Eselenkei the area is the newly constructed Kajiado-Isara road which connects to the Emali-Loitokitok road (**Plate 5-3**). The market centres in Eselenkei are evenly distributed to the northern zone of Eselenkei (Iloirero, Oltotoi and Iltuleta) and southern zone (Lenkisim, Olanti and Enchilishili). **Plate 5-4** shows some of the market centres. The baseline field for the LSP SEA undertaken in May 2022 showed that most of the centres are suffering from poor solid waste management attributed to; a) lack of waste handling facilities and services by Kajiado county government, b) poor waste management ethnics by residents, c) low or lack of awareness among residents on the health and environmental dangers of mismanaging solid waste. Observations showed that wildlife tended to avoid the market centres and was concentrated in the central part of Selenkei which has been designated as the pastoralism, wildlife conservation and tourism zone.

Some areas in the settlement zone were characterized by intensive sand harvesting along the Selengei River (**Plate 5-5**). This was found to have devastating impacts on the riparian environment. Apart from affecting sub-surface water recharge, the activity was found to be introducing exotic invasive species especially *Nicotiana glauca*.



**Plate 5- 1: Oltotoi settlement area**



**Plate 5- 2: Small scale irrigation along the Nolturesh water pipeline**



**Plate 5- 3: Kajiado-Isara Road**

### ***5.3.2: Agriculture and settlement zone***

This zone is focused on the irrigated agricultural areas along the Nolturesh water pipeline and Eselenkei River in which each landowner was allocated 2-5 acres with title deed. The dominant crop was tomato which was mainly produced for the urban markets in Emali, Kajiado and Nairobi. In all the cultivation areas, most of the natural vegetation has been cleared and replaced with crop cover (**Plate 5-6**). These areas are characterized by high and rampant water abstraction for irrigated agriculture and use of agrochemicals especially pesticides to manage pests.



### **5.3.3: Grazing land and settlement zone**

This will be the second largest landuse zone in Eselenkei which is distributed around the traditional areas of human settlement and market centres. It is mostly concentrated in the northern part of Eselenkei with only a small portion in the south-western corner in the area around Olanti which borders Mbirikani. The baseline survey showed that some parts of the zone were characterized by scanty woody vegetation cover dominated by *Acacia mellifera*, *Acacia tortilis*, *Commiphora africana* and *Balanites aegyptica*. There was clear overgrazing and environmental degradation in some area as evidenced by widespread patches of bare ground (**Plate 5-7**).

### **5.3.4: Pastoralism rangeland and wildlife zone**

This will be the largest landuse zone in Eselenkei to be shared by both livestock and wildlife in which each landowner getting 42 acres with title deed. The zone is distributed around the wildlife corridors and dispersal areas both to the north and south and will almost act a buffer area. The findings of the baseline survey showed that it is characterized moderate to dense woody vegetation cover with *Acacia mellifera*, *Acacia tortilis*, *Commiphora africana* and *Balanites aegyptica* as the most common woody species. The state of environment in the zone was still good during the survey in May 2022. Apart from supporting livestock, the zone serves an important wildlife dispersal area for the Amboseli National Park especially for the elephants (**Figure 5-7**). In addition, it also sustains a wide range of other species especially in the wet season. These include giraffe, buffalo, eland, zebra, Thompson and Grants gazelle, impala, baboon, hyena, lion, leopard and ostrich (**Plate 5.8**).



**Lenkisim**



**Olanti**

**Plate 5- 4: Market centres in Eselenkei**



**Plate 5- 5: Sand harvesting in along the Selenkei River**



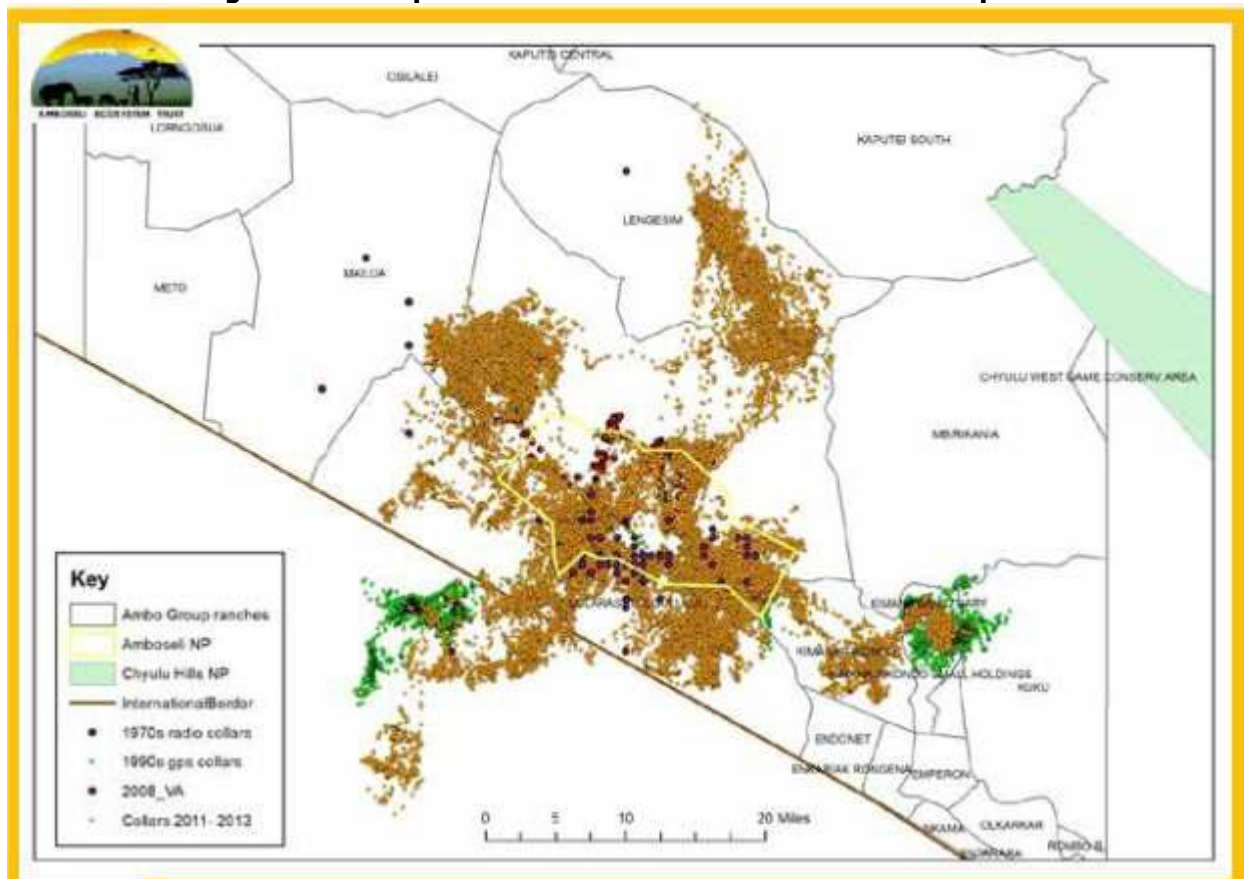
**Plate 5- 6: Tomato farming along the Selengei River**





**Plate 5- 7: Overgrazing near the settlement areas**

**Figure 5 - 9: Elephant movements in the Amboseli landscape**



Source - AET, 2019

**Plate 5- 8: Pastoralism and wildlife rangeland zone**



**a) Livestock grazing**



**b) Elephant in the zone**

#### ***5.3.4: Wildlife corridors, conservancy and tourism zone***

This will be the elongated narrow zone almost at the centre of Eselenkei. It covers the Tulakaria-Osewan and Marite-Oseki which sustain traditional wildlife movements between the Selenkay Conservancy, Amboseli National Park and the Greater Amboseli Ecosystem. 700 EGR members were allocated 47-acre land parcels each in this zone without title deeds. The landowners have entered into a lease agreement with Big Life Foundation for the 33,000 acres to be sustained as an intact block of land mainly for wildlife and controlled dry season grazing. The zone also covers the Selenkay Conservancy which hosts the Porini Camp. The primary focus of the zone will include wildlife conservation and tourism. Controlled dry season grazing will also be permitted in extreme drought. **Plate 5.9** shows that the zone was in good state during the baseline survey for the Eselenkei LSP SEA in May 2022 which was in the middle of a prolonged drought season.



**Plate 5- 9: Wildlife corridors, conservancy and tourism**



**a) Selenkay Conservancy**



**b) Porini Camp**

***5.3.5: Transport and infrastructure***

This is associated with the transport, communication and related infrastructure

## 6. STAKEHOLDER CONSULTATION FINDINGS

Comprehensive consultations with the ordinary EGR landowners was undertaken at the scoping stage in order to establish whether the people were aware and conversant with the LSP including the landuse zonation. The consultations were also intended to determine the level of acceptance for the permitted activities in various landuse zones as well as the landuse restrictions. Finally, the process was intended to determine the duration of LSP implementation before a review of the landuse restrictions.

The consultations were undertaken according to the engagement plan provided in **Table 3.2** through public consultation meetings involving a group of local people in different locations within the Eselenkei area. The minutes for the public consultation meetings are provided in **Annexes A2-10**. The findings of the stakeholder consultations are highlighted below.

### 6.1: Scoping Consultation Findings

The summary of a synthesis of the stakeholder views regarding the key consultation issues are highlighted below.

#### ***6.1.1: Awareness and acceptance of the Eselenkei LSP including the land subdivision zones***

The findings showed that the Eselenkei landowners were aware of the subdivision process and had attended several meetings with their leaders concerning the land subdivision process. Education *barazas* (Public meetings) aimed at sensitization community members about the planned subdivision of the group ranch and what it would entail including the process to be used were held. The awareness meetings were conducted in different zones across the entire group ranch. The findings showed that the people were familiar with LSP, and as a community, they agreed to undertake the subdivision for easy management and utilization of their land.

It was established that the landowners were involved in the entire process by the EGR leadership, right from the time when sub-division was proposed to the demarcation. The participants confirmed that they were familiar and in agreement with the landuse and sub-division plan process. The findings from the landowner consultations showed that prior to the subdivision process, a verification of the actual and true members including their correct names was done to ensure no new members were added. This also ensured no outsider got land since it would have created conflicts.

The findings showed that there was equity in land subdivision which was based on fair distribution of land among the three Maasai clans. For example, total number of plots in Oltotoi market centre was 1200 which was shared equally among the members of the 3 clans which translated to 400 plots per clan. Each clan leader was expected to ensure fair distribution of the same to his members to avoid disputes.

There was clear evidence that the people were conversant with the 6 landuse zones that have been created in Eselenkei and in agreement with the landuse zones. The community including the women was happy about the subdivision. Most of the members confirmed that they had been shown their parcels of land after subdivision and received their titles where applicable. Some people had not received their titles which were still being processed. The agreed fee for the processing land title deeds was Ksh 23,000.



The findings showed that the landowners agreed that the decision for each member to get 10 acres per member for settlement was reached between the community members and the EGR leaders. Regarding the allocation of the 10 acres in the settlement zone, members and group ranch leaders agreed to locate this in the traditional settlement areas in order to avoid the cost of relocation. In addition, to the 10 acres, members would get 47 acres or 42-acre in the grazing and settlement area and also the pastoral and wildlife rangeland plus 2 or 5 acres in the agriculture and settlement zone. About 25% of the members will settle in the 42 acres (with 5 acres in the cultivation zone) 75% may opt to live in the 47 acres (with 2 acres in cultivation zone). 700 members voluntarily agreed for their 47 acres in the pastoral and wildlife rangeland category to be allocated within the wildlife migration corridor in which conservation will be the priority landuse. The members in the wildlife corridors had already signed lease agreements with Big Life Foundation to reserve the area for wildlife conservation in return for an annual payment of Ksh 47,000 calculated at a rate of Ksh 1,000 per acre. The payment would be made directly to the private land owners.

#### ***6.1.2: Awareness and acceptance regarding the permitted activities in each landuse zone***

The synthesis of consultation findings showed that the landowners were adequately informed and sensitized on the permitted activities in each zone and were in agreement with the same. The permitted activities in each zone were discussed and agreed upon in several meetings held by EGR members. There was evidence that the landowners had resolved to ensure the preservation of the pastoral and wildlife rangeland as well as the wildlife corridors and Selenkay Conservancy as shared common land to be protected for collective use. Grazing in the conservancy will only take place during extreme drought. They indicated the need for proper strategies and mechanisms in order to ensure effective enforcement of the LSP. The people were aware that in the lease for the tourism investor at Porini Camp was yet to expire. Upon expiry, the member would agree on the new leasing arrangements.

#### ***6.1.3: Awareness and acceptance regarding landuse restrictions***

The findings showed that the landowners were aware about the land restrictions in the 42 and 47 acres within the grazing and settlement as well as the pastoralism and wildlife rangelands including fencing prohibitions. Some of the landowners indicated that wildlife use should be restricted in the pastoralism and wildlife zone (42 & 47 acres) unless KWS doubled the annual bursary fund. The people were aware about the strict restrictions in the wildlife corridors and conservancy area including grazing prohibition except during extreme droughts. They also knew that vegetation clearance will be prohibited in in all zones to allow private land owners begin harnessing carbon credit through Big Life Foundation. During the SEA baseline survey in May 2022 that some landowners after issuance of title deed had started selling their land in the grazing and settlement zone with the new owners from outside the area already clearing and fencing the land for agriculture as shown in **Plate 6.1**.



**Plate 6- 1: Land clearance and change of use in Eselenkei**

#### ***6.1.4: Review of land restrictions***

The synthesis of findings showed that the landowners and their leaders had agreed the duration for the landuse restrictions should be 30 years with a review after 10 years. They accepted that the duration will; a) allow the current generation of youth to grow, learn and understand the importance of private land and how best it could be managed, b) enable the community to get a clear perspective on the positive and negative impacts of the landuse restrictions including the changes which might occur in the Eselenkei landscape due to the land reforms, and, c) enable the landowners an opportunity to assess and learn how human population growth and settlements will have changed on the 10 acres allocated in the settlement zone. However, some people felt that since the landuse restrictions were a new thing to the landowners. Some people felt that they should therefore be reviewed early enough in order to determine their benefits and compliance challenges. There was a feeling that private landowners have the right to review the restrictions after some years in order to make necessary adjustments for their benefit. In this regard, some landowners suggested that the review should be done after 5 years to enable people experience private land tenure and make amendments without overburdening them.

### **6.2: SEA Workshops and Wider Review of the Draft Report**

#### ***6.2.1: Stakeholder consultations on the draft SEA report***

The draft SEA report was circulated through the Client for stakeholder views and feedback. The aim of this was to:-

- a) share the findings as provided for in the Draft SEA report.
- b) allow stakeholders to contribute their views for integration in the Draft SEA report as prescribed in the 2012 National Guidelines for Strategic Environmental and Social Assessment in Kenya.

The summary of findings on the stakeholder consultations is provided below.

**Table 6 - 1: Summary of findings on the stakeholder consultations for the SEA draft report**

<b>EGR LSP Draft SEA Report Content</b>	<b>Stakeholder views</b>	<b>Revision areas</b>
1. Awareness and acceptance of the Eselenkei LSP including the land subdivision zones	The content in the draft report reflects the views of the stakeholders	Grammar, flow and document formatting
2. Awareness and acceptance regarding the permitted activities in each landuse zone	The content in the draft report reflects the views of the stakeholders	Grammar, flow and document formatting
3. Awareness and acceptance regarding landuse restrictions	The content in the draft report reflects the views of the stakeholders	Grammar, flow and document formatting
4. Review of land Restrictions	The content in the draft report reflects the views of the stakeholders	Grammar, flow and document formatting
5. SEA recommendations	The recommendations are acceptable	Grammar, flow and document formatting
6. Overall draft SEA report	The draft SEA report is acceptable	Grammar, flow and document formatting

**6.2.2: Wider peer review**

A 30-day wider peer review will be undertaken between 22<sup>nd</sup> and 18<sup>th</sup> December 2022 in accordance with EMCA Cap 387 and the National SEA Guidelines (2012) as follows:-

- Public notices inviting stakeholders to review and comment on the report were published in the Kenya Gazette and daily newspapers. The notices were also circulated in vernacular radio stations.
- The draft SEA report was uploaded on the NEMA website for free access to all interested parties.
- Hard copies of the draft SEA report were circulated to relevant institutions for review.
- Hard copies of the draft SEA report were circulated to relevant county offices for public review.

**6.2.3: NEMA technical review issues and responses**

NEMA consolidated and shared the institutional and public comments to be addressed regarding the draft SEA. **Table 3.3** provides a summary of the NEMA review issues and responses by the PPP proponent through the consultant which was integrated in the final SEA report.

**Table 6 - 2: Summary of the NEMA technical review issues**

NEMA issue	Response	Revision page(s)
<p>1. Clearly indicate what is the purpose and justification of undertaking the SEA for an already concluded process for the Eselenkei Group Ranch land use (EGR LSP) and subdivision plan</p>	<p>The process is not complete. Land allocation in the pastoralism and wildlife zones for both group ranches still pending. Issuance of conditional land titles awaiting completion and gazettment of LSP SEAs. The pending issue is the need for the MGR/EGR LSP SEAs to introduce a hybrid private-communal land tenure in the pastoralism and wildlife conservation zones which will address land dispossession, potential landlessness and wildlife conservation interests. Lack of the SEA intervention will lead to long term environmental and social disaster not only in the two group ranches but also in the entire in Amboseli Ecosystem (AE) due to the collapse of the traditional pastoralism practices and loss of critical wildlife corridors and dispersal areas</p>	<p>81-82</p>
<p>2. Clearly indicate what is the essence of using SESA as a strategic environmental tool as one of the overall governance structures used by the Amboseli Ecosystem Trust (AET) where land ownership is individualized taking note of the outdated Amboseli Ecosystem Management Plan (AEMP) 2008-2018 that was entrusted with AET and did not achieve its purpose</p>	<p>The AEMP not outdated – The revised AEMP 2020-2030 gazetted on 8th January 2021 by the Wildlife &amp; Tourism CS. The AEMP 2020-2030 has captured the recommendations of the 2014 AEMP SEA particularly in the tourism development and management programme. AEMP implementation is coordinated by the AET in collaboration with its partners which include NEMA.</p> <p>The SEA findings showed that all the emerging Group Ranch LSPs are strictly compliant with the land use zones as stipulated in the AEMP. Consequently, the MGR &amp; EGR LSP SEAs will support the enforcement of the AEMP at the local level thereby enabling grassroot domestication of ecosystem landuse zoning scheme.</p> <p>Gazettment and implementation of the MGR/EGR LSP SEA landuse restrictions in the pastoralism and wildlife conservation blocks will sustain pastoralism and WCDAs. Lack of the SEA intervention will lead to long term environmental and social disaster not only in the two group ranches but also in the entire in Amboseli Ecosystem (AE) due to the collapse of the traditional pastoralism practices and loss of critical wildlife corridors and dispersal areas.</p>	<p>83-84</p>

<p>3. This is an ex-post SESA. Clearly indicate the implementation status of the EGR LSP and AEMP. What are the areas of synergy and conflict between the EGR LSP and other existing PPPs within the Amboseli Ecosystem? Will the anticipated land uses enhance sustainability? Are the land uses compatible or the individualization will result into conflicts and further fragmentation of the ecosystem? What are the viable recommendations to mitigate against such?</p>	<p>a) Ex-post SEAs The law does not outlaw Ex-post SEAs. It is true that Ex-ante SEAs are much better for anticipating and mitigating PPP impacts. However, Ex-post SEAs are also useful for identification of ex-post adaptations as prescribe in s6.2.1 of the NSG, 2011. This is true for the EGR LSP where the SEA will integrate Tulakaria-Osewan and Marite-Oseki wildlife corridors as well as the Selenkay Conservancy. These which not adequately considered in the LSP yet they sustain traditional wildlife movements between the conservancy, Amboseli National Park and the Greater Amboseli Ecosystem. Other Ex-post SEAs have been conducted including two which NEMA was party to such as the Amboseli SEA, 2014 for AEMP 2008-2018 and the UNDP/NEMA Mining Policy SEA, 2017 for Mining and Minerals Policy, 2016.</p> <p>b) Implementation status of the MGR/EGR LSPs and AEMP Land demarcation has taken place in the two group ranches according to the landuse zoning scheme in the AEMP.</p> <p>Land titles for most of landuse zones have been issued. However, issuance of titles for the pastoralism and wildlife zones awaiting the finalization of the SEAs for binding restrictions through communal agreements. Ultimately new governance structures, (such cooperative societies under the Cooperatives Society ACT, 2004) will be established to replace the traditional GR framework which will cease operation.</p> <p>c) Synergy between the MGR/EGR SLP and AEMP 2020-2030 MGR/EGR LSPs will ensure grassroot commitment for domestication of the ecosystem landuse zoning scheme in the AEMP 2020-2030.</p> <p>d) Synergy between the MGR/EGR SLP and other existing PPPs</p> <ul style="list-style-type: none"> <li>• Kajiado County Land Sub-Division Guidelines 2018 (CGK 2018) – The LSPs are aligned with the guidelines</li> <li>• Kajiado County Spatial Plan 2019-2029 (CGK 2019) – The LSPs are aligned with the CSP</li> </ul>
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	<ul style="list-style-type: none"> <li>• National Environment Policy, 2014 (GoK 2014) – The LSPs will integrate the policy goal on protection of WCDAs (s4.10.2(1)) through the introduction of the hybrid private-communal land tenure in the pastoralism and wildlife conservation zones</li> <li>• National Wildlife Policy, 2020 and National Wildlife Strategy 2030 – The LSPs will support the policy goal on incentives for landowners hosting WCDAs through the hybrid private-communal land tenure - Big Life Foundation annual lease payments for landowners</li> <li>• Kenya Vision 2030 – The LSPs will support the flagship goal of “securing wildlife corridors and migratory routes by 2030” through the hybrid private-communal land tenure</li> <li>• CMS – The LSPs will align with Article 2.1 on conservation of migratory species through the hybrid private-communal land tenure</li> </ul> <p>e) How the anticipated land uses enhance sustainability</p> <ul style="list-style-type: none"> <li>• WCDAs in the AE might not survive introduction of the hybrid private-communal land tenure in the pastoralism and wildlife conservation zones – Through gazettement and implementation of landuse control restrictions through the LSP SEAs.</li> <li>• The hybrid private-communal land tenure model in the LSPs will address the land dispossession, landlessness and wildlife conservation interests.</li> <li>• Lack of GR LSP SEA intervention will lead to environmental and social disaster because land sub division was not adequately captured in the 2014 AE SEA.</li> </ul>	
4. The SESA objectives are inapt since the use of SESA as awareness tool for land subdivision and legitimization is inappropriate as they are not serving the purpose and aims of SESA which is for integration of environmental and social concerns into the Plans	<p>MGR &amp; EGR LSP SEAs are rare grassroots efforts for compliance with S57A(1&amp;2a) which requires “All Policies, Plans and Programmes to be subjected to Strategic Environmental Assessment</p> <p>Regarding the legalization issue, the desire of the land owners is for the two LSPs to adopt customary by-laws land and natural resources governance (Clan agreements, grazing rules). The role of the LSP SEAs is to:</p> <ul style="list-style-type: none"> <li>• Obtain stakeholder consensus as required in the law and NSG, 2011.</li> <li>• Gazette the necessary customary landuse by- laws under EMCA S57A for the</li> </ul>	10

	introduction of the hybrid private-communal land tenure in the pastoralism and wildlife conservation zones.	
5. Clearly indicate how the EGR LSP link "with the AEMP and the SESA approval conditions issued in 2014	<p>This is explained in the report in Section 8.6</p> <p>The linkages between the LSPs and the 2014 AEMP SEA approval conditions include the following:-</p> <p>2.4 - Consultation with Kenya Wildlife Service, design and maintain a wildlife migratory corridor for the wildlife within and around the Amboseli National Park</p> <p>2.5 - The PPP owner shall in consultation with the relevant stakeholders ensure a comprehensive land use management for the Amboseli Ecosystem and the pressure on resources is minimized so as to secure the land resources from exploitative activities</p> <p>2.6 - The PPP owner shall ensure that there is adequate public participation in the design, oversight and approval of developments that conform to the management plan within the Amboseli Ecosystem</p> <p>2.7 - The PPP owner shall ensure that all stakeholders are involved including the County Government so that the legality of who owns the wildlife; who has the responsibility for protecting it; and sustainability is embraced by all.</p> <p>2.8 - The PPP owner shall ensure that wildlife and better livestock management practices are undertaken to ensure ecological sustainability of the Amboseli Ecosystem (pgs 90 &amp; 89)</p>	81, 88
6. Clearly indicate the baseline data based on the identified key issues such as biodiversity assessment, air quality, wildlife corridors, animal dispersal areas including a trend analysis in terms of quality and quantity with their projections among other issues	Recent wildlife population trends have been integrated in Chapter 5 through Tables 5.1 and 5.2. A map of the wildlife corridors has been provided in Figure 5.7	38-40
7. Provide legible maps with clear explanatory notes for each to inform decision making	Provided	Done
8. Clearly indicate how the ongoing land subdivision promulgating individual land ownership in relation to the defined land uses such as cultivation zone, pastoralism and wildlife zone, tourism & conservation zone, settlement zone,	<p>a) The MGR and EGR land sub division on is compliant to the AEMP 2020-2030 landuse zoning scheme.</p> <p>b) WCDAs in the AE might not survive without the gazettement of landuse restrictions and control in the</p>	22-26



physical & social infrastructure and mining & industrial zones and the need to uphold the role and value of the group ranch and sustainability of the Amboseli Ecosystem while maintaining the continuity and protection of the wildlife corridors	<p>pastoralism and wildlife conservation zones through the LSP SEAs.</p> <p>c) Introduction of hybrid private-communal land tenure model will address land dispossession, potential landlessness and wildlife conservation interests.</p> <p>d) Lack of SEA intervention will lead to environmental disaster - High risk of losing AE as an IBAs.</p>	
9. Discuss the intra and inter transboundary issues associated with the implementation of the Plan	Integrated in the impact assessment section	58-63
10. Provide a comprehensive discussion on identification, review and analysis of issues and impacts (direct, indirect, cumulative and long term) and mitigation measures on the environment (land, water, air and human health)	Integrated in Section 7	58-63
11. Provide an updated and detailed Environmental Management and Monitoring Plan (EMPP). The detailed review and analysis of impacts (direct, indirect and cumulative) should guide the formulation of the EMMP that would go a long way in supporting the implementation of the plan. The Plan owner (Eselenkei Group Ranch) needs to own up the entire process and take up their responsibility as required	Integrated in Section 8	72-79
12. Provide a comprehensive stakeholder mapping, engagement plan and communication plan employed during the SESA process for review and decision making	Enhanced in Section 3 (Approach & methodology)	14-15

#### ***6.2.4: Validation workshop***

The proceedings for the validation workshop are provided in **ANNEX D**.

## 7. PLAN IMPACT ANALYSIS AND ENVIRONMENTAL SCENARIO BUILDING

### 7.1: ENVIRONMENTAL AND SOCIAL IMPACT ANALYSIS

**Table 7- 1: Environmental and Social Impact Analysis**

Landuse zone	Permitted activities and restrictions in the Mbirikani LSP	Potential positive impacts and consequences of permitted activities and enforcement of restrictions	Potential negative impacts and consequences with violation of landuse restrictions	Impact analysis			
				Direct	Indirect	Short-term	Long-term
<b>1. Settlement</b>	<u>Permitted activities:</u> 1. Commercial and Residential development 2. Light industries 3. Social amenities such as education, health, etc 4. Permanent buildings 5. Road construction 6. Street lighting 7. Change of user 8. Greening the residential areas and road reserves <u>Note:</u> Prior to undertaking any of the above activities, development approval has to be granted by the competent planning authority  <u>Restrictions:</u> 1. Livestock rearing 2. Further subdivision and change of user 3. Row housing 4. Illegal boreholes	<ul style="list-style-type: none"> <li>Well-planned human settlements will avoid spontaneous, unregulated development and urban sprawl</li> <li>Diverse economic activities (such as shops, hotels, butcheries, and markets) and employment opportunities especially in new market centres such as Oltotoi</li> <li>Improved provision of essential services and infrastructure development</li> <li>Improved shELAer and quality of shELAer</li> <li>Introduction of sedentized lifestyles which will improve community life and governance standards</li> </ul>	Massive sale of land allocations in the settlement zone will trigger migration and settlement in the pastoralism zone				
			Mass acquisition of land by outsiders who do not share in the Eselenkei vision of traditional pastoralism and wildlife conservation				
			Mushrooming of unplanned settlements and urban sprawl				
			Dilution of traditional Maasai culture and practices				
			Increased crime and social vices (such as thefts and prostitution) in upcoming market centres such as Oltotoi				
			Increased water demand for mushrooming settlements				
			Risk of increased illegal bush meat trade through the scouting role of local youth				
			Increased challenges of the solid waste management (SWM) especially around the market centres within the settlement zone				

<b>2. Agriculture and settlement</b>	Permitted activities:	• Well-planned human settlements will avoid spontaneous, unregulated development and urban sprawl	Massive sale of land allocations in the settlement zone will trigger migration and settlement in the pastoralism zone				
	1. Cultivation of high value crops such as vegetable, tomatoes, onions, capsicum, coriander, and herbs	• Improved provision of essential services and infrastructure development	Mass acquisition of land by outsiders who do not share in the Eselenkei vision of traditional pastoralism and wildlife conservation				
	2. Perimeter fencing of irrigation and settlement areas	• Improved shELAer and quality of shELAer	Mushrooming of unplanned settlements and urban sprawl				
	3. Laying of irrigation infrastructure	• Introduction of sedentalized lifestyles which will improve community life and governance standards	Dilution of traditional Maasai culture and practices				
	4. Settlement	• Diverse mix of land use practices for sustainable development and economic returns	Increased water demand for mushrooming settlements				
	5. Animal husbandry	• Diversification of livelihoods by engaging in agriculture and related value-chain activities	Risk of increased illegal bush meat trade through the scouting role of local youth				
	6. Permanent buildings	• Alternative employment options in addition to traditional pastoralism	Increased challenges of the solid waste management (SWM) especially around the market centres within the settlement areas				
	7. Fencing of individual parcels	• Improved household food security in Eselenkei	High influx of high-end irrigation farmers from other areas leading to capital flight				
	8. Agroforestry	• Provision of alternative sources of household's income	Widespread soil exhaustion and salinization, leading to low productivity and abandonment of farming				
	Restrictions:	• Introduction of diverse business opportunities (such as residential, transport, and agrochemicals outlets)	Slow rangeland recovery rate for abandoned farming areas				
	1. Change of user	• Cushioning of households against low livestock returns during prolonged droughts					
	2. Construction of multiple permanent "bomas" or building units						
	3. Further land subdivision						
	4. Change of ownership						
	Non-organic farming						

<b>3. Grazing land and settlement</b>	<u>Permitted activities:</u> 1. Pastoralism 2. Wildlife conservation 3. Animal watering 4. Cattle dips 5. Ecolodges 6. Telecommunication infrastructure 7. Apiculture 8. Research activities 9. Reforestation through indigenous species	<ul style="list-style-type: none"> <li>• Preservation of traditional livelihood systems as well as the norms and values of the Maasai culture</li> <li>• Upholding tenets of collective management of rangelands to sustain pastoralism</li> <li>• Creation of diverse economic activities (such as shops, hotels, butcheries, and markets) and employment opportunities especially in new market centres such as Oltotoi</li> <li>• Improved provision of essential services and infrastructure development</li> <li>• Improved shELAer and quality of shELAer</li> <li>• Introduction of sedentized lifestyles which will improve community life and governance standards</li> </ul>	Mass acquisition of land by non-members and “outsiders” do not share in the Eselenkei vision of traditional pastoralism and wildlife conservation				
			Mushrooming of unplanned settlements and urban sprawl				
			Dilution of traditional Maasai culture and practices				
			Risk of increased illegal bush meat trade through the scouting role of local youth				
			High influx of high-end irrigation farmers from other areas leading to capital flight				
			Widespread soil exhaustion and salinization, leading to low productivity and abandonment of farming				
			Slow rangeland recovery rate for abandoned farming areas				
<b>4. Pastoral rangeland and wildlife zone</b>	<u>Permitted activities:</u> 1. Temporary manyattas 2. Pastoralism 3. Wildlife conservation 4. Animal watering points 5. Research expeditions 6. Collection of firewood and medicinal plants	<ul style="list-style-type: none"> <li>• Grazing pastures and wildlife habitats will be safeguarded against encroachment by settlements, towns, and industries</li> <li>• Continued existence of shared communal land for livestock grazing, wildlife conservation, and tourism economy</li> <li>• Traditional livestock rearing will be sustained</li> </ul>	Mass land disposal will lead to introduction of landuse activities which are incompatible with pastoral rangeland and wildlife zone				
			Mass land disposal will lead to fragmentation of pastoral and wildlife landscapes, uncontrolled settlements and fencing				
			Non-transparent land disposal (without appropriate consent of family members, including women and youth) will lead to disinheritance, loss of family wealth, clan or family feuds and conflicts				
			Land disposal will introduce a class of landless Maasais				

	<p>7. Construction of classified roads only</p> <p><u>Restrictions:</u></p> <ol style="list-style-type: none"> <li>1. Commercial development</li> <li>2. Crop cultivation</li> <li>3. Fencing</li> <li>4. Construction of permanent buildings</li> <li>5. Further subdivision of the 47 acres</li> <li>6. Change of user</li> <li>7. Road construction in the hinterlands</li> </ol>	<ul style="list-style-type: none"> <li>• Preservation of traditional livelihood systems as well as the norms and values of the Maasai culture</li> <li>• Upholding tenets of collective management of rangelands to sustain pastoralism</li> <li>• Sustain integrity of the greater Amboseli ecosystem including Amboseli national Park, Chyulu and Tsavo conservation areas</li> <li>• Protection and preservation of pastoral-based livelihoods</li> <li>• Preservation of wildlife use dispersal areas and movement corridors</li> <li>• Sustaining free movement of wildlife between the Amboseli and the Tsavo ecosystems to support tourism development</li> <li>• Preservation of the Amboseli-Tsavo landscape connectivity</li> </ul>	Mass acquisition of land by outsiders who do not share in Eselenkei vision of pastoralism and wildlife conservation				
			Introduction of incompatible land uses that will undermine the ecological integrity of the Amboseli ecosystem				
			Private land tenure will introduce resource-intensive livelihood systems (such as hay and fodder production, milk-selling and packaging, and meat processing) which could push poor members out of the livestock value chain				
			Private land tenure will introduce socio-economic differences which will alienate some people from the land economy and escalate poverty				
			Widespread subdivision and fencing of private land will obstruct traditional livestock and wildlife movements				
			Increased human-wildlife conflicts				
			Wildlife retaliatory attacks due to increased human-wildlife conflicts				
			Decline in wildlife populations				
			Collapse of landscape ecological linkages between Amboseli and the Tsavo ecosystems				
			Land degradation due to overstocking, vegetation clearance, and soil erosion				
			Collapse of the REDD+ carbon credit project in Eselenkei due to destruction of woody vegetation				
			Collapse of livestock-based livelihoods due to land reforms				
			Impaired capacity for people to cope with and adapt to climate change due to escalating household poverty and reduced socio-economic resilience				
			Increased reliance on county and national government aid and support				

<b>5. Wildlife corridors, conservancy and tourism</b>	<b>Permitted activities:</b>	<ul style="list-style-type: none"> <li>• Wildlife habitats will be safeguarded</li> <li>• Traditional fall-back and refuge grazing areas in prolonged droughts will be sustained</li> <li>• Wildlife heritage and tourism economy will be safeguarded</li> <li>• Livestock mobility networks will be safeguarded</li> <li>• Traditional livestock rearing practices in Eselenkei will be sustained</li> <li>• Preservation of traditional livelihood systems, norms and values of the Maasai culture</li> <li>• Safeguarding shared communal land for livestock grazing, wildlife conservation, and tourism development</li> <li>• Upholding tenets of collective management of rangelands to sustain pastoralism</li> <li>• Promotion and diversification of conservation-based enterprises for revenue generation without undermining pastoralism</li> <li>• Protection and conservation of natural rangeland environment</li> <li>• Sustain integrity of the greater Amboseli ecosystem including the Amboseli National Park, the Chyulu and the Tsavo conservation areas</li> </ul>	Increased human-wildlife conflicts especially in the dry season				
	1. Wildlife conservancy		Increase of incompatible land use with wildlife conservation and tourism development				
	2. Ecological research		Decrease in wildlife populations				
	3. Laying of underground infrastructure		Increased environmental degradation				
	4. Construction of water pans		Collapse of livestock-based livelihoods due to land reforms				
	5. Planting of indigenous trees		Collapse of landscape ecological linkages between Amboseli and the Tsavo ecosystems				
	<b>Unclear omission:</b>		Downgrading of Eselenkei landscape as an attraction for high-end local and international tourists				
	Carbon credit scheme		Lower attraction of the Eselenkei landscape for tourism investors				
	<b>Restrictions:</b>		Collapse of tourism enterprises and loss of job opportunities				
	1. Crop cultivation		Collapse of the BLF REDD+ carbon credit initiative project in Eselenkei due to woody vegetation destruction				
	2. Any form of land subdivision		Impaired capacity for people to cope with and adapt to climate change due to escalating household poverty, and reduced socio-economic resilience				
	3. Change of current user		Increased household's reliance on county and national government aid and support				

		<ul style="list-style-type: none"> <li>• Tourism returns to local communities will be assured and enhanced</li> </ul>					
<b>6. Transport and infrastructure</b>	<u>Permitted activities:</u> 1. Classified primary and secondary roads 2. Creation of buffer roads around the conservancy 3. Graveling of all roads that link Eselenkei with the region and collector and distributor roads 4. Primary, secondary and nucleated settlement road reserves may be used in laying utility and services 5. Establishment of an airstrip in the conservancy <u>Restrictions:</u> Settlements, construction of permanent 'bomas' or buildings, construction of schools and health centers, further land subdivision, change of ownership, passenger vehicles	<ul style="list-style-type: none"> <li>• Provision of physical infrastructure proximate to human settlement areas</li> <li>• Spurred economic development in Eselenkei</li> <li>• Improved standards of living in Eselenkei</li> <li>• Improved transportation networks</li> </ul>	Introduction of numerous access roads in the pastoralism and wildlife zone will lead to the fragmentation of livestock and wildlife grazing landscapes				
			Obstruction of wildlife movement corridors by roads				
			Increased vehicle-wildlife-livestock collisions				
			Increased crime and social vices due to opening up of the area				



## 7.2: Environmental Scenario Analysis and Mitigation Options for Negative Impacts

### 7.2.1: Settlement zone

#### a) Scenario with effective enforcement of LSP restrictions

The adherence to the permitted activities will enable the evolution of well-planned human settlement and avoid spontaneous and unregulated development. The settlement zone will create a vibrant economic zone along the Kajiado-Isara road especially at Iltotoi market centre comprising residences and business (e.g. small markets, shops, hotels, butcheries, lodges, hardware outlets etc.) which will create employment opportunities and improve standards of living. The zone will improve the provision of essential services and infrastructure development and promote sedentary lifestyles which will also improve community life and governance standards

#### b) Scenario with violation of LSP restrictions and mitigation measures

The violation of restrictions in this zone is likely to lead to the mushrooming of unplanned settlements which will lower the aesthetic image of Eselenkei and the greater Amboseli region as a hub for tourism. Uncontrolled sale of land allocations in the zone will trigger migration and settlement in the pastoralism zone. Mass acquisition of land by non-members and 'outsiders' is likely to dilute the traditional Maasai culture and practices including the Eselenkei vision of traditional pastoralism and wildlife conservation. The development is likely to increase wildlife crime through the engagement of the youth with first-hand knowledge of the terrain with wildlife poaching and trafficking middlemen and cartels.

#### Mitigation options

- Controlling land disposal without the consent of family members, including women and youth
- Controlling the sale of settlement land to outsiders
- Addressing the potential problem of increased crime and other social vices in the zone
- Addressing the potential problem of inadequate water supply for upcoming market centres like Iltotoi
- Controlling wildlife crime

### 7.2.2: Agriculture and settlement zone

#### a) Scenario with effective enforcement of LSP restrictions

The inclusion of this zone in the LSP will promote diversification of land use practices in Eselenkei beyond traditional pastoralism by encouraging agricultural livelihoods and engagements in related value-chain activities. This will promote the farming culture among the Maasai people. Apart from cushioning households against low livestock returns during prolonged drought, agriculture will introduce a wide range of new business opportunities in the cultivation zone (e.g. agrochemical shops and ordinary shops, hotels, butcheries, transport service providers, rental houses, schools, dispensaries and pharmacies, etc.). All this will also introduce alternative employment options and sources of income in addition to traditional pastoralism. Cultivation activities will also improve household food security in Eselenkei.

*b) Scenario with violation of LSP restrictions and mitigation measures*

The inclusion of this zone in the LSP will inevitably lead to an influx of high-end irrigation farmers from other areas where agrarian practices are widespread. Although this will promote the farming culture among the Maasai people, it will increase the water demand in Eselenkei which is a water stressed area due to increased water abstraction for irrigation. In the final analysis, a significant part of the monetary gain from the exploitation of local resources will be exported out of the area through capital flight. But the farming activities in the cultivation zone are unlikely to last forever due to widespread soil exhaustion and salinization leading to low productivity and farming abandonment and collapse of the associate activities and businesses. The land recovery of the abandoned farming areas will take a long time which may force some of the landowners to look for alternatives including the desire to sell their land allocations in the cultivation zone. This might trigger the risk of migration to other zones after farming abandonment and collapse of the agriculture value chains.

**Mitigation options**

- Controlling the establishment of new irrigation farms on private land
- Mitigating water-related conflicts

**7.2.3: Grazing and settlement zone**

*a) Scenario with effective enforcement of LSP restrictions*

The implementation of Eselenkei LSP according to prescribed activities and enforcement of restrictions in the zone will sustain traditional pastoralism in Eselenkei. The settlement of people in the zone will reduce the pressure of high population density in the pastoral rangelands while sustaining wildlife heritage for the tourism economy.

*b) Scenario with violation of LSP restrictions and mitigation measures*

The violation of restrictions in this zone is likely to lead to the mushrooming of unplanned settlements and overstocking. This is likely to degrade the aesthetic image of Eselenkei and the greater Amboseli region as a hub for tourism. Uncontrolled sale of land allocations in the zone will trigger migration and settlement in the pastoral rangeland and wildlife zone. Mass acquisition of land by non-members and 'outsiders' is likely to dilute the traditional Maasai culture and practices including the Eselenkei vision of traditional pastoralism and wildlife conservation. The development is likely to increase wildlife crime through the engagement of the youth with first-hand knowledge of the terrain with wildlife poaching and trafficking middlemen and cartels.

**Mitigation options**

- Controlling land disposal without the consent of family members, including women and youth
- Controlling the sale of settlement land to outsiders
- Controlling overstocking

#### **7.2.4: Pastoral rangeland and wildlife zone**

##### ***a) Scenario with effective enforcement of LSP restrictions***

The implementation of Eselenkei LSP according to prescribed activities and enforcement of restrictions in the pastoral rangeland and wildlife zone will maintain some parts of the area as common land which will uphold the tenets of collective land management and sustain traditional pastoralism in Eselenkei. This will ensure that grazing pastures and wildlife habitats are safeguarded against encroachment by human settlements, market centre and towns. It will also preserve traditional livelihood practices, norms and values of the Maasai culture while sustaining wildlife heritage for the tourism economy. This is desirable for the integrity of the greater Amboseli ecosystem including the continued thriving of the Amboseli National Park and its ecological networks with other conservation areas in the neighbourhood.

##### ***b) Scenario with violation of LSP restrictions and mitigation measures***

The violation of LSP restrictions is likely to trigger uncontrollable land subdivision and disposal which will lead to fragmentation of pastoral landscapes through fencing and introduction of land activities which are incompatible with nomadic pastoralism. This has started happening in some places especially along the Eselenkei River (**Plate 7-1**). If this is not controlled, the area will experience mass acquisition of land by non-members and 'outsiders' which will ultimately dilute the norms and values of the Maasai culture. This scenario will seriously curtail traditional livestock mobility networks in pursuit of pasture and water and might eventually lead to the collapse of traditional pastoralism practices due to the constriction of grazing landscapes. The scenario will mark a deviation from the long-term vision of Eselenkei to sustain communal land both for livestock grazing and wildlife conservation.

**Plate 7 - 1: Fencing and vegetation in Eselenkei**



In case the LSP restrictions are challenged and violated and people settle or sell land allocated in this zone, the scenario is likely to be a similar situation like in the Kimana area. Woody vegetation clearance will occur due to charcoal burning and fencing of homesteads (bomas) and livestock sheds. Kimana group ranch experienced a surge in charcoal burning by non-Maais after land sub division which mainly targeting *Acacia tortilis* and *Acacia mellifera*, which is still happening. Due to increase in human presence and associated development activities, the human-wildlife interface will increase leading to high occurrence of human-wildlife conflicts and wildlife crime including illegal bush meat activities. At the landscape level, sedentarization in the zone and introduction of inappropriate human activities will interfere with the ecological linkages between

Amboseli and Tsavo Ecosystems. It will encroach into the designated wildlife movement corridors and impede free movement of wildlife between Eselenkei, Mbirikani and Amboseli National Park. Ultimately, this will undermine the sustainability of Amboseli National Park and other conservation areas in the region.

Widespread land disposal without the consent of family members, including women and youth is likely to lead to land disinheritance, loss of family wealth, numerous clan or family feuds and unmanageable disputes. It will also introduce a desperate class of landless Maasai which will become a headache for the society and is likely to increase crime, indecency and the collapse of traditional customary systems. This might lead to increased wildlife crime through the engagement of the youth with first-hand knowledge of the terrain with wildlife poaching and trafficking middlemen and cartels.

Through violations, the area is also likely to experience an escalation of rangeland degradation as a result of overstocking, vegetation cover loss and soil erosion. This could destroy the proposed opportunity for long-term revenue generation through the REDD+ carbon credit scheme. The scenario will seriously affect people's abilities to cope with and adapt to climate change due to escalating household poverty, and reduced socio-economic resilience. This will make household's very vulnerable and more dependent on external support especially by the national and county governments.

#### **Mitigation options**

- Controlling of further land subdivision and disposal
- Regulating land disposal without the consent of family members, including women and youth
- Creating private land as common land for shared use for communal livestock grazing and wildlife use in the pastoral rangelands
- Establishing conservancies in the pastoralism and wildlife zone
- Regulating livestock population by introducing improved breeds
- Preventing collapse of the REDD+ carbon credit project

#### **7.2.5: Wildlife corridors, conservancy and tourism**

##### *a) Scenario with effective enforcement of LSP restrictions*

Apart from its key role in the protection and conservation of the fragile natural environment in the middle sections of Eselenkei, which are associated with the Tulakaria-Osewan and Marite–Oseki wildlife corridors and Selenkay Conservancy, this zone will sustain the integrity of the greater Amboseli ecosystem and Tsavo conservation area by sustaining local and regional ecosystem networks and linkages. Additionally, it will continue serving as a traditional fall-back and refuge grazing area for livestock during prolonged droughts. This will preserve the tenets of collective land tenure (common land) as well as the traditional livestock rearing practice. The zone will ensure the continued promotion of conservation-based tourism enterprises as an avenue for alternative revenue generation without undermining pastoralism. It will also promote diversification and enhancement of tourism returns in the greater Amboseli ecosystem by enabling Eselenkei to continue attracting high end local and international tourists.

##### *b) Scenario with violation of LSP restrictions and mitigation measures*

Various restrictions have been prescribed for the zone but if they are violated in the future, a few scenarios might be observed. Increase in human activities in the zone will lead to environmental degradation leading to : a) decline and loss of woody and herbaceous vegetation cover, b) high

prevalence of soil erosion, c) decline and loss of high-quality grasses (Decreasers), c) high prevalence of annual herbaceous plant species, and d) increase in bare ground. A high influx of humans might also encourage over-exploitation of natural resources leading to further environmental damage and degradation. This will not be conducive with the BLF REDD carbon credit scheme. Presence of humans will encourage the introduction of landuse activities which are incompatible with wildlife conservation and tourism development. This scenario will lead to widespread environmental degradation, vegetation destruction, landscape fragmentation and impend free movement of wildlife between Eselenkei, OGR, Amboseli National Park, and other conservation areas in the neighbourhood. Human-wildlife conflicts especially during the dry season and illegal bush meat activities will intensify due to increased contact between humans and wildlife. As the landscape gets overran by human development and activities its ecological ability to support and sustain pastoralism and wildlife populations will decline substantially.

The violation of restrictions especially through massive land disposal in the settlement zone might lead to the introduction of settlements (or prolonged stays by pastoralists) in the zone leading to heightened competition for shared resources by livestock and wildlife. This will degrade the status of the area as a captivating wilderness area which could lead to the collapse of the existing tourism revenue generating opportunities including the closing down existing tourism facilities and relocation of investors to other areas. The conservation zone is also likely to experience increased degradation through overgrazing leading to significant loss of vegetation cover. This could destroy the proposed opportunity for long-term revenue generation through the REDD+ carbon credit project.

#### **Mitigation options**

- Conversion of the wildlife corridor zone into a large conservancy
- Ensuring equitable sharing of benefits accruing from wildlife conservation and tourism
- Regulating livestock population by introducing improved breeds
- Preventing collapse of the REDD+ carbon credit project in Eselenkei

### **7.2.6: Transport and infrastructure**

#### *a) Scenario with effective enforcement of LSP restrictions*

The provision of improved infrastructure (roads, electricity, health centers, schools etc.) especially in the settlement zone will spur economic development in Eselenkei, especially in new market centres such as Oltotoi, by introducing new income generating options which will improve the standards of living.

#### *b) Scenario with violation of LSP restrictions and mitigation measures*

The violation of restrictions is likely to downgrade the aesthetic standards of Eselenkei and the greater Amboseli region as a hub for tourism. The introduction of numerous access roads in the pastoralism and wildlife zone is likely to create fragmentation of grazing and wildlife landscapes. The transport networks are likely to escalate the obstruction of wildlife and livestock movement corridors by roads and increase vehicle-wildlife-livestock collisions. The improved transport and communication might lead to increased crime and other social vices due to the opening up of the area.

#### **Mitigation options**

- Controlling the obstruction of wildlife-livestock corridors by roads
- Addressing the potential risk of vehicle-wildlife-livestock collisions
- Addressing the potential problem of increased crime including wildlife crime due to greater rangeland penetration

### 7.2.3 Analysis of Alternative Options

**Table 7-1** shows the alternative project options which were considered in the SEA, while **Table 7-2** shows the analysis of alternative environmental and social options for the LSP. **Table 7-2** clearly shows that negative environmental and social impacts of land subdivision in the group ranch exceed the positive impacts. However, there is a strong and resolute desire to subdivide the group ranch probably due to public urge for absolute land ownership rights by the landowners. This is also based on the experience in other group ranches such as Kimana where sub division has already occurred hence the motivation to do the same.

**Table 7- 2: Analysis of alternative environmental and social options for the LSP**

Alternatives	Characteristics
<b>A<sub>0</sub> – No land subdivision option or base alternative</b>	Proceeding with Business-as-Usual (BAU) in the Eselenkei
<b>A<sub>1</sub> - Preferred option</b>	Land subdivision in the Eselenkei in line with the desires of the landowners

**Table 7- 3: LSP alternative options analytical matrix**

Project alternative	Positive impacts	Negative impacts	Preference ranking (based on landowner interests)
<b>A<sub>0</sub> – No land subdivision</b> <ul style="list-style-type: none"> <li>• Proceeding with Business-as-Usual (BAU) in Eselenkei</li> </ul>	<ul style="list-style-type: none"> <li>• Traditional pastoralism practice will be sustained</li> <li>• Safeguarding of livestock grazing areas and wildlife habitats</li> <li>• Preservation of traditional livelihood practices, norms and values of the Maasai culture</li> <li>• Preservation of ecological networks between the Amboseli ecosystem, and other conservation areas</li> <li>• Continuation of conservation-based tourism enterprises as an avenue for alternative revenue</li> <li>• Diversification of land use practices beyond traditional pastoralism</li> <li>• Improved and well-planned human settlements</li> <li>• Evolution of a vibrant economic zone along the Kajiado-Isara road corridor</li> <li>• Increased employment and business opportunities</li> <li>• Improved provision of infrastructure and essential services</li> <li>• Cushioning households against low livestock returns through introduction of alternative economic options</li> <li>• Increased solid waste management challenges</li> </ul>	<ul style="list-style-type: none"> <li>• Low land value</li> <li>• Land tenure insecurity</li> <li>• Lack of absolute land ownership rights</li> <li>• Limited right to own, use and dispose of land</li> <li>• Inability for individual landowners to enjoy the right to freely to transfer land titles through sale, gift or bequest</li> <li>• Land degradation as a result of overstocking</li> <li>• Unequitable sharing of group ranch benefits (such as tourism and conservation-related enterprises)</li> <li>• Inability to enjoy the benefits of more diversified livelihood opportunities</li> <li>• Systemic weaknesses in the group ranch regime including poor transparency and accountability</li> </ul>	2
<b>A<sub>1</sub> - Preferred option</b> – Land subdivision in Eselenkei in line with the desires of the landowners	<ul style="list-style-type: none"> <li>• Higher land value</li> <li>• Security of land tenure</li> <li>• Absolute land ownership rights</li> <li>• Individual right for individual landowners to enjoy the right to freely own, use, gift or bequest land</li> <li>• Provision of individual landuse freedom</li> <li>• Benefits of more diversified livelihood opportunities beyond traditional pastoralism</li> <li>• Freedom from ineffective group ranch governance and management regime</li> <li>• Improved and well-planned human settlements</li> <li>• Improved provision of infrastructure and essential services</li> </ul>	<ul style="list-style-type: none"> <li>• Uncontrollable land subdivisions and disposal</li> <li>• Mass acquisition of land by non-members and “outsiders”</li> <li>• Disputed land sales leading to disinheritance, loss of family wealth, numerous clan or family feuds</li> <li>• Introduction of a desperate class of landless Maasai</li> <li>• Dilution of the norms and values of the Maasai culture and traditions</li> <li>• Increased crime and indecency due to collapse of traditional customary systems</li> <li>• Fragmentation of pastoral landscapes through fencing</li> <li>• Escalation of the rangeland degradation problem</li> </ul>	1



	<ul style="list-style-type: none"> <li>• Evolution of a vibrant economic zone along the Kajiado-Isara road corridor</li> <li>• Increase employment and business opportunities</li> <li>• Improved cushioning households against low livestock returns through the introduction of alternative economic options</li> </ul>	<ul style="list-style-type: none"> <li>• Lower aesthetic appeal of Eselenkei as a tourism hub in the Amboseli ecosystem due to negative visual impacts of landscape change</li> <li>• Introduction of land activities which are incompatible with nomadic pastoralism and wildlife conservation</li> <li>• Colonization of the Eselenkei area by rangeland invasive species</li> <li>• Curtailing of traditional livestock mobility networks in pursuit of pasture and water</li> <li>• Collapse of traditional pastoralism practices</li> <li>• Collapse of the BLF REDD+ carbon credit scheme in Eselenkei</li> <li>• Collapse of the existing tourism revenue-generating opportunities</li> <li>• Increased water demands and water scarcity</li> <li>• Increased water-related conflicts</li> <li>• Increased wildlife-related conflicts</li> <li>• Increased wildlife crimes</li> <li>• Reduced capacity to cope with and adapt to climate change</li> </ul>	
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The best alternative option is not to sub-divide which is untenable (BAU Option) due to the increasing public demand for their land rights as provided in the National Constitution 2010. Consequently, the best alternative options are to:-

- a) Sub divide but introduce hybrid private-communal land tenure in the pastoralism and wildlife conservation zones through the issuance of conditional land titles, or
- b) Sub divide with the option of establishing conservancies in the pastoralism and wildlife zone using conditional land titles.

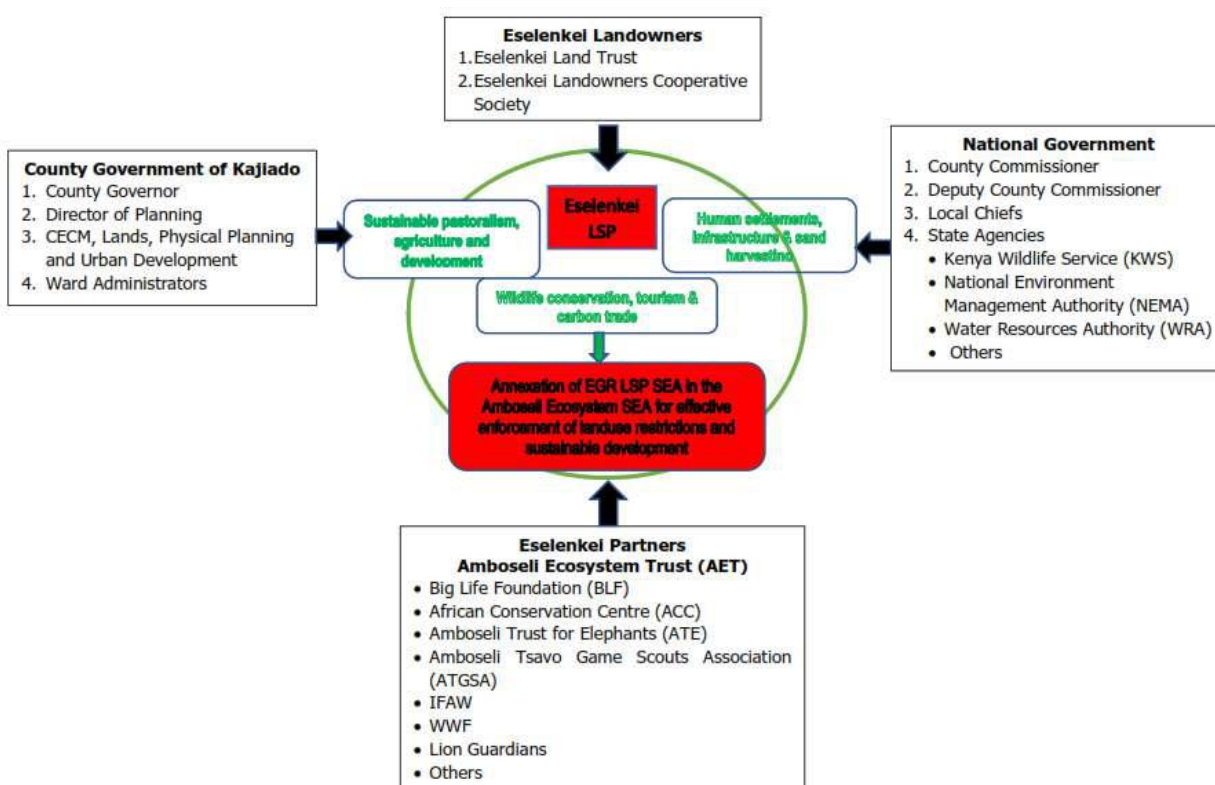
## 8. ENVIRONMENTAL MANAGEMENT AND MONITORING PLAN

### 8.1: Management and Monitoring Action

The main purpose the Environmental Management and Monitoring Plan (EMMP) is to recommend the required actions for effective implementation of the Eselenkei LSP as an instrument for land sub-division and landuse governance after the land reforms and transition into private land tenure regime. This is necessary in order to alleviate or minimize the risk of negative environmental and social impacts in all the six landuse zones. The EMMP will also support the long-term management, monitoring and evaluation of the environmental and social status in the landuse zones. It is important to note that an EMMP is a living framework which requires review and amendment from time to time based on emerging situations including new policies, legal frameworks, regulations, guidelines, national strategies and action plans including the ratification of additional MEAs.

### 8.2: Roles and Responsibilities

The successful implementation of the Eselenkei LSP will require the involvement and collaboration of various instructions at local, county and national level as shown in **Figure 8-1. Figure 8-1** The roles of the various players is highlighted below.



**Figure 8 - 1: Institutional framework for the implementation of the Eselenkei LSP**

### **8.2.1: County Government of Kajiado**

#### **1. CGK, Director Landuse Planning**

Responsible for upstream oversighting to ensure proper implementation of the Eselenkei LSP.

#### **2. CGK CECM, Lands, Physical Planning and Urban Development**

Responsible for upstream oversighting to ensure proper implementation of the Eselenkei LSP.

### **8.2.2: Eselenkei Landowners**

#### **1. Eselenkei Land Owners Association**

The association will be established primarily for purpose of holding and managing the common land in the pastoralism and wildlife zone, conservation and tourism zone (including Seelenkay Conservancy) in association on behalf of and in the interest of the beneficiary landowners. The association will be responsible for the overall governance of common land owned collectively by all the members. The shares shall be the basis of allocation of benefits from investments on the land. The association will continue engaging the services of the traditional network of local rangers, scouts and grazing committees for enforcement of LSP restrictions.

#### **2. Eselenkei Cooperative Society (ECS)**

The cooperative society will be responsible for the management of the investments on the common land. This will include negotiating investments with KWS, conservation agencies and other investors. This arrangement will ensure separation of ownership and control (governance) from use and investment (management).

### **8.2.3: Eselenkei Partners**

The role of the partners will be to support the Eselenkei Landowners in the management and conservation of the common land especially in the pastoralism and wildlife zone, conservation and tourism zone. This will be coordinated by the Amboseli Ecosystem Trust (AET) within their mission of securing intact and healthy landscapes that support local livelihoods and conservation in the region.

### **8.2.4: National Government**

The local administration and judiciary will support Eselenkei Landowners in the implementation of the LSP which will include settling landuse related disputes in accordance with the prescriptions provided in the gazetted LSP. The state agencies will also support the enforcement and also offer other forms of technical and financial assistance for the successful implementation of the LSP.

## **8.3: EMMP Schedule**

The schedule serves to give the list of environmental action to be undertaken. The EMMP schedule is given in **Table 8-1**.

**Table 8 - 1: EMMP schedule**

Landuse zone	Management objective	Governance & management options	Responsibility	Monitoring indicators
<b>1. Settlement area</b>	Controlling land disposal without the consent of family members, including women and youth by corrupt Land Control Boards (LCBs)	Local consensus on a requirement for the involvement of family members as in s93 of the Land Registration Act	ELA,ECS, CGK & National Government, AET	Number of land related disputes
	Controlling the sale of settlement land to outsiders	Local consensus on restriction of settlement land sale and migration to the pastoralism and wildlife zone	ELA,ECS, AET	Gazetted restriction
		Forfeiture of conservation fees and carbon credit revenue benefits accruing from the communal land in the pastoral rangeland and wildlife zone for people disposing their land in the settlement zone	ELA & ECS	Forfeiture gazettelement
		Local consensus on grazing prohibition for landowners selling their settlement land and migrating to the pastoralism zone	ECS	Gazettelement of grazing prohibition rules
	Regulating landuse in the zone	Introduction of terms and conditions requiring new landowners to conform with the permitted activities and restrictions in the LSP, Amboseli Ecosystem SEA and Kajiado County Spatial Plan	ELA, ECS, rangers and scouts	Gazettelement of permitted activities
	Addressing the potential problem of increased wildlife crime	Establishing Nyumba Kumi Committees in the settlement zone and creating police posts in the settlement zone	ELA, ECS, rangers and scouts	No. of incidents
	Addressing the potential problem of inadequate water supply for mushrooming settlements	Number construction of buildings will be approved without rainwater harvesting facilities	CGK	Number of approvals
<b>2. Agriculture and settlement zone</b>	Controlling land disposal without the consent of family members, including women and youth by corrupt Land Control Boards (LCBs)	Gazettelement of land disposal consent regulations with a requirement for the involvement of family members as in s93 of the Land Registration Act	ELA, ECS, CGK & National Government, AET	Number of land related disputes

Landuse zone	Management objective	Governance & management options	Responsibility	Monitoring indicators
	Controlling the sale of settlement land to outsiders	Gazetted of regulations in the land title restricting the sale of settlement land and migration to the pastoral rangeland and wildlife zone	ELA, ECS, AET	Gazetted regulations
		Gazetted rules of forfeiture of conservation fees and carbon credit revenue benefits accruing from the communal land in the pastoralism zone for land owners who sell their land in the zone and migrate to the pastoral rangeland and wildlife zone	ELA & ECS	Gazetted rules
	Controlling the establishment of new irrigation farms on private land	Approving of new farms through Nyumba Kumi groups using communally agreed terms and conditions	Nyumba Kumi Groups, local rangers and scouts, local administration	Number of approvals
	Mitigating water-related conflicts	Controlling the number of water abstraction pumps and pumping hours through Nyumba Kumi agreements groups using communally agreed terms and conditions	Nyumba Kumi Groups, local rangers and scouts, local administration	Gazettement of Nyumba Kumi water abstraction regulations
	Regulating encroachment of agriculture into riparian buffer zones through proper zoning	<ul style="list-style-type: none"> <li>• Delineation of riparian zone by WRUAs through <i>Nyumba Kumi</i> agreements in the cultivation zone with reference to the Water Act</li> <li>• Enforcement of NEMA riparian zone protection regulations through <i>Nyumba Kumi</i> agreements</li> </ul>	ELA, ECS, WRUAs, WRA, NEMA-CDE	Gazettement of Eselenkei riparian zone guidelines
<b>3. Grazing and settlement zone</b>	Controlling land disposal without the consent of family members, including women and youth by corrupt Land Control Boards (LCBs)	Gazettement of land disposal consent regulations with a requirement for the involvement of family members as in s93 of the Land Registration Act	ELA, ECS, CGK & National Government, AET	Number of land related disputes
	Controlling the sale of settlement land to outsiders	Local consensus on the restriction of sale of settlement land and migration to the pastoral rangeland and wildlife zone	ELA, ECS, AET	Gazetted regulations
		Local consensus and binding agreements with private landowner owners on the forfeiture of conservation fee and carbon credit revenue benefits accruing from the communal land in the pastoralism zone for those who	ELA, ECS & AET	Gazettement rules

Landuse zone	Management objective	Governance & management options	Responsibility	Monitoring indicators
		dispose their land in the settlement zone and migrate to the pastoralism, wildlife, conservation and tourism zones		
	Regulating livestock population by introducing improved breeds	<ul style="list-style-type: none"> <li>• Determining the livestock carrying capacity for different zones</li> <li>• Controlling livestock numbers by private landowners</li> </ul>	<ul style="list-style-type: none"> <li>• ELA, ECS, AET, local rangers and scouts and livestock. grazing committees</li> </ul>	Livestock number
<b>4. Pastoral rangeland and wildlife zone</b>	Controlling of further land subdivision and disposal	<ul style="list-style-type: none"> <li>• Introduce a hybrid private-communal land tenure in the pastoralism and wildlife conservation zones which will address land dispossession, potential landlessness and wildlife conservation interests</li> <li>• Local consensus and restrictive covenants with private landowners against land disposal</li> <li>• Local consensus and binding agreement with landowner owners to transfer their land control rights to ECS Amboseli Ecosystem Trust</li> <li>• Formulating and adopting a group constitution bestowing the Association and/or ECS with the pre-emptive right of purchasing any land which the private landowners may wish to dispose</li> <li>• Formulating and adopting a constitution bestowing the Landowners Association and/or ECS with the powers for the governance the common land in the pastoral, wildlife, conservation and tourism zones based the collective interests of Eselenkei landowners</li> <li>• Formation of a Cooperative Society for the management of the common land on behalf of the private landowners including collaborations with investors such as BLF and other partners</li> <li>• Local consensus on the payment of conservation fees, carbon credit revenue and mining royalties only to private land owners who refrain from settling in the pastoralism and wildlife conservation zone or disposing their land allocation in the zone</li> </ul>	ELA, ECS & AET	<ul style="list-style-type: none"> <li>• Number of intact land parcels in the zone</li> <li>• Number of unsold land parcels in the zone</li> </ul>

Landuse zone	Management objective	Governance & management options	Responsibility	Monitoring indicators
		<ul style="list-style-type: none"> <li>Introducing a caveat to the County Land Board against land sales in the pastoralism and wildlife conservation zone</li> </ul>		
	Controlling mass acquisition and dispossession of land by non-members and "outsiders"	<ul style="list-style-type: none"> <li>Introduction of restrictive covenants with private landowners against the land titles to control land disposal</li> <li>Local consensus and restrictive covenants with private landowners against land disposal</li> <li>Introducing a caveat against the title deeds to ensure that new landowners will abide with the land restrictions as provided in the LSP</li> <li>Formulating and adopting a group constitution bestowing the ELA or ECS with the pre-emptive right of purchasing any land which the private landowners may wish to dispose</li> <li>Introduction of a binding requirement for new landowners to conform to the permitted activities and landuse restrictions in the LSP, AEMP, Amboseli Ecosystem SEA and Kajiado county spatial plan</li> </ul>	Eselenkei Landowners Association (ELA), Cooperative Society, AET, CGK, and the National Government	Number of land sales
	Regulating land disposal without the consent of family members, including women and youth	Introduction of restrictive covenants with private landowners to outlaw land disposal consent without the involvement of family members in accordance with the Land Act	ELA, ECS, AET, CGK and National Government	Number of land-related disputes
	Regulating livestock population by introducing improved breeds	<ul style="list-style-type: none"> <li>Introduction of rules on livestock numbers by private landowners in the pastoralism, wildlife, conservation and tourism based on the carrying capacity</li> <li>Introducing fees and levies for the grazing of additional livestock in the pastoralism and conservation area</li> </ul>	ELA, ECS, local rangers and scouts and grazing committees	Livestock number
	Keeping pastoral rangeland open for wildlife use	Agreement between KWS and private landowners regarding wildlife conservation benefit sharing and HWC compensation strategies	ELA, ECS and AET to negotiate with the KWS	<ul style="list-style-type: none"> <li>Number of signed agreements</li> <li>Number of landowners getting annual payments</li> </ul>



Landuse zone	Management objective	Governance & management options	Responsibility	Monitoring indicators
	Establishing conservancies in the zone	<ul style="list-style-type: none"> <li>• Entering into agreements with private landowners to create community wildlife conservancies through the AET and conservation partners</li> <li>• Entering into a legally binding agreement with landowner owners to permanently transfer their property rights to the ELA through easements</li> </ul>	AET, ELA, ECS and Big Life Foundation	Number of conservancies established
	Establishing the REDD+ carbon credit project in Eselenkei	Entering lease agreements with carbon credit beneficiary landowners outlawing further subdivision and vegetation clearance	ELA, ECS and Big Life Foundation, and local administration	Number of lease agreements
	Ensuring sustainable harvesting of natural products from the zone	Developing licensing regulations and agreement modalities for the non-commercial harvesting of natural products in the pastoralism zone	ELA, ECS, local rangers and scouts and local administration	Licencing framework
<b>5. Wildlife corridors, conservancy and tourism</b>	Conversion of zone into a conservancy	Gazetting the zone as a conservancy under the WCMA 2013	ELA, ECS AET, Big Life Foundation & KWS	Conservancy gazette notice
	Ensuring equitable sharing of benefits accruing from wildlife conservation and tourism	Formulation of a constitution for the ELA and/or ECS regarding an agreeable benefit sharing formula and payment method	ESC & ELA	Conservation revenue
	Regulating livestock population by introducing improved breeds	<ul style="list-style-type: none"> <li>• Introduction of rules on livestock numbers by private landowners in the pastoralism, wildlife, conservation and tourism based on the carrying capacity</li> <li>• Introducing fees and levies for the grazing of additional livestock in the pastoralism and conservation area</li> </ul>	ELA, ECS, local rangers and scouts and grazing committees	Stocking rate
	Mitigating land degradation	Develop, register and implement a conservancy management plan for Selenkay Conservancy	ELA, ECS, AET, Big Life Foundation	Gasketed management plan
	Mitigating HWCs	Agreement between KWS and private landowners regarding wildlife conservation benefit sharing and HWC compensation strategies	ELA,ECS, AET, KWS	<ul style="list-style-type: none"> <li>• Signed agreements</li> <li>• Annual compensation payments</li> </ul>
	Establishing the REDD+ carbon credit project in Eselenkei	Entering lease agreements with carbon credit beneficiary landowners outlawing further subdivision and vegetation clearance	ELA, ECS, AET, Big Life Foundation	Number of lease agreements

Landuse zone	Management objective	Governance & management options	Responsibility	Monitoring indicators
<b>6. Transport and physical infrastructure</b>	Controlling the obstruction of wildlife-livestock movement corridors by roads	Restricting road construction in the wildlife corridors	ELA & ECS	Number of intact corridors

#### **8.4: Review of LSP Restrictions**

Local consensus during stakeholder consultations showed that the review of the agreed landuse restrictions of the Eselenkei LSP should be undertaken 10 years from the gazettment date of the Eselenkei LSP SEA. This was considered as adequate duration to monitor the effectiveness and sustainability of the restrictions.

#### **8.5: Gazettment and Enforcement of Landuse Restrictions**

The Eselenkei landowners through the LSP SEA process deliberated and unanimously agreed that the landuse restrictions should be captured in the gazettment of the LSP SEA under Section 57A of EMCA Cap 387 and will take precedence of the Eselenkei LSP version already approved by the CGK. Thereafter, the gazetted landuse restrictions will be enforced as part of the AEMP 2020-2030 which is already gazetted.

#### **8.6: Links Between Eselenkei LSP SEA, Amboseli Ecosystem SEA 2014 and AEMP 2020-2030**

##### ***8.6.1. Link with AEMP SEA (Ecosystem-wide SEA)***

The Eselenkei LSP SEA will address management gap associated with the emerging and inevitable challenge of land subdivision and landuse change in the Amboseli ecosystem. The issue was not considered in the 2014 Plan SEA for the AEMP (2008-2018) because the SEA was mainly commissioned in response to the 2013 Amboseli Moratorium. The moratorium was arrived at after a consultative forum attended by various stakeholders from lead agencies who included; NEMA, AET, ATGRCA, KWS, KFS, WRMA, Olkejuado County Council, Ministry of Regional Authorities, Attorney General's Chamber, Kenya Investment Authority, Ministry of Tourism, AWF, members of the local community among others. The moratorium came to effect from 28th February 2013. The implication of the moratorium was that NEMA and all other relevant lead agencies shall not issue requisite licenses for any new or proposed developments or projects as listed in the Second Schedule of the EMCA (1999) until the entire management plan has been gazetted so that it could serve as a regulating instrument for development activities in the ecosystem.

The one-year moratorium for all proposed development activities within the Amboseli Ecosystem was declared by NEMA in consultation with other relevant stakeholders including the AET until after the AEMP (2008-2018) was gazetted prior to which a Strategic Environmental Assessment (SEA) was to be undertaken. The 2014 Amboseli ecosystem-wide Plan SEA which is considered as the umbrella or mother Plan SEA did not consider the issue of group ranch land sub division which mainly started after 2019. Prior to that land sub division had only occurred in the Kimana Group Ranch without a SEA which culminated in a wide range of negative environmental and social impacts (including widespread land dispossession through mass acquisition of land by "outsiders", fragmentation of pastoral and wildlife landscapes through fencing, loss of critical wildlife habitats and migratory corridors, and degradation of environmentally sensitive environments such as the Kimana wetland and wildlife sanctuary).

The synergy between the EGR LSP SEA and the 2014 AEMP SEA is associated with the following approval conditions:-

- 2.4 - Consultation with Kenya Wildlife Service, design and maintain a wildlife migratory corridor for the wildlife within and around the Amboseli National Park
- 2.5 - The PPP owner shall in consultation with the relevant stakeholders ensure a comprehensive land use management for the Amboseli Ecosystem and the pressure

on resources is minimized so as to secure the land resources from exploitative activities

- 2.6 - The PPP owner shall ensure that there is adequate public participation in the design, oversight and approval of developments that conform to the management plan within the Amboseli Ecosystem
- 2.7 - The PPP owner shall ensure that all stakeholders are involved including the County Government so that the legality of who owns the wildlife; who has the responsibility for protecting it; and sustainability is embraced by all.
- 2.8 - The PPP owner shall ensure that wildlife and better livestock management practices are undertaken to ensure ecological sustainability of the Amboseli Ecosystem

The Eselenkei LSP SEA will pre-empt a repeat of the Kimana scenario in other group ranches within the Amboseli region through the provision of site specific solutions to the risks of land subdivision for which a significant degree of local level consensus and grassroot landuse restriction enforcement is necessary. The LSP SEA will reinforce the Amboseli Ecosystem SEA by the AET which was not covered in the umbrella SEA in terms of addressing the potential negative impacts of land sub division which was not covered in the mother SEA. It is therefore necessary for the recommendations of the Eselenkei LSP SEA especially regarding the landuse restrictions to be annexed to the Amboseli Ecosystem SEA by the AET.

#### ***8.6.2. Link with the implementation of AEMP 2020-2030***

The EGR LSP SEA will support the enforcement of the AEMP at the local level thereby enabling grassroot domestication of ecosystem landuse zoning scheme. It will ensure grassroot commitment for domestication of the ecosystem landuse zoning scheme in the AEMP 2020-2030. The Eselenkei LSP SEA will reinforce the implementation of the AEMP 2020-2030 by integrating the necessary landuse restrictions which will address the negative environmental and social impacts of the inevitable land subdivision in the Amboseli ecosystem. The integration will be undertaken through the gazettment of the LSP SEA and annexation of its recommendation in the umbrella Amboseli Ecosystem SEA by the AET. **Figure 8.2** shows the linkages between Eselenkei LSP SEA and other management frameworks in the Amboseli region.

#### **8.7 Grievance Resolution**

The implementation of the Eselenkei LSP is likely to encounter a wide range of conflicts which can range from misunderstandings arising from resource sharing. **Figure 8-3** provides the grievance resolution framework to be used in order to deal with such problems after the dissolution of the group ranch management. The framework consists of a five level system of dealing with landuse complaints. The first level will exploit the traditional mechanisms in form of grazing committees, inter-clan forums, WRUAs and Nyumba Kumi. Any issues which are not resolved at that level will cascade upwards to GRC in the Cooperative Society management. This will feed into the GRC at the AET beyond which matters can cascade to the county government and national government.

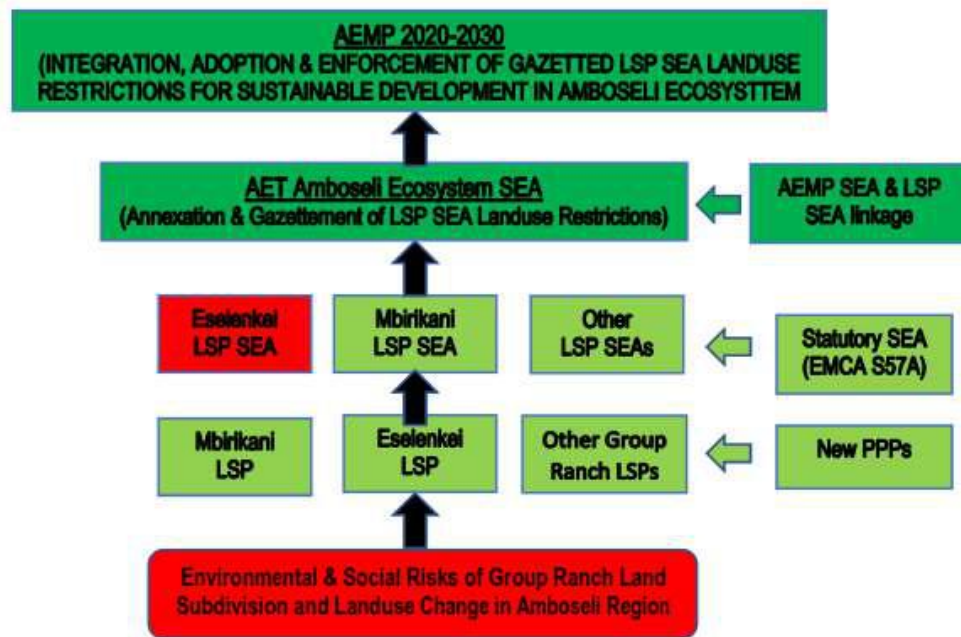


Figure 8 - 2: Linkages between Eselenkei LSP SEA and other management frameworks in the Amboseli region

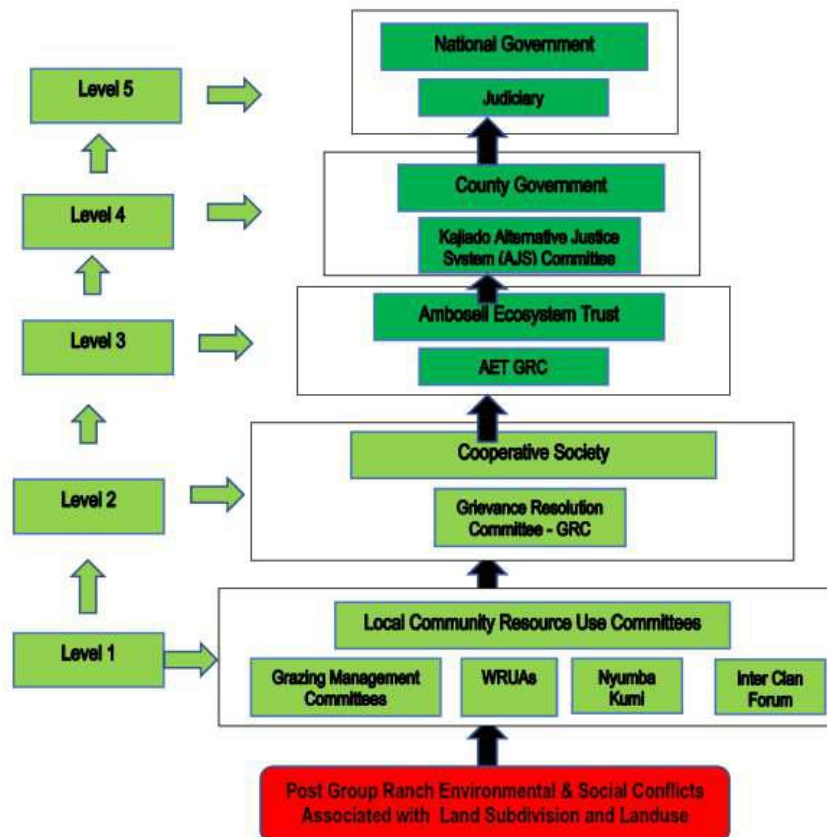


Figure 8 - 3: Eselenkei grievance resolution framework

## 9. CONCLUSIONS AND RECOMMENDATIONS

### 9.1: Conclusions

The promulgation of the Constitution of Kenya 2010 which created three types of land tenure classes, namely, public, community and private land has prompted the winding up group ranches in Kenya through their transformation from community to private land tenure. Although the land reform from communal to private land tenure will enhance land rights for pastoral communities, it is likely to trigger a wide range of negative environmental and socio-economic transformations including land dispossession and introduction of incompatible landuses in the rangelands which will disallow the traditional co-existence of livestock husbandry and wildlife conservation.

Our assessment shows that lack of the SEA intervention will lead to long term environmental and social disaster not only in the two group ranches but also in the entire in Amboseli Ecosystem (AE) due to the collapse of the traditional pastoralism practices and loss of critical wildlife corridors and dispersal areas.

The PPP analysis for the Eselenkei LSP SEA showed that the LSP is compliant with environmental and social obligations in relevant frameworks at local, county, national and international levels. Demarcation of landuse zones in the Eselenkei LSP is compliant with the landuse zones, permitted activities and landuse restrictions in the Amboseli Ecosystem Management Plan (AEMP) 2020-2030. Our assessment showed that the EGR LSP is strictly compliant with the land use zones as stipulated in the AEMP. The gazettement of the EGR LSP SEAs will support the enforcement of the AEMP at the local level thereby enabling grassroot domestication of ecosystem landuse zoning scheme. Implementation of the EGR LSP landuse restrictions in the pastoralism and wildlife conservation blocks, as gazetted in the SEA, will sustain pastoralism and WCDAs. Lack of the SEA intervention will lead to long term environmental and social disaster not only in the two group ranches but also in the entire in Amboseli Ecosystem (AE) due to the collapse of the traditional pastoralism practices and loss of critical wildlife corridors and dispersal areas.

The Eselenkei LSP is aligned with the Kajiado County Land Sub-Division Guidelines of 2018. The guidelines advocate for retention of the group ranches in their traditional state. Similarly, the LSP is well aligned with the Kajiado County Spatial Plan of 2019-2029. However, the LSP has prescribed the licensing of non-commercial harvesting of natural products (such as medicinal plants and firewood) in the pastoralism and wildlife zone but the licensing criteria has not been spelt out. It has also prescribed the undertaking of scientific research in the conservation and tourism development zone but the approval modalities for these activities is unclear.

The overall impact analysis for the Eselenkei LSP including the environmental scenario building clearly showed that the negative environmental and social impacts of land sub-division in the group ranch might exceed the positive impacts. This observation is consistent with the findings of many scientific research studies which have been undertaken on the subject both locally and abroad. Despite this, the desire of the landowners to subdivide the communal land is strong and resolute. This is probably due to strong desire for absolute land ownership rights by the landowners and the systemic weaknesses in the group ranch management regime including poor transparency and accountability.

The Eselenkei LSP offers suitable landuse prescriptions for each zone as key pillars for effective planning and sustainable management of land for current and future generations. There's no guarantee however that these restrictions won't be challenged and violated. This eventuality can

be mitigated through firm decrees and agreements among the landowners on compliance with gazetted restrictions including fines and penalties for restriction violators.

## **9.2: Recommendations**

The headline recommendations for each landuse zone are highlighted below.

### **9.1: Settlement zone**

- a) Land disposal without the knowledge and approval of family members, including women and youth, should be controlled by enforcing the Land Control Board disposal consent requirement for involvement of family members as prescribed in the Land Act.
- b) Sale of settlement land to outsiders by private landowners should be controlled through gazettment of restrictive regulations and signing by landowners at issuance of title deeds on the following:-
  - i) Restricted sale of settlement land and migration to the pastoralism and wildlife zone,
  - ii) Forfeiture of conservation fees and carbon credit revenue benefits accruing from the communal land in the pastoralism zone, and
  - iii) Grazing prohibition rules for private landowners who dispose their land in the settlement zone and migrate to the pastoral rangeland and wildlife zone.

### **9.2: Agriculture and settlement zone**

- a) Establishment of new irrigation farms on private land should be controlled through the involvement of Nyumba Kumi Groups which should approve the leasing of new farms in their local areas and regulate the number of water abstraction pumps and pumping hours through common agreements.
- b) The WRUAs in the zone should clearly demarcate the riparian buffer zones with clear beacons according to relevant legal frameworks in partnership with private landowners through Nyumba Kumi Groups and enter common agreements to control encroachment by irrigation farms.

### **9.3: Grazing and settlement zone**

- a) Land disposal without the knowledge and approval of family members, including women and youth, should be controlled by enforcing the Land Control Board disposal consent requirement for involvement of family members as prescribed in the Land Act.
- b) Sale of settlement land to outsiders by private landowners should be controlled through gazettment of restrictive regulations and signing by landowners at issuance of title deeds on the following:-
  - i) Restricted sale of settlement land and migration to the pastoralism and wildlife zone,
  - ii) Forfeiture of conservation fees and carbon credit revenue benefits accruing from the communal land in the pastoralism zone, and
  - iii) Grazing prohibition rules for private landowners who dispose their land in the settlement zone and migrate to the pastoralism zone.

### **9.4: Pastoral rangeland and wildlife zone**

- a) Landowner owners in this zone can enter into a legally binding agreement to transfer their property rights to the Eselenkei Landowners Association and the Cooperative Society for governance and management as shared common land for pastoralism and wildlife use and the collective interests of Eselenkei landowners.
- b) Access to conservation fees, carbon credit revenue and mining royalties should be linked to preservation of private land through a signed agreement.



- c) Conservancies can be established in the pastoralism and wildlife zone through conservation easement agreements between willing private landowners, AET and other conservation partners with clear strategies to ensure that private landowners earn good revenue failure to which they might decide to dissolve them.
- d) The REDD+ carbon credit project in Eselenkei should be sustained by entering into lease agreements with beneficiary landowners outlawing further subdivision and rampant vegetation clearance.
- e) Enforcement of licensing regulations for non-commercial harvesting of natural products in the pastoralism and wildlife zone.

#### **9.5: Wildlife corridors, conservancy and tourism**

- a) The constitution for the Eselenkei Landowners Association and/or Cooperative Society should clearly define the formula for equitable sharing of revenue accruing from wildlife conservation and tourism and provide a strategy for dispute resolution.
- b) The REDD+ carbon credit project should be sustained by entering into lease agreements with beneficiary landowners outlawing further subdivision and rampant vegetation clearance.

It is recommended that the review of landuse restrictions should be undertaken after 10 years after gazettment of the Eselenkei LSP SEA based on recommendations of a wide section of stakeholders. The Eselenkei LSP SEA and other similar interventions will reinforce the 2014 Amboseli Ecosystem SEA by the AET in terms of addressing the potential negative impacts of land sub division which was not covered in the umbrella SEA which was not covered in the umbrella SEA. It is therefore necessary for the recommendations of the Eselenkei LSP SEA especially regarding the landuse restrictions to be annexed to the Amboseli Ecosystem SEA by the AET.

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## **ANNEXES**

### **ANNEX A – MINUTES OF SCOPING CONSULTATION MEETINGS**

### **ANNEX B – ATTENDANCE LISTS**

### **ANNEX C – PUBLIC NOTICES FOR THE ESELENKEI SEA REVIEW IN THE KENYA GAZETTE AND DAILY NEWSPAPERS**

### **ANNEX D – PROCEEDINGS OF THE VALIDATION WORKSHOP FOR THE ESELENKEI SEA**

### **ANNEX E - ENRM ASSOCIATES PRACTICING LICENSES**

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## **Annex 1: Minutes of the SEA consultation meeting held at Big Life Foundation (BLF) in Mbirikani Office on Monday 11th April 2022 at 10.45 am**

### **Members Present**

1. Mr. Richard Bonham – Executive Chair and Founder, BLF
2. Mr. Benson Leiyen – Chief Executive Office, BLF
3. Mr. Jeremy – Head of Communication and Technical Support, BLF
4. Mr. Joel Leshao – Community Engagement Consultant, BLF
5. Prof. Francis Mwaura – Team Leader, Habitat Planners
6. Ms. Tiffany Mwake – Habitat Planners (taking minutes)

**Min 01/11/04** The meeting was opened by Mr. Leiyen with introductions of the members present followed by an opening prayer by Mr. Joel Leshao

- The Agenda of the meeting was to discuss the Selenkei GR Strategic Environmental Assessment (SEA)
- Mr. Leiyen invited the Chair Mbirikani GR to make a follow up for the Mbirikani GR SEA having Mr. Bonham present in the meeting before proceeding with the agenda for the day.

**Min 02/11/04** Chairman, Mbirikani GR wanted to discuss the letter sent to BLF concerning undertaking a SEA for their GR. A request for support from the GR.

- Mr. Richard Bonham confirmed BLF has already discussed the matter and will support the SEA process for the Mbirikani GR. Confirmed that it will be included in the budget and the consultant engaged and a roadmap laid out.

**Min 03/11/04** Mr. Joel updated the team, the chairman of Selenkei GR is running late but has requested the meeting to proceed.

- The agenda for the meeting was to discuss the SEA for Selenkei GR. The BLF team has looked around for consultants, but together with Mr. Leiyen they consulted Habitat Planners because they had successfully undertaken the Amboseli Ecosystem SEA. BLF has received all the required documentation from Habitat Planners for engagement as the SEA experts.
- A summary of how the SEA will be carried out was shared which Prof. Mwaura elaborated as well as discussed, the proposed budget. It was agreed once the GR officials arrive the community engagement strategy will be discussed.
- Requested for an update on the Kajiado County Spatial Plan
- Habitat Planners will work on the SEA in conjunction with ENRM Associates

**Min 04/11/04** Prof. Mwaura shared the ToRs, Workplan and the Legal framework for the SEA with the members.

- The workplan shows a breakdown of the tasks stipulated in the ToRs and the timelines.
- Explained what a SEA is, the benefits and how it interacts with the LSP. The SEA is a procedure the government has activated to ensure environmental protection and sustainability. Particularly where there is implementation of a new plan for example this case, a land subdivision plan. There is need to countercheck the plan on the long term and broadly to ensure it is properly aligned especially with regard with environmental obligations in the country, as well as in terms of the desires of the people affected by the plan implementation. The plan can properly work if everybody is on board- consensus.
- SEAs work with Plans, Policies and Programmes. Policies- new ones are analysed from the environmental angle for example the mining SEA that assessed the mining policy 2015 and Programmes for example the geothermal sector.

- SEA is different from EIA in the sense that it takes a broader and long-term perspective. The EIA is a scale down for the projects recommended within the SEA such as the neighbouring Simba Cement factory site.
- The two key objectives of Habitat Planners in this SEA for Selenkei land use and land zoning plan is to countercheck the zoning policies used (done by GeoDev) and ensure the community agree firmly regarding the land use restrictions. This eases implementation of the plan.

**Min 05/11/04** Mr. Bonham informed the Habitat Planners team that the SEA should have been carried out months before. As per the tentative workplan, completion is scheduled for September, he wanted to know whether there is any way the timeline can be fast tracked. It would be ideal if the process is completed before coming general elections.

**Min 06/11/04** Mr. Leiyen explained that there is massive buy in by the community but the challenge is if the process takes long land changes may occur and the elections may also have an impact on the process. A June-July arrangement, submission to NEMA is preferred.

**Min 07/11/04** Mr. Bonham stated in an ideal world, the SEA should have been done with the application for subdivision. The SEA process is already behind, what happens when there's a hitch? For example, something is the national government that highlights no cement mining should happen, no irrigation in some zones. Yet in the subdivision plan they are incorporated. Will there be need to update the subdivision plan?

**Min 08/11/04** Prof. Mwaura this can be addressed by the SEA by recommending the necessary adjustments that need to be done to ensure that such anomalies are compliant.

- Informed the members that the 30days notice for stakeholders' comments submission at NEMA cannot be fast tracked. This is a requirement by law.

**Min 09/11/04** Mr. Leiyen inquired on the timelines with regard to undertaking the Selenkei and Mbirikani SEAs concurrently. Is the capacity available?

- Secondly, who will be the proponents for the SEA? Is it BLF, the GR or AET? Who will be consulted every time there's a development? How much will big life be consulted whenever there are approvals to be made? Can AET be brought in because their SEA is for the entire ecosystem?

**Min 10/11/04** Prof. Mwaura confirmed it is possible, Habitat Planners and ENRM Associates is a big team and will therefore engage more consultants.

- Explained the proponent will be determined at the stakeholders' consultation stage, this is because all stakeholders including the community and institutions will be engaged and proposals may be brought forward. From the NEMA perspective the GR and BLF would be ideal proponents.
- AET can be involved because it is recognized as an organization that is in charge of the greater ecosystem.

**Min 11/11/04** Mr. Joel informed the consultants that the stakeholder engagement will be zone based, Selenkei has 4 zones.

**Min 12/11/04** Mr. Bonham agreed to the budget, fELA it was a fair price in relation to the activities to be undertaken.

**Min 13/11/04** Prof. Mwaura stated that what makes the budget costs increase, are the stakeholder reimbursements that have to be made.

**Min 14/11/04** Mr. Jeremy explained one of the reasons why the management plan has received overwhelming support is because the focus is not on conservation as much as it is an area of interest. These are development plans that specify land uses. They are developed to help people and wildlife. It's important no one gets the wrong ideas through these processes that BLF is supporting these processes because they are conservation plans. It



is important that these processes are explained to the community correctly and any misunderstandings corrected promptly.

**Min 15/11/04** Mr. Leiyen asked Prof. to give an update concerning taking up Mbirikani SEA as well as any updates of the county spatial plan 2019-2029.

- The Amboseli Plan was revised, will it need a new SEA?

**Min 16/11/04** Prof. Mwaura stated that concerning the county spatial plan, Habitat Planners is only playing a supporting role. The lead consultant is Geomaps therefore, might not be able to give an up to date update on where the process has reached.

- With regard to the Mbirikani SEA, he will consult the other colleagues and get back.
- The current Amboseli SEA covers the revision still, no need for a new SEA.

**Min 17/11/04** Mr. Leiyen stated that the next step is signing of the contract and later on preparation and submission of the ToRs and budget for Mbirikani GR. This will signify the consultants have taken up the task to do both SEAs.

- Selenkei has a management plan prepared in conjunction with AET as well as the zoning and subdivision plan.

## **Afternoon Session**

### Meeting with Group Ranch Officials

1. Jonah Ole Maai – Chairman, Selenkei GR
2. Jackson Mereesi – Treasurer, Selenkei GR

**Min 18/11/04** Mr. Joel introduced the Habitat Planners team. Explained the agenda of the meeting held in the morning. Informed the GR officials that HP has officially been engaged to work on the SEA.

- Reconnaissance mission to familiarize with the area has been scheduled for Tuesday 19<sup>th</sup> April, the officials to confirm their availability for the day.
- The workplan for the SEA was shared with the officials and they were informed that the process will be fast tracked.

**Min 19/11/04** Mr. Ole Maai stated that they are elated that the process has began and will support the process fully

**Annex 2: Minutes of the SEA consultation meeting held at Olanti Shopping Centre, Eselenkei on 20<sup>th</sup> April, 2022**

	Rapporteur: James Ndungu
<b>Names</b>	<b>Issues addressed</b>
Francis Mwaura	<p>The team is on the ground to consult them on the sub division that has been carried out. Get their views on the impacts both positive and negative in terms of the environment. Whether they have been adequately consulted on the subdivision</p> <p>The consultants have authorization from the GR officials to consult the locals.</p> <p>Have started with Olanti, which has a shopping centre and is part of the agriculture zone.</p> <p>Inquired if they have title deeds for their parcels</p>
All	Confirmed they have title deeds and are very happy to have individual ownership. It is preferred compared to the communal ownership whereby the GR chair kept the title deed.
Francis Mwaura	The previous day was spent with the chairman traversing the GR so as to familiarize with the subdivided zones in the GR. The next step was to engage the community.
James Ndungu	Now that they have titles, how were they engaged in the subdivision process, were they were in agreement with the process followed.
Rita Resit (Secretary, Nyumba Kumi)	<p>The first step was calling meetings to inform the community on the decision to subdivide the GR. They were allocated 47 acres, where one can pick 42 rangeland and 5 for agriculture or opt for 47 rangelands.</p> <p>Those opposing the subdivision feared unfair treatment by the GR management in terms of acreage sharing but after subdivision they saw the land was being subdivided and shared equally.</p>
Olenana Meekisho (Chair, Nyumba Kumi)	<p>Is of the view that the subdivision decision was good because everyone has their own property.</p> <p>The titles are paid for by the land owners</p> <p>There were a few sceptical people who thought the subdivision is not genuine but when 390 title deeds were given to their rightful owners it was confirmed the exercise was legit.</p> <p>The only challenge that was encountered was two families living in the same boma. When the land is subdivided one has to move out, this was viewed as a digress because it meant starting a fresh in a foreign place.</p> <p>Nyumba kumi are discouraging tree cutting in the community. Any person that goes against is prosecuted.</p>
James Ndungu	The zones were classified into agriculture, rangeland, settlement, corridors and conservation. Are there any concerns with these zones?
Rita Resit (Secretary, Nyumba Kumi)	<p>HWC is a concern because when it occurs sometimes there is no action. Their crops are damaged leading to loss of income especially the elephants, due to their weight cause soil erosion and soil compaction making it hard to till the land.</p> <p>They do keep livestock in the agriculture zone it is one to decide the number of livestock their land can accommodate.</p>

	This wildlife has been chased from other ranches whereas they have accommodated them. Therefore, they want to see the benefits of the wildlife such as bursaries, compensation of crop damage.
Olenana Meekisho (Chair, Nyumba Kumi)	Elephant conflict is very high currently especially crop damage. From February they have been in the vicinity but the community understand it because of the prolonged drought. They have benefited from the wildlife because they have 40 children supported on bursaries by BLF. 20 youth in employment from BLF. In Porini camp they can't quantify because they are yet to see nay benefits yet they have been in operation for a long time – 14 years as compared to BLF who came in just recently. BLF has tangible benefits aside from education and employment, they assist the locals in shifting from one place to another, fast response for any elephant sightings reported, funeral arrangements for loss of life by wildlife as they wait for compensation by the government.
Pastor Mutunke Oloomu	The subdivision was a good decision as compared to before when all land uses took place. The benefits are fELA by all members not just a few privileged.
James Ndungu	Were widows considered when land was being given out to the owners?
Olenana Meekisho (Chair, Nyumba Kumi)	They were given their own titles on condition that they pay for the title. Those unable to pay were identified by the GR officials and paid for. The GR officials identify those in need in the community and from the names to BLF
James Ndungu	Nyumba Kumi is an administrative structure for the provincial administration. What are their proposals for governance of this new zones?
Rita Resit (Secretary, Nyumba Kumi)	All age groups to be considered as well as gender balance.
Olenana Meekisho (Chair, Nyumba Kumi)	This is already being implemented because the Nyumba kumi chair is a man and the secretary is a woman. If gender were a problem woman would not be considered. Would propose, when subdivision is complete neighbouring parcels for each zone to elect officials to represent the zones, aside from having the Nyumba Kumi. For example, in the agriculture zone, they have asked the women to hold a meeting and select women reps who will front any issues they are facing in the farms. The 700 parcels along the corridor should form their own committee. There is a grazing committee that already exists with an elected chairman. They decide which areas to take the livestock during drought and set dates for when the livestock are moved. For tourism and conservation area they can't tell because they are not completely subdivided.
James Ndungu	What is the source of water and what are their plans with regards to water?
Olenana Meekisho (Chair, Nyumba Kumi)	Water supply in Olanti is from Nolturesh Water Company. Locally the water tank is managed by a chairman, who shuts down for unpaid usage and reconnects when the bill is paid. Any person who wants to water the livestock has to inform the chairman before access and state the number of livestock and the number is confirmed physically. Similarly, any person who wants to buy water for livestock in the rangeland must

	<p>state the quantities they need. For farming, water usage by each farmer is measured and paid at the water company account by the individual farmer.</p> <p>The pipe size must be agreed on by all eg half inch</p>
Rita Resit (Secretary, Nyumba Kumi)	Reconnection of water supply is done immediately the water debt is paid and confirmed. The water tank chairman opens the water and allows the farmer to reconnect their pipes.
Francis Mwaura	The final issue further subdivision of land for sale. How can this be addressed?
Rita Resit (Secretary, Nyumba Kumi)	It is already happening; people are selling although some in hiding. Since ownership is individual with titles, locals are encouraged to sell to community members instead of outsiders but they are still selling to outsiders.
Olenana Meekisho (Chair, Nyumba Kumi)	<p>Immediately after titles were given out prayers were done and elders warnings issues but people still sell.</p> <p>Sometimes they do sell because of certain challenges face provided the family is in agreement.</p>
Pastor Mutunke Oloomu	<p>Although a family may block the sale of a land when they see the reasons for sale are not valid, that is siblings can block a brother or sister from selling the land as much as they it may be family land.</p> <p>The same goes for a parent selling land belonging to their children</p> <p>The future looks bleak if continues selling of land persists.</p>
James Ndungu	Since prayers and warnings have failed, locals are still selling the land, he proposed awareness creation as a method of preventing further land sales.
Olenana Meekisho (Chair, Nyumba Kumi)	<p>A restriction should be placed in the title deed to prevent land sale.</p> <p>Awareness creation for officials should be considered first so that they can sensitize the community.</p>

**Annex 3: Minutes of the SEA consultation meeting held at Ilorero Shopping Centre, Eselenkei on 20<sup>th</sup> April, 2022**

	Rapporteur: James Ndungu
<b>Names</b>	<b>Issues addressed</b>
Francis Mwaura	<p>The SEA team is on the ground to consult them on the sub division that has been carried out. Get their views on the impacts both positive and negative in terms of the environment. Find out whether they have been adequately consulted on the subdivision</p> <p>The consultants have authorization from the GR officials to consult the locals. Informed the GR representatives team that the consultants spent the previous day Tuesday 19<sup>th</sup> in Eselenkei GR to familiarize with the area especially the zones. The tour was guided by the GR chairman, Mr. Ole Maai. He took the SEA team to all the 4 zones.</p> <p>The agenda for the day, Wednesday 20<sup>th</sup> is to go round the zones carrying out scoping consultations especially the different centres, inform them of the SEA and assess their feelings regarding the SEA.</p>
Ms. Sadura Kimomo	<p>As women they are satisfied with the subdivision.</p> <p>Women have been given land but have not shifted.</p>
Mr. Leken Lolarami	<p>The community is happy about the subdivision. There was the 47 acres rangeland option and the 42-acre rangelands plus 5 acres farming option. One was to pick whichever they wanted.</p> <p>All members got rangeland but the 700 plots at the corridor were voluntary.</p>
Ms. Sadura Kimomo	The conservation area set aside, how will it be beneficial to the members?
Mr. Leken Lolarami	In the conservation area, the investor – Porini has a lease agreement that is yet to expire. They are waiting for it to expire and see what next.
Ms. Sadura Kimomo	<p>Most ranch members have land in 3 zones, agriculture, range and corridor. All can be inhabited except the corridor.</p> <p>The 5 acres for farming are under Nyumba Kumi but governance of the other zones have not been determined.</p> <p>BLF to support establishment of amenities in new settlements such as schools, hospitals, and water. These are urgent because for instance when shifting one will not move with the school to the new settlement.</p> <p>Would like more support in bursaries and scholarships. The current number which is for the whole group ranch is not enough many are still being left out. An increase to 15 children per area would be adequate.</p> <p>On sand harvesting, they feel they are giving it out for free. Nduleta river is one that has sand harvesting. The practice is seasonal</p>
Mr. Leken Lolarami	<p>He is a sand loader are paid Kes. 1000 per lorry.</p> <p>A lorry pays Kes. 12,000-14,000 for the sand and loading</p> <p>Kes. 500 goes to the person accumulating the sand from the river bed to the riverbank</p> <p>Kes. 1000 for to the river committee</p> <p>Kes. 500 to the lorry broker.</p> <p>Nowadays they don't sell their livestock they use income from sand harvesting for example to educate their children.</p>
Ms. Sadura Kimomo	The money is not sustainable and the impact of the trade is not fELA at home.

	<p>Recommends the sand to be paid for separately and the loaders and other parties to be paid separately. This way they can see the benefits of the resource.</p> <p>The income from the san can be used for education, fuel for supplying water to livestock in the rangelands, water pumping machines among other needs. Land sale is there and it has negative impacts in the long term, children and grandchildren are left landless with no inheritance. There should be consequences of land sale.</p>
Mr. Leken Lolarami	<p>One may sell due to challenges they are facing.</p> <p>Both husband and wife should have their names in the title deeds and both have to consent for the land to be sold.</p> <p>Nowadays women are notorious for selling. They convince the men with incentives such as cars.</p>
James Ndungu	<p>With the exception of the corridors, a caveat can be placed on the lands to prevent selling.</p>

**Annex 4: Minutes of the SEA consultation meeting held at Ototoi Shopping Centre, Eselenkei on 20<sup>th</sup> April, 2022**

	Rapporteur: James Ndungu
<b>Names</b>	<b>Issues addressed</b>
Francis Mwaura	<p>The SEA team is on the ground to consult them on the sub division that has been carried out. Get their views on the impacts both positive and negative in terms of the environment. Find out whether they have been adequately consulted on the subdivision</p> <p>Informed the GR representatives team that the consultants spent the previous day Tuesday 19<sup>th</sup> in Eselenkei GR to familiarize with the area especially the zones. The tour was guided by the GR chairman, Mr. Ole Maai. He took the SEA team to all the 4 zones.</p> <p>The agenda for the day, Wednesday 20<sup>th</sup> is to go round the zones carrying out scoping consultations especially the different centres, inform them of the SEA and assess their feelings regarding the SEA.</p>
Joel Nkiinti (BLF Predators)	<p>Ototoi is the first town in Eselenkei that has been planned, approved by the county and titles for plots issued to the members.</p> <p>The town centers were set aside before subdivision took place. These include Oltotoi, Olerero, Lenkisiim, Olandi and Iltuleta. There belong to the GR members. They were set aside as development areas with social amenities- BH, schools, hospitals etc.</p> <p>Have considered the wildlife and set aside the conservancy, have set aside the corridor for the wildlife to move in and out of the GR.</p> <p>The corridor and conservancy have restrictions on tree cutting and land uses, only livestock are permitted during extreme drought seasons, after agreement by the land owners of the 700 parcels of land.</p>
James Ndungu	How were the plots subdivided?
Joel Nkiinti (BLF Predators)	<p>The maasai have 3 major clans. For example, total number of plats in Oltotoi are 1200, therefore 1200 divided by the 3 clans is 400 plots per clan. Each clan has a leader who then shares the plots as per sub clan down to the family level. This ensures lesser disputes on the resource sharing.</p> <p>A form is filled showing how the sharing was done to indicate all members are satisfied.</p> <p>Every resource in the GR that requires subdivision is divided by 3.</p> <p>In sand harvesting if the required laborers are 600 for instance that is divided by 3 for each clan. The 3 clans are Ol Molelian, Laiseri and Laitaiyo. The chairman is from Ol Molelian, treasurer from Laiseri, and secretary from Laitaiyo.</p> <p>For the towns to be subdivided there must be a plan developed and approved by the county government</p>
James Ndungu	How will cooperatives and associations work
Joel Nkiinti (BLF Predators)	At the moment all lands are under GR officials. Yes, they have subdivided but there are still some areas that are yet to be subdivided. Group ranch will transform to cooperative.
Naanyu Kidiri (GR representative)	When the subdivision process began, they sat down as officials together with land subdivision experts. They looked into many consultants before settling on GeoDev. Before any agreements they had listed all the public utilities they wanted to have including churches 2 acres each.



	<p>Cooperative will be formulated for the corridor – 700 parcels, which will be led by BLF because of the benefits proposed. They will elect their officials. In addition, the 700 corridor parcels are divided by 3 each clan to get 233 parcels of land. Those neighbouring the corridors may form associations of 2 or more 47-acre parcels to willingly/voluntarily join the corridor cooperative.</p> <p>For Oltotoi town center the members are holding share certificates, are in talks with the county to be able to get allotment letters. Oltotoi is 450 acres with a cemetery, livestock market, stadiums etc.</p> <p>Almost everyone has their title deeds, approximately 2000 deeds are out and with the land owners, very few are remaining to be given out. Therefore, people are free to take theirs to associations.</p>
James Ndungu	Now that Eselenkei is subdivided, land owners are free to sell will the plan be sustainable since it is a land use plan?
Naanyu Kidiri (GR representative)	<p>They have been asked the question before but have no answer yet. This is the biggest challenge they are facing. It very well may be that this parcels even in the corridor have already been sold.</p> <p>As much as there are no titles for the parcels at the corridors the locals are selling the share certificates.</p> <p>They are looking for ways to ensure the land especially for the corridors are not sold.</p>
James Ndungu	Proposed charging of the titles, or put in caveat
Naanyu Kidiri (GR representative)	They have thought of this but the question is who will do it?
James Ndungu	<p>For the corridors, the lease agreements with BLF will do as they are legally binding. When it comes to the rangeland the individual land owner may put a caveat.</p> <p>It is unfortunate that the law does not recognize the clan structure. They would have been effective at preventing land sale, in that they have to be consulted before sale of the land.</p> <p>An inception report will be prepared highlighting all these issues.</p> <p>Aside from land sale, what other challenges are anticipated in the other zones?</p>
Naanyu Kidiri (GR representative)	<p>They are pastoralists but of different levels with different numbers of herds of livestock, range for this herds must be considered especially in future.</p> <p>HWC is a concern will talk to BLF to see whether a fence can be put up for the elephants that can be used by livestock</p>
James Ndungu	The plan is dynamic not fixed, there will be new guidelines that will be formulated as time goes by to address the new circumstances that arise such as fencing
Naanyu Kidiri (GR representative)	It is good different development partners are coming in, they will come with their benefits. For instance, tree cutting is prohibited in farmlands, riverine and the corridors which is a good thing because carbon credit have shown interest in Eselenkei.
James Ndungu	This meeting is just a scoping consultation. Public meetings will be arranged to ensure all GR members are consulted.

**Annex 5: Minutes of the SEA consultation meeting held at Lenkisim Shopping Centre, Eselenkei on 4<sup>th</sup> May, 2022**

	Rapporteur: James Ndungu
<b>Names</b>	<b>Issues addressed</b>
Mr. Paul Olosieku	Thanked all the members for availing themselves. Requested a member to open the meeting with a word of prayer and it was agreed he will be the translator due to language barrier.
Mr. James Ndungu	<p>Welcomed all the members to the meeting, requested Mr. Paul Olosieku to introduce the Lenkisim GR members.</p> <p>Introduced ENRM Associate members.</p> <p>Thanked the Lenkisim members for ensuring gender balance,</p> <p>Explained have been contracted by the GR and BLF to carry out a SEA for the ELSP. The consultants first have to make sure all members of the GR are aware of the sub plan. Now that they are individual land owners, the system of operating will change from communal to individual what are the expected changes and how will they cope.</p> <p>Paul is an official at the GR, the consultants have already met the official and are now looking to hear form the local community/ GR members for their views concerning the subdivision.</p> <p>Are they aware of the sub division and do they have any views the process?</p>
Mr. Morinke Kaiyaka	<p>Sat down as a GR, wazee, women and the youth and agreed to subdivide the group ranch each to get their share.</p> <p>First, GR members asked how much they as the members will spend for the sub division process up to receiving the title, Kes. 23,000. All members agreed to the fee.</p> <p>They confirm the subdivision, have been shown their parcels of land and have the titles. There are those that still haven't got their titles but they are being processed. There are still some surveyors on the ground laying beacons so others will get titles soon.</p>
Ms. Napunya Morinke	<p>As women they were informed of the subdivision process. Were called to meetings and have attended all of them.</p> <p>There are women who are breadwinners in their bomas therefore have been given their share of land equal to everyone else.</p> <p>Women are in agreement with the subdivision.</p>
Mr. James Ndungu	Were there any problems with the subdivision that they would like them to be addressed.
Ms. Napunya Morinke	All went well because there was equal sharing of the parcels of the land. No one has any complaint.
Mr. Lulunken Babu	Subdivision made them happy because everyone wated to own their land and hold the rights to their land. He has seen all his beacons and possesses two title deeds and what is he wanted.
Mr. Kasaine Kirima	Concurs they sat as EGR members and agreed to subdivide.
Mr. James Ndungu	What about Lenkisim center, how has it been divided and who will own it?
Ms. Napunya Morinke	The center was set aside long before the GR decided on sub division. The county government already cut into plots before sub division. All amenities have been allocated space such as schools, hospitals, boreholes, churches, county offices.

Mr. Morinke Kaiyaka	Theres a section of Lenkisim center that was left and will be subdivided by the GR and distributed equally between the 3 clans of the GR (Ilmorelian, Ilaisir and Ilaitaiyo) as long as they are members of the group ranch the total parcels are divided by 3. This will be after all land subdivision is completed. Likewise, before subdivision they will sit down and agree how much is to be paid for the survey process up to getting the title deed.
Mr. James Ndungu	What challenges are they seeing will arise that need to be looked into? Theres water, electricity, medical services, churches and schools. What else is left?
Ms. Napunya Morinke	One challenge they are facing right now is lack of medical services. The one health center available is a private one, chemist that does not offer all medical services such as laboratory services. Would like to have a government hospital. Their daughters when reporting to secondary school every term they must produce a stamped doctors report- preferably from government hospital indicating they are not pregnant. For this they have to go all the way to Sultan Hamud.
Ms. Nalianga Babu	Concurs with Ms. Napunya
Mr. Morinke Kaiyaka	Schools for children grazing in the rangelands should be constructed. The space for schools has already been allocated, some people have plans to resettle but there are no amenities.
Mr. Paul Olosieku	Clarified that GR members are allowed to settle in 42 acres and 47 acres provided it is not in the corridor. About 25% of the GR members will settle in the 42 acres 75% may opt to live in the 47acres. These are the places that need schools.
Mr. James Ndungu	What is the source of water for the center? Is there 5 acres agriculture zone in Lenkisim and what water will be used for irrigation?
Mr. Morinke Kaiyaka	Agriculture is only found along the Eselenkei river. Moving away from the river towards the town center are the 47 acres parcel. They do have water supply in the center but it is a private borehole at the secondary school sunk recently and uses solar power. This is where the locals get their water. A 20L jerrycan goes for Kes. 10 and they carry on their backs of use donkeys. There were two other county supply points which were piped to the center but were destroyed by elephants. Water tankers supply water for the livestock and sometimes the locals too.
Mr. James Ndungu	Supposing their land has minerals- stone, sand, if an investor approaches them what will happen?
Mr. Morinke Kaiyaka	On the way to the town, the road is covered in black murrum, these has been borrowed from individual land owners because the landowner maybe wants a water pan. If an investor is looking for any material the agreement will be with the land owner not GR committee. If a GR member wants sand, they do not pay for the sand but pay the loaders. Outsiders must purchase the sand and loaders. There is a sand committee consisting of the 3 clans who ensure everything is divided by 3.

Mr. James Ndungu	As individual land owners they are allowed to fence, have they considered what will happen to grazing when fences are put up?
Mr. Lulunken Babu	Are allowed to fence because it is no longer communal land but they can agree as may be 5 land owners to leave the land open for grazing. If theres no agreement then each land owner to look after their livestock which means they will be very few in numbers.
Ms. Nailanga Babu	They wanted the land to be subdivided therefore knew livestock herds will reduce as a result. They are okay with that.
Mr. Morinke Kaiyaka	Those with large herds of livestock who are not many did not like the idea of sub division but majority were for the idea. Already there are some who have put up fences as well as cut trees down, not much can be done. These is a challenge because the parcels of land are not suitable for large herds. In the long term the livestock numbers will have to shrink unless agreements are made among land owners. Sale of land is also a challenge because the new land owner may not want to engage in pastoralism.
Mr. James Ndungu	How will they tackle land sale
Mr. Morinke Kaiyaka	Not much they can do because of the individual ownership. For the sale to happen husband wife and children must agree.
Ms. Nalianga Babu	As a woman, she does not support sale of land.
Mr. James Ndungu	Maasai are synonymous with livestock as well as wildlife, they have even set aside corridors and conservation are. How will they ensure these are not interfered with in the long term? This may serve as range land during the drought season
Ms. Napunya Morinke	They agreed to set aside conservation areas, corridors. Requests all parties concerned to protect these areas so that livestock and wildlife may have food during extreme drought. This will be beneficial to them and reduce HWC. If asked all the GR should be tied to restrictions like that of the corridors to prevent sale of land.
Mr. Morinke Kaiyaka	Allocation of land in the corridor was voluntary, one only has to say whether they want a plot or not. Those who were allocated accepted them because that are paid and the money is sent directly to their bank accounts. In addition, the conservation areas will be used for livestock grazing during the dry season but only by those who are members of the corridor not all members of the GR. Other GR members that aren't part of the 700 will be allowed to graze of only if the 700 agree through their committee, also comprised of the 3 clans. Other benefit that will come with the conservation areas are scholarships, employment.
Prof. Francis Mwaura	For instance, a GR member who is not part of the 700 defiantly takes his livestock to graze in the conservation areas, how will this be handled?
Mr. Morinke Kaiyaka	The agreement between corridor members and BLF has measures to address this.
Mr. James Ndungu	How will be the custodian of the corridors and conservancy now that the GR is about to be disbanded

Mr. Morinke Kaiyaka	Every clan will propose members to form a committee that will run the conservation areas together with BLF
Mr. James Ndungu	Outsiders buying land in the GR will they be allowed to form a 4 <sup>th</sup> clan because they will be part and parcel of the GR so that they get a share when division of resources is being done.
All Lenkisim members	It was stated that members now know that if you sell the land you sell all rights to the land and ones GR membership, they join one of the 3 clans under the sellers rights. These are taken up by the new member and any shared resources are directed to them. This is already accepted in the GR.
Mr. James Ndungu	This will be clearly stated in the SEA, that once a member sells their land, they have relinquished all their land rights and GR membership as well. Is happy that the GR is looking to the future and how to address some arising issues.
Prof. Francis Mwaura	Who prepared the corridor lease agreement?
Mr. Morinke Kaiyaka	The committee and surveyors set aside the corridors. Though they were known since before demarcation It was agreed for the corridors, there are 700 plots, 47 acres each. Each acre is paid Kes. 1000, totalling to Kes. 47,000, annually. The agreement is no selling but if one really has to sell it is to the cooperative society (comprising of the 700 members) not outsiders. They each get the title but do not know where the plot is.
Mr. Paul Olosieku	The agreement between the 700 members and BLF is Kes. 47,000 annually for the lease. Similarly, for the carbon project that will come, they are to be paid Kes. 1,000 per acre for the 47 acres totalling to Kes. 47,000. Grand total will be Kes. 94,000 annually for each member with an increment of 3% every subsequent year. A review of the costing's arrangement can be done every 5 years but the lease agreement is fixed for 21 years from 2022.
Mr. James Ndungu	Thanked all the members for their input. The meeting ended with a word of prayer from Ms. Napunya Morinke.

**Annex 6: Minutes of the consultation meeting held at Iltuleta Shopping Centre, Eselenkei on 4th May, 2022**

	Rapporteur: James Ndungu
<b>Names</b>	<b>Issues addressed</b>
Mr. Paul Olosieku	Thanked all the members for availing themselves. Requested a member to open the meeting with a word of prayer and it was agreed he will be the translator due to language barrier.
Mr. James Ndungu	Welcomed all the members to the meeting, requested Mr. Paul Olosieku to introduce the Iltuleta GR members. Introduced ENRM Associate members. Thanked the Iltuleta members for ensuring gender balance and youth representation. Explained have been contracted by the GR and BLF to carry out a SEA for the ELSP. The consultants first have to make sure all members of the GR are aware of the sub plan. Now that they are individual land owners, the system of operating will change from communal to individual what are the expected changes and how will they cope. Paul is an official at the GR, the consultants have already met the official and are now looking to hear form the local community/ GR members for their views concerning the subdivision. Are they aware of the sub division and do they have any views the process?
All Iltuleta members	Sat down as a GR members and agreed to subdivide the group ranch each to get their share. They are happy they made the decision.
Mr. James Ndungu	Asked whether they have plots at the wildlife corridors.
All Iltuleta members	Yes, they all have parcels of land in the corridor
Mr. Kiti Ole Saningo	They all agreed the corridors will be left for wildlife and livestock during the dry season. They have title deeds but they cant settle in the corridor.
Mr. Timam Sonto	The corridor is for the wildlife and under a lease agreement for which they receive payment.
Mr. James Ndungu	Who will be the custodian of the corridor?
Mr. John Raiyani	The 700 members will select a committee to represent them.
Mr. Timam Sonto	Concurs, the 700 members will appoint a committee from the 3 clans in the GR. A chairman, secretary and treasurer from each clan. This is only for members with the 700 plots.
Mr. James Ndungu	How will they tackle land sale in the corridor
Mr. Timam Sonto	Land along the corridor can't be sold but if one has to sell it has to be a sale to one of the 700 members. No outsiders.
Mr. Kiti Ole Saningo	If a member decides to sell the 47 acres or 42+5 acres they are aware they are selling all their all rights to the land and resources and GR membership. The buyer takes their position.
Mr. James Ndungu	As individual land owners they are allowed to fence, have they considered what will happen to grazing when fences are put up?

Mr. Kiti Ole Saningo	They agreed to fencing when they agreed to subdividing the land therefore, they are free to fence and stay without livestock or keep fewer livestock.
Mr. Timam Sonto	As a result of not planning ahead many have already sold land. Is there a way of recovering the land back?
Ms. Meteine Luyiana	What will happen to the sold land and children left without no land because their parents already sold? Requests urgently, measures to prevent further sales. Nowadays women collude with the men to sell their children's inheritance.
Prof. Francis Mwaura	Thanked the members for their time. Explained the gazettment process will be done once the SEA process is completed and approved so that it can help in enforcement and implementation of the ELSP The meeting has been held to confirm they are in agreement with what has been written in the plan before it of fronted for gazettment through the SEA. They will be called for workshops to validate what they have said is true. The meeting ended with a word of prayer by Ms. Sainko Sururu



**Annex 7: Minutes of the SEA consultation meeting for Mbirikani and Eselenkei Group Ranches Land Use and Sub-division Plans with Amboseli region conservation NGOs held at Hippo Camp, Kimana Sanctuary Thursday 16th June 2022**

**Members Present**

1. Mr. Jackson Mwato (CEO, Amboseli Ecosystem Trust (AET))
2. Mr. Daniel Kaaka (AET)
3. Mr. Luke Maai Mae (Lion Guardian)
4. Mr. David Leyian (CEO Big Life Foundation)
5. Dr. Vicky Fishlock (Amboseli Trust for Elephants (ATE))
6. Dr. John Kioko (WWF)
7. Mr. Daniel Koskei (Senior warden, Amboseli N. Park)
8. Mr. Evan Mkala (IFAW Kilimanjaro Landscape Project Officer)
9. Mr. Richard Bonham (Director and CEO, Big Life Foundation)
10. Mr. James Ndung'u (ENRM Associates Consultant)
11. Prof. Francis Mwaura (ENRM Associates Consultant)
12. Prof. John Kiringe (ENRM Associates Consultant)
13. Mr. Kisimir Saibulu (Taking minutes)

**Min 01/16/06: Preliminaries**

- Mr. Jackson Mwato introduced the conservation NGOs attending the meeting and explained the purpose of the consultations with the SEA consultants. He also outlined the land tenure changes taking place in Eselenkei and Mbirikani Group Ranches due to subdivision.
- Prof. Francis Mwaura introduced the SEA consultants and outlined why the consultants were gathering views on subdivision of Eselenkei and MGR.
- Mr. James Ndung'u elaborated on the role of SEA after subdivision of the 2 ranches. The meeting then stated at 14.48 pm.

**MIN 02/16/06:** Mr. Jackson Mwato said that prior to subdivision of MGR, leaders and the management engaged and agreed with members on the need to do subdivision. They also agreed the ranch would be divide into 5 key zones.

**Min 02/16/06: How About The 31 Acres MGR Title Deeds Ownership and Enforced Restrictions**

Prof. Kiringe whether the title deed for the 31 acres allocated to each member in MGR in the pastoralism and wildlife conservation zone will have the stipulated restrictions. Mr. Jackson Mwato responded that AET will benchmark with Taita Taveta Wildlife and Conservancies Association (TTWCA) on how to acquire a title deed with restrictions that are acceptable and legally binding. Mr. Benson Leyian supported this proposal and added that enforcement of the agreed restrictions is very important.

**Min 02/16/06: Views by partners regarding the land subdivision in MGR**

Prof. Mwaura requested the representatives of the AET partners to submit their views in witiing regarding the following questions:-

**Q1-**The landuse subdivision plans for Eselenkei and Mbirikani group ranches have restricted certain activities in the grazing rangelands, conservation areas and wildlife corridors (e.g. further subdivisions, settlements, land sale and fencing). Which enforcement strategies does your organization envisage for effective governance including actions for restriction non-compliances?

**Q2-**The role of group ranch committees will come to an end with the land subdivisions after which governance functions in the grazing rangelands, conservation areas and

wildlife corridors will be transferred to the cooperative society committees. What would be your recommendations (and role) in the formation and subsequent operations of the committees for effective governance and enforcement of restrictions?

**Q3-**Which alternative avenue(s) will KWS and non-state conservation entities be channeling their financial and technical assistance (e.g. school bursaries) to private land owners under the new land tenure dispensation after the dissolution of the group ranch committees?

The participants agreed to share their views as soon as possible.

**Annex 8: Minutes of the SEA consultation meeting for Mbirikani and Eselenkei Group Ranches Land Use and Sub-division Plans held at Amboseli N. Park Head Quarters on Friday 17th June 2022**

**Members Present**

1. Mr. Daniel Koskei (Senior Warden, Amboseli N. Park)
2. Ms. Christine Mwinzi (Research Scientist, Wildlife Research and Training Institute)
3. Mr. James Ndung'u (ENRM Associates Consultant)
4. Prof. Kiringe (ENRM Associates Consultant)
5. Mr. Kisimir Saibulu (Taking Minutes)

**Min 01/17/06: Preliminaries** - The Senior warden then welcomed the consultants and the meeting started at 9.38 am. Mr. James Ndung'u introduced the consultants, and outlined the purpose of the meeting, and the need for subjecting the Eselenkei and Mbirikani Group Ranches LSPs to the SEA process. He also mentioned some of the expected changes in land uses after subdivision including farming, settlements and the anticipated the long-term impacts. The idea of doing the SEA was to also check the social and economic implications resulting from group ranches subdivision. Further, the SEA provided a legal framework for the subdivisions using EMCA CAP 387 subsection 57a, to secure land and livelihoods for the landowners. In this regard, the views of the Kenya Wildlife Service (KWS) were very important during the SEA process.

**Min 02/17/06:** Mr. James Ndung'u asked what will happen to wildlife conservation in the Amboseli Ecosystem due to subdivision of Mbirikani and Eselenkei Group Ranches including other ranches in the region.

- Mr. Koskei, the Senior Warden stated that the subdivision is a big threat to the future conservation of wildlife. Further land subdivision poses a challenge to conservation due to increasing land sales. This will increase encroachment into wildlife designed areas and might eventually lead to dissolution of existing conservancies like those under ALOCA in the former Kimana Group Ranch and Kitenden wildlife corridor. It will also complicate making of wildlife conservation decisions by KWS unlike under the group ranches arrangement.
- Subdivision of the group ranches in the Amboseli Ecosystem was attributed to the following: a) change in the Land Act in 2016 which advocated for subdivision of communal land, b) increase in human population, c) economic changes among the Maasai and their desire to be mainstreamed in socio-economic activities like other ethnic groups, d) changes in Maasai lifestyle, modern education and socio-economic changes and pressure, and e) fear of losing land. T
- Ms. Christine Mwinzi stated the community feared their land will be taken away by the government in the name of enhancing wildlife conservation without their consent.
- Mr. Koskei noted that under the group ranches land tenure, it was easy to make wildlife conservation decisions through their leaders. But after dissolution of the group ranches, it will be hard to make such decisions due to change to individual land tenure regime. Disbursement of benefits like money for bursaries (for pupils and students) was done through the group ranches leadership but this will be faced by challenges after dissolution of the ranches. Additionally, the individual landowners might ask for higher payments above what is currently disbursed by KWS. He also stated that prior to subdivision of the ranches, locals harmoniously coexisted with wildlife but after dissolution of the ranches, human-wildlife conflicts will increase.

**Min 03/17/06:** Mr. James Ndung'u asked how ALOCA members and other conservancies shared wildlife conservation benefits.

- Ms. Christine Mwinzi elaborated that these landowners had agreed to lease their land to Big Life Foundation and were paid on a yearly basis. She also suggested the government could purchase such land through conservation NGOs instead of it being bought by none Maasai's who were putting it under other land uses instead of wildlife conservation.

**Min 04/17/06:** Mr. James Ndung'u asked how subdivision of the group ranches had affected Maasai pastoralism and their livelihoods.

- Mr. Koskei explained that since subdivision of the group ranches, there's was a reduction in livestock numbers due to diversification of land uses and increase in agriculture and human settlements which limited space and grazing areas for livestock.
- Ms. Mwinzi mentioned pastoralism among the Maasai will negatively affected by subdivision due to reduction on space for use by livestock. The community will also be forced to reduce their herd sizes and change livestock breeds.

**Min 05/17/06:** John Kiringe asked if KWS had plans on how to engage the community after subdivision of the Amboseli region group ranches.

- Mr. Koskei stated that KWS had planned to double the annual amount of money disbursed to the group ranches for school bursaries. Through the Amboseli Ecosystem Trust (AET), KWS was advocating formation of land trusts in Olgulului-Olorashi group ranch and cooperatives societies in Eselenkei and Mbirikani group ranches to create awareness in the community on the need to secure wildlife movement corridors and creation of conservancies. These entities will then be responsible for management of these areas. He mentioned that they will engage local leaders to reach out to the community to actualize these ideas. Moreover, KWS will have to educate and create awareness among the communities on the impacts of subdivision of the group ranches and how they could benefit from the process. Further, he predicted there will be a reduction in wildlife ranging area and pattern, reduction more than key resources by wildlife, change in wildlife movement pattern, and an overall reduction in landscape ecological connectivity. To avoid these changes, he emphasized on the need to ensure the agreed restrictions in the group ranches subdivision zones should be enforced and adhered to by the landowners.

**Min 06/17/06:** Mr. James Ndung'u asked whether there is leasing land for wildlife conservation in the Amboseli Ecosystem.

- Ms. Mwinzi pointed out that it can only be sustainable if there are mechanisms to strengthen the agreements between the landowners and conservation NGOs. Moreover, the NGO's terms and conditions for leasing the land were usually short-term and operated within agreed timelines.

**Min 07/17/06:** Mr. James Ndung'u asked what were the ecological impacts of subdivision of the group ranches in the Amboseli region.

- Mr Koskei answered there was a narrowing of key wildlife movement corridors.
- Ms Mwinzi said Amboseli N. park will be affected and can't survive on its own without community land, and there was therefore a need to continue to engage locals after subdivision of the group ranches to save the park and wildlife resources found in the ecosystem. She also expressed a lot of concern that the subdivision was cutting off landscape and ecological connectivity of key linkages of the Amboseli ecosystem to its neighboring ecosystems. In addition, wildlife foraging and dispersal pattern and range size will be reduced substantially. Loss of landscape connectivity will affect gene flow in wildlife populations leading to inbreeding and ultimately lower their populations or numbers. She also noted that proliferation of irrigated agriculture partly enhanced by subdivision of the group ranches had led to over abstraction of water which negatively affected the local water table.

**Min 08/17/06:** Mr. James Ndung'u asked about the status of Kajiado County spatial plan.

- Mr. Koskei mentioned that KWS and other stakeholders were still waiting its completion, and this was to be done after subdivision of all the group ranches in the Amboseli region.

**Min 09/17/06:** John Kiringe asked whether the restrictions imposed on the 31 and 26 acres allocated to each member in MGR pastoralism and conservation zones respectively will work.

- Ms. Mwinzi said they might work if the community members agreed and enforced them through management committees. She added that through NEMA, AET and land trusts the restrictions were more likely to be observed and enforced after gazettment of the LSP.

**Min 10/17/06:** John Kiringe asked whether there was a future for Amboseli N. Park and wildlife conservation in the Amboseli Ecosystem after subdivision of the Maasai group ranches.

- Ms. Mwinzi stated that the park size can't support viable wildlife populations on its own since it was dependent on adjacent communal lands. More than 75% of the wildlife in the country roamed outside protected areas, therefore the future of Amboseli N. Park was at risk due to subdivision of the ranches.

**Min 11/17/06: Closing Remarks**

Mr. James Ndung'u thanked the Mr. Koskei and Ms. Mwinzi for sharing their views on different aspects of the SEA work. The warden also thanked the consultants and assured them that KWS will ensure that lands for wildlife conservation within Amboseli ecosystem will be secured for a better co-existence of nature and humans. The meeting was adjourned at 11.18 am.

## **Annex 9: Minutes of the SEA Consultation Meeting for Eselenkei and Mbirikani Group Ranches Land Use and Sub-Division Plan at the Deputy County Commissioners Office, Loitokitok on Thursday 16<sup>th</sup> June 2022**

### **Members Present**

1. Mr. Wisley Koech (DCC, Oloitokitok Sub County)
2. Prof. Francis Mwaura (ENRM Associates Consultant)
3. Mr. James Ndung'u (ENRM Associates Consultant)
4. Prof. John Kiringe (ENRM Associates Consultant)
5. Kisimir Saibulu (Taking minutes)

**Min 01/16/06: Preliminaries-** Mr. Wisley Koech then welcomed the consultants and the meeting stated at 9.25 am.

- Mr. James Ndung'u started the meeting by introducing the consultants. He then briefly explained the purpose of the SEA and why the consultants wanted to gather the DCC's views.
- Prof. Francis Mwaura also outlined the purpose of subjecting the Eselenkei and Mbirikani Group Ranches (MGR) land subdivision plans (LSPs) to the SEA process. He emphasized the SEA reports will facilitate gazettelement of the 2 LDPs by the government especially regarding enforcement of the agreed restrictions in and would make the plans stronger. Additionally, EMCA CAP 387 subsection 57a will give security and diversify land uses and activities by members of the two group ranches.

**Min 02/16/06:** Mr. James Ndung'u asked whether as a government officer he was aware about the subdivision of the 2 group ranches as well as other ranches in the Amboseli region and if his officers were involved in the process.

- Mr. Koech said he wasn't around during subdivision of Eselenkei and MGR but is aware and well informed about the ongoing subdivision processes of group ranches in the Amboseli region. During subdivision of the group ranches, wildlife movement corridors connecting Amboseli, Chyulu and Tsavo West National Parks were demarcated and some of them were in local conservancies. He further added that increase in human population of non-Maasai was worrying and was a big threat to the future of conservancies and wildlife movement corridors.
- Sale of land to non-Masai after issuance of land title deeds in wildlife areas (conservancies and wildlife corridors) will potentially lead to legal battles between such landowners and the government. Human-wildlife conflicts were likely to escalate as the new landowners encroach into wildlife use areas including movement corridors. Current wildlife movement will also be affected as well. A concern that is there is after issuance of title deeds in Eselenkei and MGR, the landowners will no longer be limited on how they could use their land, and this was a threat to wildlife conservation. In his view, if subdivision of the group ranches in the Amboseli region is not managed well, it will put Amboseli N. Park at risk. Tsavo West and Amboseli and Chyulu Hills N. Parks will also be at risk due to increase in livestock incursions since the Maasai won't have ample grazing land. Further land subdivisions is possible and might escalate significantly in the near future. Sale of land after subdivision of the former Kimana Group Ranch was a good example of what was likely to happen to the landscape and wildlife conservation after subdivision of other ranches in the region. Therefore, there was an urgent need to put in place legal frameworks, strict rules, and measures to control and manage subdivision of the group ranches.

- The landowners should be encouraged through education and sensitization to form conservancies to secure a future for wildlife conservation in the region. Although Big Life Foundation was leasing land from some landowners in the region, most of them said the amount of money they received was too little. He wondered how long such an arrangement by conservation NGOs can be done, and instead the government should buy land being sold by the local instead of outsiders from other parts of the country.
- Additionally, there was a need to ensure communities in the Maasai group ranches of the Amboseli region obtained reasonable or substantial benefits from wildlife conservation. This view was informed by the observation that land sale and other land uses like agriculture gave landowners significant income which made them not appreciate the importance of leasing their land for wildlife conservation.

**Min 03/16/06:** Prof. Kiringe asked whether the government could purchase the land being sold by the Maasai for wildlife conservation.

- Mr. Koech said this idea should be included in the SEA report, which should be shared with the relevant ministry to make them understand the need to explore the possibility of buying such land.

**Min 04/16/06:** Mr. James Ndung'u asked what social safeguards had been put in place by the government to ensure the landowners in Eselenkei and MGR were protected especially their livelihoods after subdivision.

- Mr. Koech said that he feared for the first time there will be Maasai squatters in the Amboseli region due rampant land sale. The social fabric and livelihoods of the community will disintegrate due to subdivision of the group ranches. In the near future, say 5 to 10 years, the Maasai history, culture and traditions, in the region will change significantly. In his view Maasai livelihoods strategies would be affected since some were selling their land to purchase livestock but were later forced to sell it, leading to escalation of poverty in the community. He suggested a lot of awareness creation and sensitization were needed to manage land sales after subdivision of the group ranches.

**Min 05/16/06:** Mr. James Ndung'u asked what could be done to manage land sales among the Maasai after group ranches subdivision.

- Mr. Koech answered that chiefs should be involved in all land sales and are supposed to write an official letter to the land's office confirming land ownership and indicated whether family members had consented to the sale. Land sale was mostly done by men and rarely involved their spouses or children. Generally, the process of selling land among the Maasai was not following the stipulated guidelines and procedure which led to sale of land to multiple buyers. To address this problem, his office was working closely with chief's, group ranch officials and land agents.

**Min 06/16/06:** Mr. James Ndung'u asked what should be done to restore limestone mining areas in MGR and sand harvesting zones in Eselenkei group ranch.

- Mr. Koech said there should be clear plans on how such areas should be rehabilitated after the agreed use time had elapsed.

**Min 07/16/06:** John Kiringe asked whether the agreed restrictions of the 31 acres allocated to each member of MGR will be included in the title deeds.

- Mr. Koech said this was not possible and instead, it was upon the community members to agree on how to observe the said restrictions.

#### **Min 08/16/06: Closing Remarks**

Mr. James Ndung'u thanked Mr Koech for the agree to meet the consultants and for sharing his views. He emphasized the importance of the SEA in facilitating MGR gazettement of the Eselenkei and MGR LSPs as it will protect and communities' land in the near future The meeting was adjourned at 10.35 am.



**Annex 10: Minutes of the SEA consultation meeting for Mbirikani and Eselenkei Group Ranches Land Use and Sub-division Plans with ALOCA Officials held at Amboseli Junction Hotel on Thursday 16th June 2022**

**Members Present**

1. Mr. Samuel Kaanki (ALOCA Chairman)
2. Mr. John Gisa ALOCA coordinator)
3. Mr. Joseph Parmuat (ALOCA Secretary)
4. Mr. Sadalla Korinko (ALOCA Treasurer)
5. Mr. Kimarei Mapewa (Chairman, Osupuko conservancy)
6. Mr. James Ndung'u (ENRM Associates Consultant)
7. Prof. Francis Mwaura (ENRM Associates Consultant)
8. Prof. John Kiringe (ENRM Associates Consultant)
9. Mr. Kisimir Saibulu (Taking minutes)

**Min 01/16/06: Preliminaries** - The meeting started at 16.14 pm with Mr. Samuel Kaanki introducing the ALOCA officials while Mr. James Ndung'u introduced the ENRM Associates team. Prof. Francis Mwaura explained what the SEA was and why it was necessary to gather views of the ALOCA officials regarding LSPs for Eselenkei and Mbirikani Group Ranches. Mr. Kaanki said ALOCA officials were in a good position to share lessons learnt from subdivision of the former Kimana Group Ranch.

- Prof. Mwaura further outlined the purpose of subjecting the LSPs for the 2 ranches so that it would ensure security of wildlife, local people and their livelihoods.

**Min 02/16/06:** Prof. Francis Mwaura asked the officials about the subdivision process of the former Kimana Group Ranch.

- Mr. Kaanki said the group ranch was the first to be subdivided in the Amboseli region though it was done without a plan and no zones were established like what had happened in Mbirikani and Eselenkei group ranches. ALOCA conservancies had approved management plans. Due to land of a subdivision plan, wildlife movement corridors and routes were blocked through fencing, human settlements, and unplanned large farms like the Ngong Veg and KiliAvo which covered more than 1,000 acres of wildlife use areas and corridors within the former Kimana group ranch.
- Mr. Joseph Parmuat fELA that during subdivision of Kimana group ranch the government let down the community down by failing to seize the opportunity to ensure wildlife conservation areas and movement corridors were set aside. He added that after subdivision, the Africa Wildlife Foundation (AWF) assisted some of the landowners to establish conservancies which were managed under the umbrella of Amboseli Landowners Conservancies Association (ALOCA). After AWF closed its operations in the region, the conservancies were leased to Big Life Foundation. Parmuat pointed out that Big Life Foundation and ALOCA members had created a predator consolation fund to compensate for livestock attacked or killed by predators in their conservancies. Each landowner made an annual contribution of Ksh. 1,000 to cater for the consolation funds.

**Min 03/16/06:** John Kiringe asked whether subdivision of the former Kimana group ranch had led to landlessness among the Maasai.

- Mr. Kaanki responded by said that most of the land sale was done by members who were not living in the group ranch or were members in other group ranches. But overall, there were so many squatters in Kimana town due to sale of land by some men and youthful Maasai men.

**MIN 04/16/06:** John Kiringe whether members of MGR would adhere to the restrictions imposed on the 31 acres allocated in the pastoralism and wildlife conservation zone.

- Mr. Kaanki responded that, even though a land title deed permitted the owner to sell the land, buyers were still expected to abide with the restrictions.

**MIN 05/16/06:** John Kiringe asked whether there was a future for pastoralism after subdivision of Mbirikani and Eselenkei group ranches based on the lessons learnt after subdivision of Kimana group ranch.

- Mr. Kaanki mentioned that livestock numbers and pastoralism in general will decline substantially in the 2 ranches as evident in the former Kimana group ranch.
- Mr. Sadalla said that decline pastoralism in the Kimana area was caused by loss of livestock grazing land due to rampant farming and sale of land to individual landowners. Disintegration of communal livestock grazing management and guidelines also contributed to the decline.
- Mr. John Gisa pointed that many members of the former Kimana group ranch sold their land and purchased livestock but were forced to sell it later though this made them poor. He suggested that pastoralism in the former Kimana group ranch may have declined by 60%.
- According to Mr. Kaanki, poverty levels among the Maasai of the former Kimana group ranch had increased significantly and he attributed this to subdivision of the ranch. He strongly suggested that members of Eselenkei and MGR should be discouraged from selling their land, and should continue to use their subdivided land communally to sustain pastoralism. He also noted there is rampant sale of land among the Maasai and this needs to be addressed urgently.

**Min 06/16/06:** John Kiringe sought the opinion of the ALOCA officials on the proposal by some of the Maasai to be allowed to graze their livestock in Tsavo West and Chyulu Hills N. Parks where there was plenty of grass biomass.

- Mr. Joseph Parmuat said this should not be allowed so that the community would learn how to better manage grazing resources on their land and also come up with strategies for sustainable pastoralism.

**Min 07/16/06:** John Kiringe and James Ndung'u sought to know how subdivision of the group ranches impacted members.

- Mr. Kaanki responded by saying that over 98% of members of the former Kimana group ranch were poor and attributed this to rampant land sale and the ensuing mismanagement of the funds obtained from such sales.

**MIN 08/16/06:** James Ndung'u asked what advice should be given to members of MGR and Eselenkei group ranches after subdivision.

- Mr. Kaanki responded that they should not sell their land whatsoever. Additionally, they should enforce and adhere to the restrictions imposed on the pastoralism and wildlife conservation zones. This will curtail sale of the land without a better understanding on its impacts to their livelihoods.
- Mr. Sadalla added that if members were to sell their land for whatever reason, they should not sell entire parcels and instead they should sell portions of the same.

**Min 09/16/06: Closing Remarks**

- James Ndung'u thanked the ALOCA officials for participating in the SEA consultations.
- Prof. Francis Mwaura added that the SEA report will enhance land management of Eselenkei and MGR after their subdivision.
- Mr. Kaanki also thanked the consultants for organizing the meeting and suggested the SEA report should advise the government to intervene during the subdivision process of Amboseli region group ranches. The meeting was adjourned at 17.37 pm

## **ANNEX B – ATTENDANCE LISTS**



**BIG LIFE**  
FOUNDATION

Physical Planners, Environmental, Research and Development Consultants  
Merendale Hse, Km 214, Koonapi St, P.O. Box 10982 - 00100, Nairobi, Tel: 020-2232685, 0722-369131.  
Website: [www.habitatplanners.com](http://www.habitatplanners.com), Email: [info@habitatplanners.com](mailto:info@habitatplanners.com)

**Habitat Planners**



STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKI GROUP RANCH LAND USE AND SUB-DIVISION PLAN

SCOPING CONSULTATIONS KEY INFORMANTS

#	NAMES	INSTITUTION	DESIGNATION	EMAIL & PHONE NUMBER	SIGNATURE	DATE CONSULTED
1	Jackson Njeru	Ecotourism	Executive	Njeru@ecotourism.co.ke mail		19/04/2012
2	Jonah ole man	Ecotourism	Executive	Jonah.oleman@ecotourism.co.ke		19/04/2012
3	Joel ole keshoo	Big life	Senior Engineers Consultant	joelkeshoo@biglife.org		20/4/2012
4	C. Mill	BLF	CEO	craig@biglife.org		20/4/12
5	Bentley	BLF	CEO	bentley@biglife.org		20/4/12
6						
7						
8						
9						



**BIG LIFE**  
FOUNDATION

**Habitat Planners**

Physical Planners, Environmental, Research and Development Consultants  
Mercedille Hse, Km 214, Kibungo St, P.O. Box 10982 - 00100, Nairobi, Tel: 020-2243865, 0722-369133.  
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STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENI GROUP RANCH LAND USE AND SUB-DIVISION PLAN

COMMUNITY SCOPING CONSULTATIONS

ATTENDANCE LIST

VENUE: At Iloire

DATE: 20/4/22

#	NAMES	ID NUMBER	INSTITUTION / PLACE OF RESIDENCE	DESIGNATION / OCCUPATION	EMAIL & PHONE NUMBER	SIGNATURE
1	Solara Kumbani	25040425	Iloire	Businesswoman	0711487325	
2	Adnan Saidabab		"	Businesswoman	0741155346	
3	Nyirons Kimani		"	Businesswoman	0716441020	
4	LEKENI LULABAMI	25869631	"	Small Farmer	0712086012	
5						
6						
7						
8						
9						
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# STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENIKI GROUP RANCH LAND USE AND SUB-DIVISION PLAN

## COMMUNITY SCOPING CONSULTATIONS

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DATE: 20/4/22

#	NAMES	ID NUMBER	INSTITUTION / PLACE OF RESIDENCE	DESIGNATION / OCCUPATION	EMAIL & PHONE NUMBER	SIGNATURE
1	MU'INKI OLOOMA	12442658	OLANTI	PASTOR	0714 799 796	
2	RITAI REST	80706832	OLANTI	nyumba kumi Secretary	0742352797	
3	OLONNA NEEKISHO		OLANTI	Chairman nyumba kumi	0725 774635	
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STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKI GROUP RANCH LAND USE AND SUB-DIVISION PLAN

COMMUNITY SCOPING CONSULTATIONS

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ATTENDANCE LIST

DATE: *20/4/22*

#	NAMES	ID NUMBER	INSTITUTION / PLACE OF RESIDENCE	DESIGNATION / OCCUPATION	EMAIL & PHONE NUMBER	SIGNATURE
1	<i>IFRAN YU IADIRI</i>	<i>14672280</i>	<i>SELENKI</i>	<i>C.R. Representative</i>	<i>0717442741</i>	<i>[Signature]</i>
2	<i>LEULAM KUWISA</i>	<i>23752631</i>	<i>SELENKI</i>	<i>C.R.R.</i>	<i>0718364817</i>	<i>[Signature]</i>
3	<i>JOEL S. NKIINTI</i>	<i>20292572</i>	<i>SELENKI</i>	<i>B.L.F. PREDATOR</i>	<i>0712410432</i>	<i>[Signature]</i>
4	<i>STEPHINE NKIINTI</i>	<i>9209822</i>	<i>SELENKI</i>	<i>C.R.R.</i>	<i>0727809601</i>	<i>[Signature]</i>
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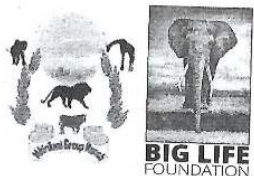
**STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE MBIRIKANI ESELENKI GROUP RANCH LAND USE AND SUB-DIVISION PLAN**

**SCOPING CONSULTATIONS KEY INFORMANTS**

ZONE/AREA: LOTOKI TOK (KWA DCC OFFICE) DATE: 16-06-22

#	NAMES	INSTITUTION	DESIGNATION	EMAIL & PHONE NUMBER	SIGNATURE
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4	Andley Koeh	DCC LFR	Sub-County	0721178417	[Signature]
5	Francis Oluwura	Habitat Planners	Consultant	0722906460	[Signature]
6	Samuel Kaciki	ALOCA	Chairman	Ranji, Mwanza 20365m okkani@gmail.com 0723918058	[Signature]
7	JOSEPH PARMUAT	ALOCA	SECRETARY	0721897417	[Signature]
8	Kimani Wafena	ALOCA	Chairman	0727275991	[Signature]
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STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE MBIRIKANI ESELENKI GROUP RANCH LAND USE AND SUB-DIVISION PLAN

SCOPING CONSULTATIONS KEY INFORMANTS

ZONE/AREA: SH's Ndele for Consultations DATE: 16.06.22

#	NAMES	INSTITUTION	DESIGNATION	EMAIL & PHONE NUMBER	SIGNATURE
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9	TOMMY KOSKOS	WWF			
10					

## ANNEX C – PUBLIC NOTICES FOR THE ESELENKEI SEA REVIEW IN THE KENYA GAZETTE AND DAILY NEWSPAPERS

		
<h1>THE KENYA GAZETTE</h1>		
<p>Published by Authority of the Republic of Kenya (Registered as a Newspaper at the G.P.O.)</p>		
<hr/>		
<p>Vol. CXXIV—No. 282      NAIROBI, 23rd December, 2022      Price Sh. 60</p> <hr/>		
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Impacts	Proposed Mitigation Measures
	the site.
	• Provide bill boards at the site/entrance to notify motorists about the development.

The full report of the proposed project is available for inspection during working hours at:

- Principal Secretary, Ministry of Environment and Forestry, NHIF Building, 12th Floor, Ragati Road, Upper Hill, P.O. Box 30126-00100, Nairobi.
- Director-General, NEMA, Pepo Road, off Mombasa Road, P.O. Box 67839-00200, Nairobi.
- County Director of Environment, Kiambu County.

A copy of the report can be downloaded at [www.nema.go.ke](http://www.nema.go.ke)

The National Environment Management Authority invites members of the public to submit oral or written comments within thirty (30) days from the date of publication of this notice to the Director-General, NEMA, to assist the Authority in the decision making process regarding this project.

Comments can also be emailed to [dg@nema.go.ke](mailto:dg@nema.go.ke)

MAMO B. MAMO,

Director-General,

National Environment Management.

MR/4281228

GAZETTE NOTICE NO. 15951

# THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 6 of 1999)

## NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON THE DRAFT STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT FOR THE PROPOSED MBIRIKANI GROUP RANCH LANDUSE AND SUBDIVISION PLAN, KAJIADO SOUTH SUB- COUNTY, KAJIADO COUNTY

### INVITATION OF PUBLIC COMMENTS

IN LIGHT of the provisions of section 57 A of the Environment Management and Coordination Act (EMCA) 1999, Regulation 42 and 43 of Environmental Impact Assessment and Audit Regulations Legal Notice No. 101 of 2003, the National Environment Management Authority (NEMA) has received a Draft Strategic Environmental Assessment report for the Proposed Mbirikani Group Ranch Land use and Subdivision Plan, Kajiado South Sub-County, Kajiado County. The SEA findings are expected to integrate the existing sectoral plans and programs to establish sustainable development mechanisms.

Mbirikani Group Ranch is the Plan owner located on L.R. No. Kajiado/Mbirikani/733 in Kajiado South Sub-County. The zoning plan used for the Mbirikani land use plan is aimed at achieving prosperity, efficiency, equity, and sustainable development by promoting and accommodating competing land uses. The zoning strategy is expected to promote socio-economic growth while ensuring effective conservation of the environment and natural resources. It seeks to reduce human-wildlife conflicts through active interventions that maintain and protect the ecosystem through adoption of the following land use zones—

- Settlement zone.
- Pastoralism development and wildlife zone.
- Conservation and tourism development zone.
- Cultivation zone.
- Physical and social infrastructure zone.
- Mining and industrial zones.

The Plan is being subjected to Strategic Environmental Assessment in compliance to Section 57A of EMCA Cap. 199. The SEA will

reinforce the implementation of the Amboseli Ecosystem Management Plan (AEMP 2020-2030) by integrating the agreed land use restrictions to address the potential negative environmental and social impacts of land subdivision. The integration will be undertaken through the gazetting of the Mbirikani SEA and annexation of its recommendation in the umbrella Amboseli Ecosystem SEA controlled by the Amboseli Ecosystem Trust (AET).

A summary of the proposed environmental management and monitoring plan for the land subdivision and land use annex is highlighted below.

### Key Environmental and Social Impacts and Mitigation Measures:

Land Use Zone	Potential Negative Impacts With Violation of Land Use Mitigation Options Restrictions	
	Pastoralism and wildlife zone	Conservation and tourism zone
	<ul style="list-style-type: none"> <li>Uncontrollable land subdivisions and disposal.</li> <li>Fragmentation of pastoral and wildlife landscapes through fencing.</li> <li>Mass acquisition of land</li> <li>Introduction of land activities which are incompatible with pastoralism and wildlife conservation.</li> <li>Disputed land sales leading to disharmonious loss of family wealth, generational or family feuds.</li> <li>Introduction of a desperate class of landless people.</li> <li>Distortion of the norms and values of the traditional pastoral culture and traditions.</li> <li>Curtailing of traditional livestock mobility networks in pursuit of pasture and water.</li> <li>Collapse of traditional pastoral practices.</li> <li>Increased crime and indecency due to collapse of traditional customary systems.</li> <li>Escalation of rangeland degradation.</li> <li>Reduced capacity to cope with and adapt to climate change.</li> <li>Increase in human-wildlife conflicts and retaliatory attacks against wildlife.</li> <li>Increase in illegal bush meat activities.</li> </ul>	<ul style="list-style-type: none"> <li>Controlling of further land subdivision and disposal.</li> <li>Regulating land disposal without the consent of family members</li> <li>Creating of shared common land in private land for communal livestock grazing and wildlife use.</li> <li>Establishing conservancies in the pastoralism and wildlife zone.</li> <li>Regulating livestock population by introducing improved breeds.</li> <li>Preventing collapse of the Mbirikani REDD + carbon credit scheme.</li> <li>Conversion of the conservation zone into a conservancy.</li> <li>Ensuring equitable sharing of benefits accruing from wildlife</li> </ul>
	<ul style="list-style-type: none"> <li>Lower aesthetic appeal of Mbirikani as a tourism hub in the Amboseli ecosystem due to negative visual impacts.</li> <li>Curtailing of traditional</li> </ul>	



Land Use Zone	Potential Negative Impacts With Violation of Land Use Mitigation Options Restrictions	Land Use Zone	Potential Negative Impacts With Violation of Land Use Mitigation Options Restrictions
	<ul style="list-style-type: none"> <li>livestock subsidiary networks in pursuit of pasture and water</li> <li>• Collapse of traditional pastoral practices</li> <li>• Collapse of the Mburikan REDD+ carbon credit scheme</li> <li>• Collapse of existing tourism revenue-generating opportunities</li> <li>• Increased wildlife-related conflicts</li> <li>• Increased wildlife crime</li> </ul>		<ul style="list-style-type: none"> <li>roads</li> <li>• Obstruction of wildlife and livestock movement corridors by access roads</li> <li>• Increased vehicle-wildlife collisions</li> <li>• Increased crime including wildlife crimes due to opening up of the area</li> <li>corridors by roads</li> <li>• Addressing potential risk of vehicle-wildlife-livestock collisions</li> <li>• Addressing the potential problem of increased crime including wildlife crimes</li> </ul>
Cultivation zone	<ul style="list-style-type: none"> <li>• High influx of irrigation farmers from agrarian regions</li> <li>• Mass acquisition of land</li> <li>• Increased water demand and scarcity</li> <li>• Increased water-related conflicts</li> <li>• Increased human-wildlife conflicts</li> <li>• Encroachment of swamps and riparian zones</li> <li>• Regulating water abstraction to prevent drying up of rivers, springs and swamps</li> <li>• Regulating encroachment of agriculture into riparian buffer zones through proper zoning</li> <li>• Regulating new irrigation farms on private land</li> <li>• Mitigating water-related conflicts</li> <li>• Limiting the use of agrochemicals</li> </ul>	Industrial and limestone mining zone	<ul style="list-style-type: none"> <li>• Increasing number of decommissioned and unrehabilitated quarries</li> <li>• Impaired movement of livestock and wildlife in the area</li> <li>• Increased colonization by invasive species especially <i>Nicotiana glauca</i> along access roads to new limestone mining sites</li> <li>• Increased air pollution from dust by limestone transport trucks</li> <li>• Entering into agreement with cement producers regarding compliance with the requirement for proper mine-closure and site restoration</li> <li>• Controlling the spread of invasive species especially <i>Nicotiana glauca</i> along the mining access roads</li> <li>• Controlling air pollution in the factory site and access roads</li> </ul>
Settlement zone	<ul style="list-style-type: none"> <li>• Uncontrolled subdivisions and disposal</li> <li>• Mass acquisition of land</li> <li>• Disputed land sales leading to disinheritance, loss of family wealth, intertribal clan or family feuds</li> <li>• Introduction of a desperate class of landless people</li> <li>• Dilution of the norms and values of the traditional pastoralism culture</li> <li>• Increased crime and indigency due to collapse of traditional customary systems</li> <li>• Lower aesthetic appeal of Mburikan as a tourism hub due to negative visual impacts</li> <li>• Increased water demand and scarcity</li> <li>• Increased wildlife crime</li> <li>• Controlling land disposal without the consent of family members</li> <li>• Controlling the sale of settlement land</li> <li>• Addressing the potential risk of increased crime and social vices</li> <li>• Addressing the potential problem of inadequate water supply due to mushrooming settlements</li> <li>• Controlling illegal bush meat activities</li> <li>• Controlling solid waste disposal</li> </ul>		
Physical infrastructure	<ul style="list-style-type: none"> <li>• Fragmentation of grazing and wildlife landscapes by construction of access</li> <li>• Controlling obstruction of wildlife-livestock</li> </ul>		

The full report of the proposed project is available for inspection during working hours at:

- Principal Secretary, Ministry of Environment and Forestry, NHIF Building, 12th Floor, Ragati Road, Upper Hill, P.O. Box 30126-00100, Nairobi.
- Director-General, NEMA, Popo Road, off Mombasa Road, P.O. Box 67839-00200, Nairobi.
- County Director of Environment-Kajiado County

A copy of the report can be downloaded at [www.nema.go.ke](http://www.nema.go.ke)

The National Environment Management Authority invites members of the public to submit oral or written comments within thirty (30) days from the date of publication of this notice to the Director-General, NEMA, to assist the Authority in the decision making process regarding this project.

Comments can also be emailed to [dg@nema.go.ke](mailto:dg@nema.go.ke)

MAMO B. MAMO,  
Director-General  
National Environment Management Authority

MR 4281125

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GAZETTE NOTICE No. 15952

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT**

(No. 8 of 1999)

**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY**

**NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON THE DRAFT STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT FOR THE PROPOSED ESELENKEI GROUP RANCH LANDUSE AND SUBDIVISION PLAN, KAJIADO SOUTH SUB-COUNTY, KAJIADO COUNTY**

The full report of the proposed project is available for inspection during working hours at:

- Principal Secretary, Ministry of Environment and Forestry, NHIF Building, 12th Floor, Ragati Road, Upper Hill, P.O. Box 30126-00100, Nairobi.
- Director-General, NEMA, P.O. Box 67839-00200, Nairobi.
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Comments can also be emailed to [dg@nema.go.ke](mailto:dg@nema.go.ke)

MAMO B. MAMO,

Director-General,

MR 4281125

National Environment Management

GAZETTE NOTICE No. 15952

#### THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY  
NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON THE  
DRAFT STRATEGIC ENVIRONMENTAL ASSESSMENT  
REPORT FOR THE PROPOSED ESELENKEI GROUP RANCH  
LANDUSE AND SUBDIVISION PLAN, KAJIADO SOUTH SUB-  
COUNTY, KAJIADO COUNTY







## National Environment Management Authority

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The full report of the assessed project is available for inspection during working hours of

1. Principal Secretary  
Ministry of Environment and Planning  
10/12 Building, TPA Phase, Pundarikot Road, Upper Hill  
Kathmandu, Nepal. Tel: 977-1-4222111

A copy of the CIL report can be downloaded at [www.arena.gov.sg](http://www.arena.gov.sg). SERA invites members of the public to submit oral or written comments within thirty (30) days from the date of publication of this notice to the Director General, PMA, to assist the following in their decision making process for the project. Email contact at: [www.ara@pma.gov.sg](mailto:www.ara@pma.gov.sg)

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## National Environment Management Authority

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[illegible]

In light of the pressures of the 2010 U.S. Fish and Wildlife Management Plan (USFWS 2010), Aquatic Life and all of its partners (Popeye, Environmental and Public Assistance, and others) will, by 2013, the latest, the National Environmental Laboratory Authority (NELA) have a final 2012 Aquatic Management Assessment Report to the Regional Office for Aquatic Life (see our Leadership Plan, Aquatic Life 2012). Finally, Aquatic Life's 2012 focus is on expansion to include processing, water quality and response to various sustainable development opportunities.

[illegible]

The plan is being subjected to ongoing environmental reviews to comply in order 17-A of ESEA-2006 (the EIA act). The EIA will examine the implementation of the National Biosafety Plan (2007) 3839-3939 by integrating the spatial and land use measures to address the adverse impacts environmentally and social aspects of land reclamation. The integration will be undertaken through the government's annual Ministry of Land and Natural Resources of the Government of the United Kingdom (UK) provided by Approved Companies List (2012). A summary of the environmental impact assessment will be submitted to the local authorities and land-use plans are available at:

Has Levenson ever had Serial Inquiries and Strategic History?

[illegible]

The 1st Draft Strategic Environmental Assessment Report for the Proposed Silver Lake Group Ranch Land Use and Development Plan, Red Lake County, Idaho. Red Lake County is under no obligation to accept or fund the cost of this report.

1. Principal Secretary  
Ministry of Environmental and Forestry,  
KAR Building, 125, 126, Royal Road, Islamabad  
42400, 42700, 42800, 42900

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## KENYA BROADCASTING CORPORATION

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Customer: MS103  
MBIRIKANI GROUP RANCH (DIRECT)  
MBIRIKANI GROUP RANCH (DIRECT)

Telephone:  
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Product:  
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Agency Commission	0.00
Sub Total	20,000.00
VAT @ 16%	3,200.00
Grand Total	23,200.00

Processed by: Walter Mutai

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Page 1 of 1

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**ANNEX D – PROCEEDINGS OF THE VALIDATION WORKSHOP FOR THE ESELENKEI SEA**

**PROCEEDINGS OF THE NATIONAL SEA VALIDATION WORKSHOP ON THE STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKEI GROUP RANCH LANDUSE AND SUBDIVISION PLAN (LSP) HELD ON WEDNESDAY 18<sup>TH</sup> MAY 2023 AT OSORAI COUNTY RESORT, ESELENKEI**



**Prepared by:**



Marianne Plaza, Leleshwa Lane, Kitengela

P. O. Box 79972-00200 Nairobi

0722-906 460 / 0733-906 460

infoenrmkenya@gmail.com



**May 2023**

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## **1. INTRODUCTION**

The workshop began at 9.56am with an opening prayer and introductions by the participants.

### **1.1. Opening remarks by Mr. Ole Maai, Chairman Eselenkei Group Ranch**

Welcomed all the members to the validation workshop for Eselenkei Group Ranch LSP SEA. It is a process that group ranch started with all the stakeholders therefore must be completed together with them. The participants should air their views freely.



*Opening remarks by Mr. Ole Maai, Chairperson EGR*

### **1.2 Remarks by Mr. Jackson Mereon, Treasurer, Eselenkei Group Ranch**

Thanked NEMA for availing themselves for the validation workshop. Happy that the LSP is being subjected to the SEA as it will make it stronger and ensure sustainable conservation of the group ranch

### **1.3 Opening remarks by Mr. Purkei, Ward Administrator**

Welcomed all to the workshop and is looking forward to the deliberations of the SEA findings.



*Opening remarks by Mr. Purkei, Ward Administrator*

#### **1.4 Opening remarks by Mr. Elijah Kipteroi, Assistant County Commissioner (ACC) Lenkism Division**

Welcomed the participants. He is new to the area therefore his first meeting. Stated the resources in Eselenkei should be used sustainably without harming the environment, wildlife and people living in the area. If not, there will be undesired consequences and conflicts. It should be noted that were it not for the wildlife the ranch might not have been well known, therefore wildlife habitat should be given set aside.

#### **1.5 Opening remarks by Ms. Margaret Njuki, SP, NEMA**

Welcomed the members to the SEA validation workshop. THE SEA process has come a long way and there have been many meetings on the Eselenkei LSP. The law today requires public consultation, the bottom up approach. Eselenkei decided to subdivide and have different zones and land uses. There are impacts to the environment from the LSP hence the consultants carrying out the SEA. A SEA report was prepared and submitted to NEMA, who have to verify the findings. That is the agenda of the validation workshop. If the SEA is approved the group ranch will go ahead and gazette the LSP.



#### **2. Eselenkei Group Ranch Land Use and Subdivision Plan Presentation by Mr. Jonah Ole Maai, Chairman Eselenkei Group Ranch**

Displayed a map of Eselenkei Group Ranch and the subdivided zone of the ranch. There is the agricultural zone along the river, the rangelands for settlement and livestock rearing zone (majority of the population), the conservation zone with wildlife, tourist camp, swamps, wildlife the wildlife corridor zone for connectivity. Eselenkei has a land use plan that is gazetted. This was used in preparation of the subdivision plan. There are restrictions in the subdivision plan. The LSP has been presented to the county, it has considered infrastructures such as roads, schools, health facilities. Although not yet implemented. The county government has shown their support for the LSP and supports implementation.

Eselenkei is surrounded by other ranches such as Kaputei, Osilalei, Olgulului and Mbirikani. Eselenkei is central. Before subdivision AET helped the ranch develop a land use plan even though without the plan the Maasai had their own routines such as grazing areas for the drought season,



permanent settlement during the rainy season. These routines were considered during formation of the land use plan.



***EGR LSP presentation by Mr. OLE Maa, Chairperson EGR***

The idea for the land act was fronted by the community land act 2015, by then riparian areas along river Eselenkei were being cultivated, this was the decided to be the agricultural zone. River Eselenkei originates in Kajiado as river Olekerie, there needs to be plans with the help of the government and donors to pipe the water to conservancy, rangelands and wildlife corridors because they are dry areas. Eselenkei is suitable for boreholes hence the whole ranch suitable for farming only that the residents are unable to afford. They do not have donor support to carry out their activities. They paid 23,000 for processing their own title deeds. The only support they have got is from leasing the wildlife corridors to Big Life Foundation. The corridor has 700 members with 32 acres each parcels of land. The payments of these leases go directly to the land owners. They have also resettled members living along the corridors. The land owners belong to Eselenkei Land Owners Conservancy Association with benefits such as lease fees, scholarships, employment among others. The conservancy has 12,500 acres, is not subdivided because it is under lease to an investor though it has a title deed. Each member has 4 acres each and benefits accruing from tourist feed, employment are shared among the members. Appealed for help from NEMA to ensure restrictions put in place such as no settlements are adhered to protect the corridors and conservancy.

### **3. SEA Process overview Presentation by Ms. Oceanic Sakwa, SCEO, NEMA**

Ms. Sakwa gave an outline of the presentation which would entail the introduction, why Strategic Environmental & Social Assessment (SEA), and the steps in the SEA process.

Ms. Sakwa explained the Strategic Environmental and Social Assessment (SEA) is a decision-making tool that is used to integrate environmental and social considerations into policies, plans and Programmes (PPP) thereby contributing to sustainable development. Section 57A of the Environment Management and Coordination Act, (EMCA), 1999 provides for Policies, Plans and Programmes to be subjected to the SEA process.

SEA informs the interested and affected parties on the sustainability of strategic decisions, identifies best alternatives and ensures democratic decision making. A good SEA must be integrated, lead to sustainability, focused, accountable, participatory and iterative.

The objectives of carrying out a SEA include,

- To help improve strategic actions, by appraising them and influencing the kind of projects to be undertaken
- To promote sustainable development- SEA improves planning and helps meet social and economic needs within environmental capacity,
- Analyses alternatives when options are still open and comes up with the best option
- Promotes and ensures wider consultations leading to change in attitudes and perceptions
- Helps address the limitations of ESIA.

The steps in the SEA process are Screening, Scoping, Detailed SEA study, SEA review, SEA validation, Decision Making and Monitoring and Evaluation.

During the screening stage the Plan owner (Eselenkei Group Ranch) initiated the Strategic Environmental and Social Assessment for the Eselenkei land-use and sub-division plan by submitting a Plan brief to the Authority on 9<sup>th</sup> May 2022.



***EGR SEA Presentation by Ms. Sakwa, NEMA***

The Plan brief was screened to determine whether SEA is required. Issues that were taken into consideration during the screening process were,

- Whether the impacts are significant and cumulative in nature
- Risks to health, safety and /or integrity of social or ecological systems
- Existing levels of environmental quality
- If it is politically or publicly contentious
- Gaps and inherent uncertainties in predicting the effects of the Eselenkei Plan on the sensitive Amboseli ecosystems

The Plan brief was reviewed to determine whether SEA is required and vide a letter dated 18<sup>th</sup> May, 2022. The Plan owner was advised to prepare and submit a SEA Scoping Report.

At the scoping stage activities that were undertaken include: -

- Identification of the SEA objectives
- Defining the boundaries in terms of space, time and subject matter
- Stakeholder identification, mapping, and engagement/communication plan
- Identification of possible effects on people and the environment

- Identification of issues/problems to be studied in detail
- Identification of reasonable alternatives
- Analysis of the policy, legal & institutional framework
- Establish linkages/conflicts with existing policies and plans.

Preparation of the scoping report included the TORs for the detailed SEA Study. The SEA Scoping report was submitted to NEMA on 7<sup>th</sup> June, 2022. The Authority reviewed the Scoping Report and approved it vide a letter dated 28<sup>th</sup> June, 2022.

The SEA study stage involved detailed study of the issues that were identified during the scoping phase. Other activities undertaken during the SEA Study entailed: -

- Collecting baseline information
- Situation analysis and predicting trends
- Identifying and predicting impacts and evaluating significance
- Comparing alternatives, identifying measures to enhance opportunities and mitigate adverse impacts

The Draft SEA report was submitted to the Authority on 6<sup>th</sup> December, 2022. This Draft SEA report was then subjected to different reviews:

- 1) Administrative review by NEMA- The Authority reviewed the draft SEA report in order to determine whether it was adequate to be subjected to public and stakeholder review.
- 2) Stakeholder review-NEMA vide a letter dated 8<sup>th</sup> December, 2022 sent out the draft SEA report to stakeholders (*Government Agencies*) to submit their sectoral comments.
- 3) Public Review- A notice was put in the Kenya Gazette and the newspapers inviting the public to submit their comments.
  - The notice appeared in the Standard Newspaper dated 20<sup>th</sup> December, 2022 and the Star Newspaper dated 22<sup>nd</sup> December, 2022
  - The Kenya Gazette on 23<sup>rd</sup> December, 2022
  - Radio announcement were done over the radio (KBC) on 22<sup>nd</sup> December, 2022

A site meeting and verification visit was done on the 28<sup>th</sup> March 2023.

The Authority has so far received stakeholders' comments from,

- Nature Kenya vide a letter dated 7/2/2023
- Water Resource Authority vide a letter dated 13/2/2023
- Ministry of Agriculture and Livestock Development vide a letter dated 23/1/2023

The plan owner Eselenkei Group Ranch (in consultation with NEMA) organized a validation workshop to engage the public and stakeholders in validating the draft SEA report. The validation workshop was held on the 18<sup>th</sup> May 2023 at Osorai Resort, Eselenkei.

The next step after validation is getting comments arising from the validation workshop which will be incorporated into the final SEA report by the SEA experts, ENRM Associates in consultation with the Plan owner. In addition, the public and stakeholders can give further comments if any, within 14 days from the date of the validation workshop (*by 31<sup>st</sup> May 2023*). Lastly, Eselenkei Group Ranch should submit the updated final SEA report to NEMA within 60 days.

Subsequently, NEMA will make a decision on the final SEA report while incorporating the public and stakeholders' comments received.



Eselenkei Group Ranch will be responsible for the implementation, monitoring and evaluation of the recommendations.

NEMA in consultation with Lead Agencies shall oversee the monitoring process.

In conclusion, the SEA process should ensure that the Eselenkei Group Ranch Land-use and sub-division plan will lead to sustainable development while meeting the economic and social needs within the environmental capacity. The prime concern of environmental regulation should be the prevention of environmental and social/public harm and not regulation for its own sake.

#### **4. SEA Study Finding and Recommendations Presentation by ENRM Associates**

Prof. Mwaura began the presentation by outlining the workshop objectives,

- 1) Highlighting the key findings in the SEA report
- 2) Explaining the revisions undertaken in response to the NEMA technical review of the draft report
- 3) Validation and adoption of SEA report

The aim and purpose of the SEA are,

1. Compliance with EMCA s57A(1&2a) which requires "All Policies, Plans and Programs to be subjected to SEA
2. Gazettement and integration of Eselenkei landuse restrictions in the AEMP 2020-2030 and Amboseli Ecosystem SEA 2014 in order to deal with potential land sub division challenges
  - Potential land dispossession and landlessness
  - Negative implications on traditional pastoralism
  - Loss of traditional wildlife & tourism benefits

The SEA process begun in April 2022 and a Plan brief submitted to NEMA on 9th May 2022. Scoping consultations took place between 2<sup>nd</sup> -10<sup>th</sup> May, and the stakeholders engaged included County & National government, Eselenkei Group Ranch Leaders and local communities in the 5 key settlement areas -Ituleta - Ololunga, Noonkikonyi, Enkaigululu; Lenkism - Loormongi, Olepolos, Lormukia, Enchilichili, Olaaturo; Olanti - Olanti irrigation, Lorkiu, Ormanie, Lambec; Oltotoi market centre; Iloirero market centre. Lastly the Eselenkei partners – AET, BLF, KWS, ACC, WWF, IFAW, Lion Guardian, ATE, ALOCA. A scoping report was submitted to NEMA on 4th June 2022. In addition, the LSP assessment work was undertaken and entailed a plan review, PPP analysis, baseline survey, impact analysis, and report writing. A Draft SEA report submitted on 5th Nov 2022. The next steps were a 30 Days national stakeholder review between 22nd May to 18th December 2022, a NEMA Technical Review comments received on 27th Feb 2023 and responded on 9th March 2023, a NEMA site visit on 28-29th March 2023 and revision of the SEA report.

Eselenkei LSP regulatory evaluation screened all the relevant legal frameworks at local, county, national, regional and global levels.

Findings on the Eselenkei LSP are as follows.

1. Compliant with county frameworks - County Land Sub-Division Guidelines 2018 and the County Spatial Plan 2019-2029

2. Compliant with national frameworks - National Environment Policy goal on protection of WCDAs and Kenya Vision 2030 flagship goal of "securing wildlife corridors and migratory routes" and Introduction of common grazing zones for pastoralism and wildlife use National Wildlife Policy and National Wildlife Strategy 2030 goal on incentives for landowners hosting WCDAs "Big Life Foundation Lease Scheme".
3. Internationally compliant with Article 2.1 of the UN Convention on Migratory Species (Bonn Convention) - Establishment of common grazing and wildlife zones in private land tenure

Prof John Kiringe (ENRM Associates) highlighted the key findings on the baseline situation assessment as follows:-

- a) Settlement zones (5 acres with title), In the 6 areas where people have been residing Lenkism, Olanti, Enchilishili, Iloirero, Oltotoi & Iltuleta having moderate to heavy grazing pressure. These are likely to transform to a vibrant economic zone along the Kajiado-Isara road especially at Iltotoi market centre.
- b) Agriculture and settlement zone (2-5 acres with title) found along the Nolturesh water pipeline and Eselenkei River, land sub division is likely to increase irrigation and water use conflicts.
- c) Grazing and settlement zone (42 or 47 acres with title) the second largest landuse zone as well as the main livestock grazing zone in which human settlement is allowed. Uncontrolled land disposal could affect traditional pastoralism practices and lead to widespread landlessness.
- d) Pastoralism rangeland and wildlife zone (42 acres with title) the Largest landuse zone. Unregulated landuse could introduce pastoralism and wildlife incompatible activities
- e) Wildlife corridors, conservancy and tourism zone (47 acres for 700 landowners with title deeds). These are centered around Tulakaria-Osewan and Marite-Oseki wildlife corridors and dispersal areas, Selenkay Conservancy. There exists a lease scheme between landowners and BLF. Unregulated landuse could introduce pastoralism, tourism investment and REDD carbon trade incompatible activities.

James Mutimu (ENRM Associates) highlighted the key findings from the stakeholder consultations as follows:-

- i) Landowners are familiar and in agreement with the landuse zones in the LSP
- ii) Landowners are familiar and in agreement with the permitted activities in the landuse zones
- iii) Landowners are familiar and in agreement with the landuse restrictions
- iv) Landowners consider the 30 years period before review of restrictions as too long and prefer a shorter duration of 5-10 years

He also highlighted the key responses for the NEMA technical review issues including the linkages between the LSP, and AEMP as well as the proposed grievance resolution framework.

Francis Mwaura highlighted the key recommendations for the Eselenkei Group Ranch LSP including:-

- a) Governance structure - Eselenkei Cooperative Society to replace Group Ranch Management Committee
- b) Grazing management - Traditional grazing committees to continue regulating pastoralism activities in shared grazing areas using customary rules
- c) Recommended landuse restrictions in the pastoralism and wildlife rangelands, which are common grazing and conservation areas. They should have,

- No further land subdivision
  - No permanent settlement including construction of permanent “bomas” or buildings
  - No fencing except for natural bush fences around temporary bomas
  - No change of use
  - No crop farming
- d) Review of restrictions after 10 years from the gazettment of the Eselenkei LSP SEA

## 5. Plenary

- Mr. Thomas Olchuria from Oltotoi all wildlife corridors have titles and are leased to Big Life Foundation.
- Hon. Joel Leshao clarifies agriculture parcels are 5 acres each, and rangeland 42 and 47 acres each.
- Mr. Joel Poreka, Chief Eselenkei - has heard of restriction of no fencing for the 42- and 47-acres parcel, what will happen to those who have already sold their lands? Where will they graze their livestock? The new land owners residing in Nairobi are fencing the land. How will the restrictions apply to such?
- Hon. Joel Leshao explained the sole purpose of the SEA for the LSP is to give it teeth to be able to address such a matter. After gazettment of the LSP, it will be able to get the fence down.
- Mr. Lenku Nchipai - Even though the plan was approved by the county the locals are contravening the restrictions, would like to see NEMA the county and community working together to safeguard the restrictions.
- Mr. Jonah Ole Maai Chairperson, EGR - explained to the members that the restrictions are for areas close to wildlife corridors and the conservancy. If one decides to fence their 5 acres in the agriculture zone they are allowed.
- Mr. Emmanuel Mparara, Secretary, EGR - These plans have been in the pipeline for long, two years or so. All these times the community members have been living communally, and maybe they were residing in the conservation zone hence required to shift. The shift should be to the 47 acres, 42 acres or the 5-acre agricultural zone. These have no restrictions.
- Ms. Monica Sondo agrees with what has been presented because they has already discussed the LSP and SEA before. These recommendations and restrictions are not for people in Nairobi, they are for the community and they must be adhered to. Is happy that despite not being educated the LSP and SEA were clearly explained to them thus these will be of benefit because they comprehend.



- With a show of hands, the participants validated the SEA findings




#### **6. Closing remarks by Ms. Margaret Njuki, SP, NEMA**

It was a good meeting; the findings and recommendations have been agreed on. NEMA will proceed with the next step. The SEA is processed as per the law which states the next steps after validation which has successfully been done, is to allow 14 days for submission of comments to NEMA from other stakeholders besides the group ranch members. During this period the final SEA report can be submitted to NEMA by the consultants. There after NEMA will give an approval. Urged the members to ensure the governance structure proposed is adhered to so that the LSP is implemented for the benefit of the group ranch. Lastly, EMCA is not the only law that protects land in Kenya, there are many others and the group ranch should look into them.











The workshop ended at 2pm with word of prayer and participants invited to lunch and to leave at their own pleasure.

## Attendance Lists



STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKEI GROUP RANCH LANDUSE AND SUBDIVISION PLAN (LSP)

SEA VALIDATION WORKSHOP HELD ON 18<sup>TH</sup> MAY 2023 AT ESELENKEI GROUP RANCH

#	NAMES	INSTITUTION	DESIGNATION	PHONE NUMBER	EMAIL	SIGNATURE
1	Joseph Mwangi	EGZ TREASURER	Treasurer	0726075085	Mwangi.joseph@egz.co.ke	
2	ELIJAH KIPTEGO	NKAO	ACC	0721303441	skiptego1@gmail.com	
3	Maisha De Moya	Eselekeni	Member	0718303746	—	
4	Timothy Cheruget	Jedda K. LTD	Consultant	0717275330	cherugettimothy@gmail.com	
5	PAUL OLOJEKU	Member X committee	Eselekeni	0714876409	—	
6	MUTUNKEI	Eselekeni GR	ESG, Kiserian	0714799796	—	
7	Bansi Layian	BLF	CEO	0728941926	banislayian@gmail.com	
8	Samuel Kanki	BLF	MO Coordinator	0723918068	monacoordination@egz.co.ke	
9	Berick Maiva	BLF	Driver	0706447155	—	
10	FRANCIS KITATHU	ESELENKEI	MEMBER	0769164270	Franciskitathu@gmail.com	





# STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKEI GROUP RANCH LANDUSE AND SUBDIVISION PLAN (LSP)

SEA VALIDATION WORKSHOP HELD ON 18<sup>TH</sup> MAY 2023 AT ESELENKEI GROUP RANCH

## ATTENDANCE LIST

#	NAMES	INSTITUTION	DESIGNATION	PHONE NUMBER	EMAIL	SIGNATURE
1	JACKSON OLIBATI	ESELENKEI	MEMBER	0794624419	JACKSONOLIBATI@gmail.com	[Signature]
2	PURKEI NANYMAL	CGK	WARD ADMINISTRATOR	0723464816	PURKEINANYMAL@gmail.com	[Signature]
3	LENKU NCHIPAI	ESELENKEI	ASSISTANT CHIEF	0707088101	calablenkunchipai@gmail.com	[Signature]
4	WISHIRO MPOKO	MANAGEMENT	MEMBER	0708395821	—	[Signature]
5	LENKAI KUTATA	GROUP RANCH MANAGEMENT	MEMBER	0718364817	—	[Signature]
6	MARIKA KORGISOI	GROUP RANCH MANAGEMENT	MEMBER	0711574850	—	[Signature]
7	RODRIKE KIROICH	NEMA	INTERN	0718636961	chirokio@gmail.com	[Signature]
8	KITOSISO DICK KORDANI	Eselenkei G.R.	Member	071529421	—	[Signature]
9	JOHNS OLE MOLE	ESELENKEI CLAN	Chairman	0720461911	JOHNSOLEMOLE@gmail.com	[Signature]
10	John Kinye	ENRM	Consultant	0722896632	johnkinye@gmail.com	[Signature]



STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKEI GROUP RANCH LANDUSE AND SUBDIVISION PLAN (LSP)

SEA VALIDATION WORKSHOP HELD ON 18<sup>TH</sup> MAY 2023 AT ESELENKEI GROUP RANCH

ATTENDANCE LIST

#	NAMES	INSTITUTION	DESIGNATION	PHONE NUMBER	EMAIL	SIGNATURE
1	Josephat W. Kibir	Eselekeni	G.R member	0717442741	josphatw@e.com	
2	Joseph Lekaniya	Eselekeni	G.R member	0720908817	Partvi@eselekeni.com	
3	Kibera Mui	Partiwo	G.R member	070571744	—	
4	Joel de Loshoo	Big Life	Consultant	0722475056	Joel@biglife.org	
5	Tiffany Mwaka	ENRM Associates	P.A.	071773271	mwakatiff@gmail.com	
6	Francis Muiura	ENRM Associates	Consultant	0722906460	francis.muiura@gmail.com	
7	James Mutitu	ENRM Associates	Consultant	0722857230	James.mutitu@gmail.com	
8	Eric Muthi	ENRM Associates	Consultant	0716734930	muthiere@gmail.com	
9	Paul Kibira Mbiti	Greener (K) Ltd	Consultant	0727854238	pkmbiti@gmail.com	
10	Jessica Masley	Chanteculle CF	Project Manager	074881804	jessicamasley@gmail.com	





STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKEI GROUP RANCH LANDUSE AND SUBDIVISION PLAN (LSP)

SEA VALIDATION WORKSHOP HELD ON 18<sup>TH</sup> MAY 2023 AT ESELENKEI GROUP RANCH

ATTENDANCE LIST

#	NAMES	INSTITUTION	DESIGNATION	PHONE NUMBER	EMAIL	SIGNATURE
1	Craig Mull	Big Life	COO	0729175154	craig@biglife.org	
2	Katia	ECR	member	071258932	—	
3	Rinkoine	ESELENKEI	member	07585597	—	
4	Japhet Mataraka	Eselenkei	member	0792258485	japhet.mataraka@gmail.com	
5	Emmanuel Npararia	Eselenkei & Secretary	GRANCH Secretary	0726862702	Nparariaemmanuel@G-mail.com	
6	Monica Gondo	ECR	Member	0798923364	—	
7	Olipi De Santiago	ECR	Member	0700478116	—	
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STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKEI GROUP RANCH LANDUSE AND SUBDIVISION PLAN (LSP)

SEA VALIDATION WORKSHOP HELD ON 18<sup>TH</sup> MAY 2023 AT ESELENKEI GROUP RANCH

ATTENDANCE LIST						
#	NAMES	INSTITUTION	DESIGNATION	PHONE NUMBER	EMAIL	SIGNATURE
1	Nenkerato Olejany	EGR	Member	0796325640	—	lv
2	Lenkasia Olekshoo	EGR	Member	0708205831	—	Lenkasia
3	Sunkwasi Langoio	Eselekeni Group Ranch	Member	0724841966	—	(Signature)
4	James Portiere	Eselekeni	Management	0703777611	JAMES.A.YICHESURAHQA	James
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STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKEI GROUP RANCH LANDUSE AND SUBDIVISION PLAN (LSP)

SEA VALIDATION WORKSHOP HELD ON 18<sup>TH</sup> MAY 2023 AT ESELENKEI GROUP RANCH

ATTENDANCE LIST						
#	NAMES	INSTITUTION	DESIGNATION	PHONE NUMBER	EMAIL	SIGNATURE
1	LEKANAYIA	ESELENKEI	MEMBER	0702716568	—	
2	TIMAM OLW SINTO	ESELENKEI	MEMBER	0712886958	—	
3	DICKSON MUTUA	CCF	DRIVER	0721919577	—	
4	DEMETRIUS ESILANLA	ESELENKEI	MEMBER	0758276329	—	
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STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR THE ESELENKEI GROUP RANCH LANDUSE AND SUBDIVISION PLAN (LSP)

SEA VALIDATION WORKSHOP HELD ON 18<sup>TH</sup> MAY 2023 AT ESELENKEI GROUP RANCH

ATTENDANCE LIST						
#	NAMES	INSTITUTION	DESIGNATION	PHONE NUMBER	EMAIL	SIGNATURE
1	Joel Poreka	<del>Chief</del> Eselenkei	CHIEF	0726348707	—	
2	Saitabay <sup>Saruni</sup>	Eselenkei	member	0745295500	—	
3	Mwendo Lempani	Eselenkei	member	0797215133	—	✓
4	Stephen Ngindi	Eselenkei	Member	0729760371	—	
5	Richard Lamsi	Big life foundation	Conservancy manager	075869095	richard@biglife.org	
6	Moses K. Ntonka	Eselenkei Conservancy	Deputy Warden	0725588884	—	
7	Oscar Sakwa	NEMA	SEO	0720318948	osakwa@nema.go.ke	
8	MARGARET NJUKI	NEMA	SIP	071262347	—	
9	Erans Kiben	NEMA	SDF	0729840480	kibeniwasaymika	
10	Thomas Kasaine	Eselenkei	Committee member	0710352444	—	

## ANNEX E –ENRM ASSOCIATES PRACTICING LICENSES

### Annex 1: Certificate of Registration



No. **PVT-7LU58YZL**

## **CERTIFICATE OF INCORPORATION**

I hereby **CERTIFY** that,

**ENRM ASSOCIATES LIMITED**

is on this date 20 Jan 2022 Incorporated under the Companies Act, 2015 and that the Company is a **PRIVATE LIMITED COMPANY.**



.....  
**Registrar Of Companies**

This is a system generated certificate. To validate this document send the word **BRS** to **21546**

## Annex 2: KRA Tax Compliance 2022-2023



www.kra.go.ke

### Tax Compliance Certificate

For General Tax Questions  
Contact KRA Call Centre  
Tel: +254 (020) 4999 999  
Cell: +254(0711)099 999  
Email: callcentre@kra.go.ke

**Taxpayer PIN :** P052085571H

**Certificate Date:** 12/03/2022

**Name and Address :**

Enrm Associates Limited  
NA, Marine Plaza, NA, Kajiado East District,  
PO Box:79972,  
Postal Code:00200

**Certificate Number:**

KRAKJD1264583322



**This is to confirm that Enrm Associates Limited,  
Personal Identification Number P052085571H  
has filed relevant tax returns and  
paid taxes due as provided by Law.**

**This Certificate will be valid for  
twelve (12) months up to 11/03/2023.**

**Caveat:** This certificate is issued on the basis of information available with the authority as at the certificate date mentioned above. The Authority reserves the right to withdraw the certificate if new evidence materially alters the tax compliance status of the recipient.

**Disclaimer :** This certificate is system Generated and therefore does not require signature. You may confirm validity of this certificate on the iTax Portal by using the TCC Checker. This certificate confirms your compliance status for a period of five years preceding the date of issue. The certificate may however be withdrawn on grounds of outstanding debt affecting periods prior to this.



### Annex 3: NEMA Certificate of Registration

FORM 5



{r.14(4)}

**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)**  
**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT**  
**CERTIFICATE OF REGISTRATION AS AN ENVIRONMENTAL IMPACT ASSESSMENT/  
AUDIT EXPERT**

Certificate No: NEMA/EIA/RC/6671

Application Reference No:

NEMA/EIA/ER/13976

This is to certify M/s **ENRM Associates**

of

P.O. Box 79972-00200 Nairobi

(Address) has been registered as an Environmental

Impact Assessment Expert in accordance with the provisions of the Environmental Management and

Coordination Act Cap 387 and is authorized to practice in the capacity of a Lead Expert/Associate

Expert/Firm of Experts (Type) **Firm of Experts**

Expert Registration No: **12767**

Issued Date : **7/28/2022**

Signature

(Seal)

Director-General  
The National Environmental Management Authority

P.T.O.





## Annex 4: ENRM Practicing License 2022

FORM 7

(r.15(2))



### NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY(NEMA) THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

#### ENVIRONMENTAL IMPACT ASSESSMENT/AUDIT (EIA/EA) PRACTICING LICENSE

License No : NEMA/EIA/ERPL/18102

Application Reference No: NEMA/EIA/EL/23553

M/S **ENRM Associates**  
(individual or firm) of address

P.O. Box 79972-00200 Nairobi

is licensed to practice in the

capacity of a (Lead Expert/Associate Expert/Firm of Experts) **Firm of Experts**  
registration number **12767**

in accordance with the provision of the Environmental Management and Coordination Act Cap 387.

Issued Date: **9/20/2022**

Expiry Date: **12/31/2022**

  
Signature.....  
  
(Seal)  
**Director General**  
**The National Environment Management**  
**Authority**

**Annex 5: ENRM Associates EIK Certificate 2022**



**Annex 6: Francis Mwaura NEMA practicing license 2022**

FORM 7

01/2020

  
nema  
managing earth / shaping future / enabling growth

**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY(NEMA)**  
**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT**  
**ENVIRONMENTAL IMPACT ASSESSMENT/AUDIT (EIA/EA) PRACTICING LICENSE**

License No: NEMA/EIA/ERP/10984  
Application Reference No: NEMA/EIA/EL/21931

M/S Francis Mwaura Mwangi  
(individual or firm) of address  
P.O. Box 79972-00200 Nairobi

is licensed to practice in the  
capacity of a (Lead Expert/Associate Expert/Firm of Experts) **Lead Expert**  
registration number **0077**  
in accordance with the provision of the Environmental Management and Coordination Act Cap 387.

Issued Date: **3/30/2022** Expiry Date: **12/31/2022**

Signature.....  
  
(Seal)  
Director General  
The National Environment Management  
Authority

  
PTO  
PTO 9996-2013 Certified



**Annex 7: Francis Mwaura EIK Certificate 2022**

