

SUMMARY OF THE COMMENTS RECEIVED					
No.	Regulations	Institution	Comments	Deliberation by Task Force	Way Forward
1.		Suresh Patel - KEPSA/KAM/EIK	<p>The Environmental Audit should be made valuable to the proponent.</p> <p>It is not possible to remove the word inspector from the regulations as it is already in the parent Act.</p> <p>It is not possible for NEMA to regulate the EIA charges on behalf of EIK</p> <p>EIK should work with NEMA to review at random the quality of reports submitted.</p> <p>The format of the EIA/EA report to be harmonized</p>	<p>Noted. EIK to action noted</p> <p>EIK to action</p> <p>EIK to consult NEMA</p> <p>Format already captured.</p>	

			<p>Suggested private sector to work with NEMA to enhance its operating budget as its not eligible for Carbon funding</p> <p>Seeking clarification on transition from project report to study report.</p>	<p>Noted</p> <p>Refer to legal notice 150 of 2016</p>	
2.		<p>Caroline Muoge – Lead Expert</p>	<p>NEMA should consider the adequacy of the report since setting up a multi-disciplinary team might be expensive on the proponent.</p> <p>Noted that when they are working at the counties they are requested for contact details to report on environmental degradation issues. She recommends NEMA to have a hotline and publicize it for this service.</p>	<p>For further deliberations.</p> <p>Hotline already exists. (0786101100)</p>	

			<p>NEMA should have time lines for project site verification visit reports.</p> <p>Sometimes in public participation, some members of the public are already compromised politically and hence leading to skewed comments.</p>	<p>Further deliberations.</p> <p>Lead agencies to action.</p>	
3.		Ephraim Kanake - KARA	<p>Noted there was lack of coordination by Lead Agencies in handling environmental issues.</p> <p>Education and awareness from early childhood development to university is very important and should be incorporated.</p>	<p>Noted.</p> <p>Noted.</p>	

<p>4.</p>		<p>John Koyer – EIK Member</p>	<p>He clarified on CIDP as being a fiscal/budget plan that doesn't require SEA and CISP is a spatial plan that requires SEA.</p> <p>There is no proper guidelines for management of riparian reserves and wetlands by the County Governments and Water Resource Authority. Eg In Rwanda you find different kinds of developments along riparian reserves.</p> <p>The highest water mark should be defined to give a breather to the river and the wetland</p> <p>Harmonize the definition of a license and building permits.</p>	<p>Noted.</p> <p>Refer to relevant laws and regulations dealing with wetlands and riparian reserves.</p> <p>Definitions already exists in different legislations</p>	
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			Provide a practical outline or a preliminary plan for undertaking EIA/SEA	ns. Further deliberations.	
5.		Mr. Mwangi – Natural Resources Economist	Queried on whether there would be gazettelement of Kingwal and Kibirigo wetlands in Nandi as mentioned in the Rift Valley regional workshop. Wanted a clarification on Politics and Environment as mentioned by Mr. James Melly in the Rift Valley Regional Workshop.	Relevant Ministries to consider. Noted.	
6.		Prof. Vincent Sudoi University of Eldoret	Confirmed that comments from Rift Valley Region workshop as presented was a true record.	Noted.	
7.		Francis Ministry of	He queried whether the AG has been involved in the review process.	Noted.	

		<p>Energy and Petroleum</p>	<p>Is there ESIA in the regulation?</p> <p>Stated that the forms under schedule 1 needed to be regularized to include name, designation and signature.</p> <p>Noted that initials were used on the forms and there was need to have a key for the abbreviations.</p> <p>Need for graphic presentation of county representation in consultative workshops.</p> <p>Concerned about the use of the word 'SHALL' in regulation 18 (1) of the third schedule.</p>	<p>Yes.</p> <p>Agreed.</p> <p>Agreed.</p> <p>Noted.</p> <p>Continuous training should be mandatory.</p>	
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8.		Anon	<p>Queried on the code of practice under the third schedule rule 12(5) which requires the Lead Expert to oversee the construction, operational and decommissioning phases of the EMP.</p> <p>Suggested that the name of the consultant should appear in the site notification board.</p>	<p>Role of Lead expert in the third schedule is clear.</p> <p>Noted.</p>	
9.		Anon	<p>Secrecy of comments from Lead agencies is required.</p> <p>Lead agencies should submit comments to NEMA for decision making.</p>	<p>Further deliberations.</p> <p>Provided for under the regulation.</p>	
10.		Anon	<p>Good work by the team.</p> <p>If the regulation is pegged on EMCA, there was need to review Act.</p>	<p>Noted.</p> <p>Noted.</p>	

			Regarding EIA fees, shall we go by the Cabinet directive or by the Act?	Cabinet directive .	
11.		Dr. John Ambuchi – Lead Expert	<p>Suggested amendment of the Second schedule part F – upon application, either the expert application document shall be verified for registration or the person shall be invited for an interview and screening by the registration panel.</p> <p>It is notable to prioritize the aspect of climate change vulnerability and adaptation as a new component of EIA study.</p> <p>As development projects gain momentum in the rural areas and frontier regions we need also to leverage and marginalized groups as part and separate component of EIA study and reporting because their</p>	<p>Further deliberations.</p> <p>Agreed.</p> <p>Agreed.</p>	

			needs are special and unique.		
12.		Lorna Namungu – EIK	Appreciated the work done. Self environmental audit should have a structured format. Assist proponents by having two sets of environmental audit report. (i) a simple one for the proponent (ii) a detailed one for NEMA.	Noted. Further deliberations Lead expert to action.	
13.		Anon	Comments from Rift Valley region workshop in Eldoret were well captured. Need to incorporate the informal sector in EIA/EA process.	Noted. Further deliberation.	

14.		Keziah Odemba Min of Tourism	Good work done. No enough time to consult our stakeholders and appealed for more time.	Noted. Agreed.	
15.		Mr. Francis Nyagaka – Civil Society	Suggested there is need to incorporate article 159 of the constitution in the regulation.	Authority cannot prescribe mechanism of dispute resolution.	
16.		Francis Owino Kisumu – Reef Ltd	Good job done. How can diapers disposal be integrated into waste management given that they are not recyclable. E-waste management need to be considered.	Noted. Noted. See E-waste guideline	

			<p>A lot need to be done to unclog waste material that block the water cause of Nairobi river to ensure a clean and healthy environment.</p> <p>Consider harzadous hospital waste management.</p>	<p>es online at NEMA website.</p> <p>Noted.</p>	
17.		<p>Geofrey Otieno KETRACO and SEA Expert</p>	<p>There is a gap in monitoring even after submission of reports such as sustainable reports and audit reports.</p> <p>To obtain good quality reports, appropriate team composition is required.</p> <p>Turn – key projects such as bridges require a team composition of experts in coming up with appropriate mitigation measures.</p>	<p>Further deliberations</p> <p>Further deliberations.</p> <p>Agreed.</p>	

SUMMARY OF THE COMMENTS ON THE DRAFT ENVIRONMENTAL (STRATEGIC ASSESSMENT, INTEGRATED IMPACT ASSESSMENT AND AUDIT) REGULATIONS, 2018

ON 4TH APRIL 2018 AT PANARI, 1ST NATIONAL VALIDATION OF REGIONAL COMMENTS

			EIA experts are not qualified to undertake SEA projects therefore recommended consultation with Catholic and Jomo Kenyatta universities.	Further discussions.	
18.		Mary M. Kithinji Civil Society, Laikipia	There is need to consider scholarships for students undertaking EIA courses.	Professional institutions to consider.	
19.		Dolnald Ojiambo CRF- Africa	Concerned about birds such as marabou stork polluting the environment.	Noted.	
20.					