

SUMMARY OF COMMENTS FOR THE COASTAL REGION STAKEHOLDER VALIDATION FORUM ON THE DRAFT ENVIRONMENTAL (STRATEGIC ASSESSMENT, INTEGRATED IMPACT ASSESSMENT AND AUDIT) REGULATIONS, 2018 HELD ON 13th MARCH 2018 AT PRIDE INN HOTEL IN SHANZU, KILIFI

SUMMARY OF THE COMMENTS OF THE COASTAL REGION ON DRAFT EIA REGULATIONS (Mombasa, Tana River, Kwale, Lamu, Kilifi, Taita Taveta)						
Regulations		Institution	Issue	Comments	Deliberation by Task Force	Way Forward
1	SECTION 41. (1) 5(1,2,3)	WWF Lamu Nathan Kiiti	Subjecting CIDPs to SEA	Already captured in the regulation	An opportunity of creating awareness to County government on the regulation and application on SEA SEA guidelines will be useful to help the County government in implementation.	Captured in the regulation
2	SECTION 4. (2)	NEMA Mombasa William Opiyo	Other lead agencies and Licensing agencies taking precedence in licensing	Regulation very clear that EIA takes precedence over other Licenses	Opportunity to create awareness during capacity building programme on the regulation. As a way of facilitating business to avoid unnecessary expense prior to EIA approval	Captured in the regulation
3	SECTION 4. (6)	NEMA Mombasa James Kamula	Experts doing EIA in area of expertise	As a team feel this is critical to help NEMA and EIK in determining professional capacity of experts	Form I be revised to include All (a) area of expertise (b) Experience	Consider
4	SECTION 12. (1) (b) 12. (2)	Mombasa County Lucy Amkoa Hamid Morowa –	Failure to get feedback from lead agencies on EIA reports	Lad agencies haven't been submitting comments on EIA reports.	DG NEMA Establish forums to engage Lead agencies Senior Management and Technical teams on EIA feedback necessity	

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		Tana River County Government				
5	Section 32(3) Section 34	Rita Mwadime – EIK MSA	Need for clarification on who does the audit study whether it's the Environment inspector or expert. Who and how often self-auditing should be carried out.	Taskforce agreed to delete the term environmental inspector It's done annually and it can be done internally or by an external expert.	Delete the 'Environmental inspector' Captured in 32(5) and 34(i)	Consider
6	Section 7	Teresia Gulatoon – safety and Environment consultancy Ltd	EIA/EA Charges for lead experts.	There are no standard charges by lead experts.	We can't regulate the fees but we can leave it to EIK to promote ethical practices that will manage prices.	
7	Section 14(3) Section 16	Kenneth Otieno-Lamu County Expert	Lack of competence by the proponent to prepare EIA study report and SEA.	The proponent is the legally recognized owner of the project and is expected to consult an assessment expert to develop the TORs.	Amend 17(1) to include "in consultation with an environmental assessment expert"	
8	Section 39	Lucy and Kenneth Otieno.	Role of lead agencies beyond submitting comments to NEMA	the role of lead agencies continue	Captured in 39 & 40	

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				throughout the life cycle of the project		
9	Section 9 (1)	Michael Mbaru – Kenya Maritime Authority	Specific Ministry and Institution to be mentioned.	It's not proper to specify the name of Ministry because functions keep on shifting.	Amend 9(1) by deleting 'to' and replacing with 'for'. We can't name the Ministry but only indicate the ministry responsible because the functions keep on changing.	
10	Section 11& 21	Sophia Kabibi - WWF	No. of submitted copies are too many.	Through this regulation there's an effort to reduce the No. of copies and are considering best practices elsewhere.	What's the best practice elsewhere? 5 copies for Project and 10 copies for IEIA report.	
11	Section 25 Section 42(1)	Mwenga – Lead expert	Record of the process. Screening of PPP for subjection to SEA.	It's not possible to provide for all projects. It will be tedious. The SEA guidelines provides for the screening process.	A formal request can be made to the DG through form 23A. It's provided for.	
12	Section 38 (2)	Mohamed Athman – Lamu County	It doesn't provide for penalties	This is covered under EMCA.	We consider providing a link to 38(2) to the Act.	
13		Hamid Morowa – Tana River County	NEMA should have all expertise to include Engineers and architects or	NEMA has a clear mandate and there other agencies have a clear mandate	EIA licensing conditions are clear that the proponent shall obtain all the relevant approvals from other	

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			other professionals in house. In order to, for example eliminate the building accidents.	especially in the construction industry.	agencies before the construction works commence. Furthermore, the other agencies are required to supervise and monitor the construction process.	
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