

SUMMARY COASTAL REGION STAKEHOLDER VALIDATION ON THE DRAFT ENVIRONMENTAL (STRATEGIC ASSESSMENT, INTEGRATED IMPACT ASSESSMENT AND AUDIT) REGULATIONS, 2017

		SUMMARY OF THE COMMENTS OF THE CENTRAL REGION DRAFT EIA REGULATIONS				
Regulations		Institution	Issue	Comments	Deliberation by Task Force	Way Forward
1	Section 10(1) (d)	Oduor Makoniare EIK member	What comes first, approved designs or EIA?	Proposed submission preliminary designs before the final one. CDE not represented in the county planning committee.	Taskforce to consider including “preliminary” before design. Can be handled administratively at the county level.	Taskforce to consider. CDE to initiate the process at the county level.
2		Ernest Wang’ombe Afrika Green Revolution	Inadequate support to NEMA on environmental conservation. Need for interdepartmental committee for environment at the county level. Mechanism in policy/regulations to allow integration of government departments to safeguard biodiversity. Contradictory laws on definition of wetlands.	Carbon funding and environmental audit services to get funding for NEMA operations To be considered at county level through county environmental committees. Unification of government departments that tackle environmental and biodiversity issues. Harmonizing the definition of wetlands.	NEMA to consider exploring the recommended options. Operationalization of environment committees in all the counties. County environmental committees to tackle the issue. Use the definition provided for in EMCA Cap 387.	

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	<p>Third schedule</p> <p>Section 5</p> <p>Section 27(1)</p>		<p>to train on SEA.</p> <p>Low standards of EIA reports</p> <p>Devolvement of SEA to reach a wider county audience.</p> <p>Creating awareness of climate change issues adaptation and mitigation.</p> <p>Bi-annual submission of monitoring reports.</p>	<p>regulation.</p> <p>Provided in the code of practice and professional ethics.</p> <p>Provided for in section 5.</p> <p>Climate change issues mainstreamed in the licensing conditions.</p> <p>The reports are necessary for monitoring compliance to the licensing conditions.</p>	<p>Action by NEMA through Environmental Experts advisory committee.</p> <p>NEMA to enhance awareness.</p> <p>NEMA and other relevant agencies to create awareness.</p> <p>Its adequately captured in the regulations.</p>	
5	Section 10 (2)	Anthony Munyua Lead Expert – Nyeri	Improvement of public participation Number of public meetings should not be the same for all projects.	Concerned with the high cost of holding public meetings even when the project is low risk.	To be considered by the Taskforce.	

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	<p>Section 11</p> <p>First schedule form 24C</p> <p>24H</p> <p>Second Schedule</p>		<p>No. of copies of reports to be reduced to two plus a soft copy.</p> <p>Register should be made public and include the name of the expert.</p> <p>Register should be made public and include the name of expert.</p> <p>Relevant field of expertise should include social sciences.</p>	<p>Enough hard copies required for dispatch to the relevant agencies and reference by the members of public.</p> <p>Suggestion to be considered</p> <p>“ “</p> <p>“ “</p>	<p>Consider use of soft copies in future.</p> <p>To be considered by the Taskforce.</p> <p>Action by the Taskforce.</p> <p>“ “</p>	
6	Section 4 (2)	CDE – Nyeri (Njoka)	<p>Should building plans come before EIA report?</p> <p>Approvals/licenses /permits (difference)?</p> <p>Conflict between</p>	<p>Refer to serial no. 1.</p> <p>Consider definition of license and approvals/permits</p> <p>Under the physical planning Act a</p>	<p>Taskforce to consider.</p> <p>Action by Taskforce</p> <p>Taskforce (legal) to confirm the contents of Physical planning Act and</p>	

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			EMCA Cap 387 and the physical planning Act.	developer can commence a project once the building plans are approved even without the EIA	EMCA for concurrence	
7	Section 12(1)	Sarah Waruo – NEMA Laikipia	Delayed or no response at all by lead agencies within the stipulated time	Lead agencies response rate has been wanting.	DG convenes a meeting with CEOs of lead agencies to streamline the process.	
8	Section 12(1)	Bernard Karoki – Lead Expert	Approval by agencies without site visit to verify information supplied in the reports.	County Government to visit the site prior to approval	Mandate of the County Governments	
9		Catherine Wambai - KWS	Human – wildlife conflict.	Damages and injuries should be compensated appropriately.	This has been catered for by the wildlife Act 2013.	County wildlife compensation Committee to action.
10	Shedule 2 Section 32	Mark Agwenyi – NEMA Nyeri	Low quality EA reports that are void of emerging issues, project developmental changes and best practices. Inadequate monitoring of	Sanctions on the violations by the experts. NEMA should put more emphasis on the monitoring of the EMP implementation.	Catered for in the code of practice and professional ethics. Allocation of more resources for monitoring.	Action by NEMA through environmental experts advisory committee. NEMA to action.

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			projects after approval.			
11	Section 35	Leah Muthoni – Associate Expert	More emphasis on EIAs than EAs hence EAs not adequately carried out. Most Kenyans are not aware on the need of doing EAs.	Under the regulation, there is a requirement for developers to undertake EAs.	Need for environmental education and capacity building for communities. NEMA should enhance enforcement.	Its included in all licensing conditions.