



## **The 960 MW Coal-Powered Electric Generating Plant proposed for Lamu County**

### **Comments**

Our comments are limited to reviewing the information that was orally provided on the 23<sup>rd</sup> January 2015 as the ESIA Report has not been made public as yet. We observed at this meeting that the information disseminated by the proponent lacks specific details about the proposed coal fired generating plant and in some cases their information lacked credence. We also noted that they were unable to answer questions posed.

Our concern is that the public is lacking facts about the construction and operation of the coal powered generating plant that would avail them to make informed decisions as to the safety, health and the effects on their environment as per the Environmental (Impact and Assessment and Audit) Regulations 2003 (EMCA) (section VI, 17.1), which states that

*During the process of conducting an impact assessment study under these Regulations, the proponent shall in consultation with the Authority, seek the views of persons who may be affected by the project.*

It is not possible to seek views of persons affected if they lack the information necessary to base an informed opinion of the said development. It is our belief that the way method in which the ESIA is being carried out points to an infraction of the law.

Similarly, in the Environmental Management and Co-ordination Act, 1999, the General Principles states that

*In exercising the jurisdiction conferred upon it under subsection (3), the High Court shall be guided by the following principles of sustainable development;*

*a) the principle of public participation in the development of policies, plans and processes for the management of the environment;*

According to our observations of the meeting on 23<sup>rd</sup> January 2015, the public has not been provided with adequate and meaningful participation.

The participants at that meeting were given scant and faulty information. For example, on the point of waste material, the participants were told that it could be used for new businesses creating a material known as gypsum. This was stated without providing information as to the composition of the waste matter from a typical operating coal plant. The proponents knowingly hid from public knowledge the fact that this material is comprised of heavy metals including arsenic, lead, uranium and mercury that, if not handled with extreme care and diligence could leak back into the environment, particularly the water tables and this in turn would affect the life cycles of plants, animals and humans. These substances are found naturally in the earth but when on the surface or in the waste product of an electrical plant are dangerous to the health of human beings and can cause fatality through disease and birth defects. The danger of these substances was not discussed leading us to conclude that no informed community viewpoints will be collected by the proponents to satisfy the conditions of the ESIA, as is stipulated by the EMCA 2003.

Another area of concern is the plan to purchase coal from South Africa and have it shipped in loads of 1 million tonnes to the coal plant. The proponent told the audience that because the channel north of the new port site is too shallow for these ships, they will be met by barges and the coal will be offloaded onto these barges to make the rest of the journey. This method of supplying coal begs several different questions. One, how will the coal be handled and what safety measures will be in place to ensure that the

---

### **Save Lamu**

P.O. Box 314, Lamu 80500, Kenya

Tel: 0723-205-998

Email: [info@savelamu.org](mailto:info@savelamu.org)

Website: [www.savelamu.org](http://www.savelamu.org)

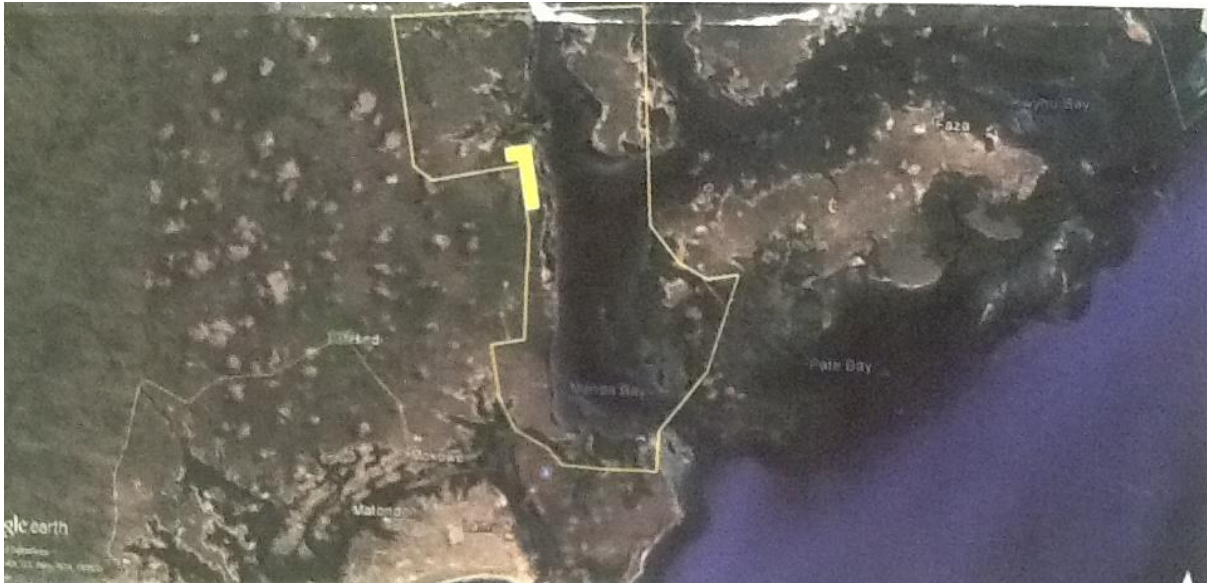
ash from the coal dust does not contaminate the air or the water in transferral from ship to barge and from barge to jetty and from jetty to storage. It is a very complicated transferral system in which the coal is being unloaded and loaded three times in Kenyan waters before reaching its destination. Two of transferrals are in mangrove channels where coal dust and accidental spilling may have a negative effect on the environment and certainly all of the handling of coal will involve particles released into the air. This too will affect air quality and increase air born contaminants.

As to technical questions about the coal powered electrical generating plant, the proponents were unable to answer questions posed from the audience. The proponents were asked the following questions:

- How much water will be used for the cooling system?
- What would be the difference in the temperature of the water on intake and waste water on outtake?
- How would this rise in the temperature of the water effect the mangrove and marine ecosystem?
- How would the coal be stored so that ash particles do not harm the air?
- What kind of storage facility would they use to protect the waste?
- How would they ensure that the waste material would remain stable and not leak from storage area into the environment?

These questions were not answered. In fact, the proponent responded that he did not know the answers to these questions. It is our belief that these questions and others need full disclosure in order for the community to participate and their viewpoints given for the development of the ESIA Report. Without full information and understanding of the positive and negative impacts of the project, viewpoints will be uninformed and lack credence in the Report.

The proposed location of the coal powered electric generating plant has also been brought into question. Its proposed location at Kwasasi is in mangrove forests at the mouth of Ndununi Creek, one of the fishing grounds of the more than 3,000 fishermen in Lamu County. The Ndununi Creek area is a prawning and crabbing site because of its rich marine ecosystem of the mangrove and creek. These areas will be affected and it may be that the quantity and quality of fish, prawns and crab will decrease due to the development nearby yet this is not described by the proponents in their meeting on the 23 January 2015. Instead, Amu Power has handed out fishing nets to the community in May 2015. Their contribution of fishing nets to the community begs the question, how will this help fisherman when their traditional fishing grounds will disappear? The proponent needs to disclose the affects that their planned development will have on the natural resources that local people use for their survival. Less than this is criminal.



*Map of the Lamu Port Area, yellow block shows the area of the proposed Coal-Powered Electric Generating plant*

Lastly, the land at Kwasasi is for the most part land that is communally owned. That is, traditionally it has been farmed by the people of Pate Island (from Siyu, Tchundwa, Pate and other villages on the island). The cultural pattern of these communities is to plant, cultivate and harvest their farms at Kwasasi but to reside in their villages on Pate Island. This has been the traditional practice for centuries. Thus to an outsider, the land may look uninhabited, but that is not the case. It is owned by the community and families have their portions that they farm. Yet no one has title deeds to the land. This situation with no legal title leaves farmers anxious for fear of losing their land and provides gaps for the elite and outsiders to take advantage of the situation. Clear and transparent methods need to be used to make sure that traditional owners of the land have their rights ensured and that land grabbing and even illegal titling of land is halted.

### **Conclusion**

The methods being utilized by the consultants Kurrent Technologies and the proponents of the development Amu Power in developing an ESIA are insufficient. The information provided is often faulty and in some cases they are not informed themselves as to how the development will occur or how the plant will operate. In this, we hold that because of a lack of information about the affects the plant will have on health and livelihoods, the community will not be equipped to provide informed viewpoints or participate meaningfully thus producing a biased and inadequate ESIA. More information is needed and sufficient expertise used to understand the effects of operating a coal power electric generating plant in this sensitive marine ecosystem. The positive and the negative effects of the project should be discussed in full disclosure for informed decisions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Abubakar Al-Amudy'.

Abubakar Al-Amudy

Chairman