



Promoting Participatory and Sustainable
Development

KEY FACTS ON THE LAMU COAL FIRED POWER PLANT

- It will be located in the Kwasasi Area of Lamu County, 21km from Lamu Town, at 1,050MW and operated by a private company, Amu Power (a merger of two Kenyan companies, Gulf Energy and Centum).
- The first of its type in East Africa, the project has faced opposition from a large number of residents in Lamu County due to its potential environmental and health impacts. Various individuals are likely to be affected, from hundreds of fishermen who fish in the waters near the plant that will be subjected to heavy pollution, to the regular citizens whose air will be polluted and health affected.
- EIA Study Report was submitted to NEMA on the 14th of July 2016 by Amu Power, the invitation of comments from the public was made on 29th July 2016, giving 30 days for comments – due by the 29th of August 2016.
- A public hearing was held on the 26th of August 2016, contrary to the law which requires that it is held *after* comments are submitted (29th August) and in a place accessible by most affected people – it was held in an area inaccessible to most residents of Lamu, due to distance and costs.

KEY CONCERNS ABOUT THE COAL FIRED POWER PLANT

- There was a **lack of proper public participation**- initial scoping consultations were done before the project was fully developed. After these scoping studies, certain components of the project changed and the public was never consulted about this. Additionally, key groups such as fishermen were not consulted in detail.
- The **Resettlement Action Plan (RAP) is incomplete** – yet the license has been given, but the communities are yet to be resettled or compensated as required by the African Development Bank Standards (the AfDB is one of the project's funders). The firm selected to do the RAP was not subject to a competitive bidding process, contrary to laws on public procurement.
- The coal plant will result in a **discharge of waste water at significantly higher temperatures back into the ocean**. The EIA Report fails to properly analyse what this will mean for the marine life in the ocean.
- The EIA Report **poorly analysed other alternatives of energy** to generate or improve its production, presenting a heavily biased examination of alternatives (wind, water, solar and geothermal) and the economic justifications.
- The EIA Report introduces **new project components that are not analyzed for their impacts**, including a new dedicated coal berth at the Lamu Port, a 15km conveyor belt from the port to the project site, and a 2000-acre limestone concession. None of these are analyzed in the EIA Report.



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- The EIA Report **undermines its climate change impacts** and is inconsistent with Kenya's commitments in international law. Kenya committed to reduce emissions by 30% by 2030 according to the United Nations Framework Convention on Climate Change (UNFCCC) – this project will increase emissions significantly.
- The EIA Report **contains inconsistencies** – for example, the amount of land required for the project is cited as 880-acres in certain areas, and 975-acres in others. Another example is the amount of water required to cool the plant – in some parts of the EIA documents, the amount required per hour is 42,168 cubic meters, while elsewhere it is triple the amount of water at 126,504 cubic meters.

It is of concern that NEMA received comments from members of the public on the 29th of August and eight days later, made a decision to grant the license on the 7th of September. It ostensibly appears that NEMA never fully considered these comments. They had up until the 13th of October (3 months from the date of submission which was the 14th of July 2016) to consider the comments.

It is disturbing that NEMA's speedy approval coincides with Amu Power's application for an Energy Regulatory Commission (ERC) license, made on 12th September 2016. Without NEMA's approval, the Energy Regulatory Commission's license cannot be granted.

If a project is approved with haste, including denying affected people a comprehensive opportunity to engage NEMA, and the result is an inadequate mitigation of impacts, the consequences will inevitably be borne by the Kenyan citizenry.

NEXT STEPS

- In the first instance, we need to emphasise the problem with the project and the impacts on the environment and to communities.
- We need to question the 8-day turnaround to a licensing decision by NEMA. Particularly, the associated concern over whether public comments were comprehensively considered.
- We need to lobby for the ERC to push back on the application by Amu Power for an energy license.
- We need to advocate for NEMA's decision to be appealed at the National Environment Tribunal.