

*The Proposed Kisumu-Lessos-Olkaria
Transmission Line Upgrading Project*

Task 7. Occupational Safety & Health concerns: The Consultant shall analyse and describe all occupational health and safety concerns likely to arise as a result of construction and operations of the proposed facility. The Consultant shall make recommendations on corrective and remedial measures to be implemented under the Environmental Management Plan. The Consultant will include emergency/disaster preparedness plans for the project.

Task 8. Carry out public participation and consultations on the positive and negative impacts of the project: The Consultant shall carry out a social due diligence which will involve a description of the social, economic and cultural status of the project area. The Consultant shall organise public consultation meetings to enable interested & affected parties to present their concerns and opinions regarding the proposed project. The views of the public will be solicited and incorporated in the main actual report. The detailed requirements of the public consultation will be discussed in Section 3.5.

Task 9. Propose Mitigation Measures to the identified environmental and social impacts: The consultant shall come up with the feasible mitigation measures for the negative impacts that could result from the proposed transmission line project.

Task 10. Development of EMP to mitigate negative impacts: The Consultant shall develop a comprehensive EMP to mitigate all the adverse environmental and social impacts identified in Task 4. The plan should provide parameters to be mitigated, countermeasures, frequency, responsibility of the actions and budgets for such mitigation measures. In developing the EMP, the Consultant shall make reference to and ensure compliance with the various regulations such as water quality, solid waste and other provisions of relevant laws and regulations guiding environmental management and matters of human health and welfare in Kenya or internationally recognised standards/practices.

Task 11. Development of EMoP: An EMoP for significant adverse environmental and social impacts shall be identified. The plan shall provide parameters to be monitored, monitoring methods and frequency, sampling parameters, locations & intervals, responsibility of the actions, reporting system, and budgets for monitoring. In developing the EMoP, the Consultant shall make reference to and ensure compliance with the various regulations such as water quality, solid waste and other provisions of relevant laws and regulations guiding environmental monitoring and matters of human health and welfare.

Task 12: ESIA Report: The main output of the Study shall be an ESIA Report. The report shall be in the English Language and has to be clear and concise. The report will

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be in a format acceptable to NEMA, KPLC and JICA (former JBIC) (See the outline of the ESIA Study Report in Section 10.0. The Consultant shall present the report to NEMA for approval in the required number of copies.

3.4 PREPARATION OF JBIC ENVIRONMENTAL CHECKLISTS

The Consultant shall confirm the items in JBIC's environmental checklist. The Checklist of No.14 for the Power Transmission and Distribution Lines shall be filled out and attached in the ESIA Study Report by the Consultant. The checklist is attached in the TOR and available at:

http://www.jica.go.jp/english/publications/jbic_archive/environmental_guidelines/

3.5 REQUIREMENTS FOR PUBLIC CONSULTATION

In carrying out the ESIA Study, the Consultant shall ensure that adequate public consultation is undertaken.

- 1) The Consultant shall strictly follow the Environmental Management and Coordination (EMCA) Act of 1999, Section 17 of the Environmental (Impact Assessment & Audit) Regulations of 2003, and the JBIC Guidelines for Confirmation of Environmental & Social Considerations of 2002;
- 2) Tentatively, the overall methodology of the public consultation is suggested as shown in the following table;

Table 4 Proposed Methodologies of the Public Consultation Meetings

Item	Proposed Methodology
Frequency	1) Scoping and 2) preparing a draft of the EIA report
Venue	10 venues are planned at local cities in the Project Area so that directly affected people can easily access to the venue
Participants	Local residents who are directly affected, other stakeholders and local NGOs and CBOs (Community-Based Organisations)
Language	Swahili and/or local spoken languages shall be used for the handouts and in the meeting.
Information Dissemination	Notice by a newspaper, sign/poster at the venues, information dissemination through local governments, local leaders and traditional leaders of chiefs
Topics	Scoping: project brief, expected environmental and social impacts, scope of ESIA Study (draft), and comments and suggestions from participants. Preparing a draft report: Outcomes of the ESIA Study, Proposed EMP and EMoP, Proposed organization in charge of land acquisition and EMP/EMoP, and comments and suggestions from participants.
Records of the Meetings	At minimum, the minutes of meeting, agenda, list of participants with participants' signatures and social groups (occupation/tribe), and pictures shall be compiled as a record. All the records of the meetings shall be compiled in English.

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- 3) As the JBIC Guidelines require, the public consultation on ESIA needs to be organized at minimum 2 stages during the Study, namely when scoping and preparing the draft ESIA Study Report;
- 4) As the JBIC Guidelines requires, the public consultation meetings shall be organised at locations accessible for any PAPs and interested parties;
- 5) As the Environmental (Impact Assessment & Audit) regulations of 2003 requires, at least 3 meetings per the Study Area shall be organised. Tentatively organizing public consultation at minimum ten (10) venues for each stage is suggested;
- 6) The Consultant shall ensure that the views of affected and interested parties are taken into consideration, especially requests and comments regarding environmental issues shall be reflected to the ESIA report;
- 7) The public in this study should include, but not limited to:
 - Local people likely to be affected directly and indirectly by the proposed transmission line project;
 - Official/unofficial land title holders who are likely to be affected by wayleave or acquisition of land for the transmission line and transmission line bay;
 - Local government in the Project Area among others;
 - CBOs and Community-based NGOs specialised in the relevant fields, such as environment and social issues;
 - Vulnerable groups such as indigenous people, minority tribes, women, widows, the poor, the elderly, youth, and the disabled in the project site; and
 - Anyone interested shall be invited to the public consultation meetings.
- 8) The invitation and notice of the public consultation meetings shall be delivered well in advance (i.e. minimum one (1) week before the meeting) to meet the Kenyan Environment (Impact Assessment and Auditing) Regulations;
- 9) During the public consultation meeting, the onymous opinion slips shall be distributed so that the opinions of the vulnerables can be incorporated in the EISA Study;
- 10) The minutes of meeting, agenda, the list of participants including participants' social groups (e.g. occupation and tribe) and signature, and pictures of the meeting shall be prepared in English and attached to the ESIA Study Report; and
- 11) The methods, locations and frequency of public consultation shall be proposed by the Consultant and approved by the Client before organizing the meetings.

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4.0 SCHEDULE AND REPORTING

The tentative schedule of the Study is shown in Figure 2. The Consultant is expected to indicate clearly assignment critical milestones, with timing for each activity; taking into account the duration of the entire project implementation period.

The Consultant will submit to the Client:

- (a) Five (5) copies of Inception Report within one (1) week after signing of the contract;
- (b) Five (5) copies of ESIA Study draft report within seven (7) weeks of commencement; and
- (c) Fifteen (15) copies of final ESIA Study Report incorporating the client's comments on the draft report. Ten (10) of these copies will be submitted to NEMA for approval.

Organisation	Tasks	Year 2009							Year 2010			
		May Long Rains	Jun	Jul	Aug	Sep	Oct Short Rains	Nov	Dec	Jan	Feb	Mar
KPLC	Preparation and Submission of Scoping Report with TOR	NEMA's Approval								JICA's Deadline for the NEMA Approved ESIA Report		
KPLC's ESIA Consultant	Procurement of ESIA Consultant				ESIA Study 9wks (tbc)							
	Public Consultation on ESIA					(tbc)	(tbc)					
NEMA	ESIA Review & Approval							NEMA Review with special arrangement				
JICA	Information Disclosure of ESIA Report at JICA									JICA's Information Disclosure (4 months) for Cat A project		

Figure 2 Tentative Study Schedule

The final ESIA Report shall be submitted at the end of the Study to the Managing Director/CEO, KPLC Central Office of P.O. Box 30099, NAIROBI. The finalized ESIA Study Report shall be submitted by the Consultant to KPLC no later than 14th Oct 2009 so that the KPLC is able to submit the ESIA Study Report to the NEMA by the 15th Oct. 2009, allowing sufficient time for NEMA to review the EIA report for its approval by the end of Nov. 2009.

The exact date of the report submission to the Client shall be specified by the Client during the pre-contract negotiation. All the report shall also be provided in CD/DVD-ROM in Microsoft Word for text, Microsoft Excel for tables/graphs and spreadsheets and AutoCAD for drawings.

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In addition to the above, the Consultant would, however, outline the scheduling of activities such as to include:

- (1) Preliminary meetings and inception activities;
- (2) Field visits;
- (3) Public consultation meetings;
- (4) Reports preparation and submission of deliverables to the Client; and
- (5) Any anticipated constraints likely to affect the desired timeframe.

5.0 PROPOSED EXPERTS

To execute the ESIA Study, a joint venture between two or more International or local registered and operating, experienced in the ESIA of transmission line projects shall be selected on the basis of competitive bidding. Key staff in the technical complement may include but not limited to the following:

- Environmental Specialist (Team Leader, should be a NEMA registered Lead Expert);
- Electrical and/or Mechanical Engineer;
- Natural Environment Specialist;
- Sociologist/Consultation Expert;
- Socio-Economist;
- Wayleave Officer/Registered Land Valuer; and
- Occupational Health & Safety Expert.

The Consultant is expected to assess the capacity requirement on the basis of expected outputs as explained in the TOR.

6.0 FACILITIES TO BE PROVIDED BY THE CLIENT

The Client will provide the following facilities:

- (1) Project feasibility studies;
- (2) Access to other relevant information to the extent of its availability; and
- (3) Access to the project site and other sites belonging to the Client as the Consultant may request.

7.0 CONDUCT OF WORK

The Consultant will be expected to be fluent in English Language and be able to work closely with KPLC's staff and other third parties relevant to the assignment. All documentation shall be in English. The Consultant shall undertake not to reveal to unauthorized parties nor to use in any way the technical information (e.g. procedures,

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data, plans, drawings, equipment findings and recommendations), which will be placed at its disposal by KPLC / other stakeholders, or which in any case comes to the Consultant's knowledge during the execution of this assignment.

The consultant will be expected to provide safety clothing (safety shoes, helmets and overalls) while working at site and will be required to adhere to KPLC Safety, Health and Environment (SHE) requirements.

8.0 IMPROVEMENT OF TERMS OF REFERENCE (TOR)

The Consultant may offer suggestions and improvements to the Terms of Reference (TOR) that he/she considers will result in better implementation of the project. Such proposals if accepted will form part of the Terms of Reference of the assignment. The effect on time and cost estimates given under the above clause shall be clearly identified.

9.0 IDENTIFICATION OF RESETTLEMENT

If the Consultant identifies the potential resettlement in the Project Area, the Consultant is expected to inform of the Client the scale of the resettlement and to make recommendations on the alternative alignment to minimise the number of resettlers. If the resettlement is not avoidable, the Consultant shall immediately inform of and discuss with the Client on the further action.

10.0 OUTPUT - (SAMPLE CONTENTS OF THE ESIA STUDY REPORT)

The ESIA Study Report shall be submitted together with a non-technical summary as specified the Environmental (Impact Assessment and Audit) Regulations, 2003 of Kenya.

1. ***Executive Summary:*** This shall include a concise description of the proposed project; environmental setting, highlight of key findings of identified impacts, recommended mitigation measures, EMP and EMoP;
2. ***Introduction to the Project;***
3. ***Project Location, Description, and Activities including the Budget***
4. ***Policy, Legal and Administrative/Institutional Framework:*** This shall include a detailed description of existing legislation, regulation and policy governing solid and liquid waste management, air emissions, environmental quality, health and safety among others. The level of compliance to the applicable laws and corporate environment, safety and health policy shall be clearly stated.
5. ***Methodology:*** A description of the methodology used by the consultant to carry out the Study shall be well stated.
6. ***Description of the proposed project:*** The consultant shall give project introduction covering a short description of the proposed project activities (construction, operations and maintenance) and a brief history of the project.

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7. **Description of Existing Environmental & Social Situation** (Baseline data)
8. **Description of Alternatives** including No Action Alternative and the Proposed Action with good justifications.
9. **Description of Environmental and Social Impacts:** impact identification and impact assessment (evaluating impact significance).
10. **Public Consultation:** Provides a summary of steps taken to consult stakeholders such as local interested parties, government agencies; with key concerns of each party being included.
11. **Gaps in Knowledge and Uncertainties which were encountered in Compiling the Report.**
12. **Impact mitigation measures, EMP and EMoP:** This shall include proposals of feasible mitigation measures, adequate EMP & EMoP and the cost of impact mitigation
13. **Conclusions and Recommendations.**
14. **References:** All sources of information shall be clearly documented with clear names and proper locations under references.
15. **Appendices** including:
 - (1) Specialised Studies (if any);
 - (2) Records of Public Consultation Meetings;
 - (3) Former JBIC Environmental Check List; and
 - (4) Any Other Detailed Reference Materials

KPLC's ESIA Schedule

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	Public Consultation on ESIA				(tbc)												
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Environmental Checklist: 14. Power Transmission and Distribution Lines | 111

Category	Environmental Item	Main Check Items	Confirmation of Environmental Considerations
1 Permits and Explanation	(1) EIA and Environmental Permits (2) Explanation to the Public	<p>Have EIA reports been officially completed? Have EIA reports been approved by authorities of the host country's government? Have EIA reports been unconditionally approved? If conditions are imposed on the approval of EIA reports, are the conditions satisfied? In addition to the above approvals, have other required environmental permits been obtained from the appropriate regulatory authorities of the host country's government? Are contents of the project and the potential impacts adequately explained to the public based on appropriate procedures, including information disclosure? Is understanding obtained from the public? Are proper responses made to comments from the public and regulatory authorities?</p>	
2 Mitigation Measures	(1) Water Quality	<p>Is there a possibility that soil runoff from the bare lands resulting from earthmoving activities, such as cutting and filling will cause water quality degradation in downstream water areas? If water quality degradation is anticipated, are adequate measures considered?</p>	
3 Natural Environment	(1) Protected Areas (2) Ecosystem	<p>Is the project site located in protected areas designated by the country's laws or international treaties and conventions? Is there a possibility that the project will affect the protected areas? Does the project site encompass primeval forests, tropical rain forests, ecologically valuable habitats (e.g., coral reefs, mangroves, or tidal flats)? Does the project site encompass the protected habitats of endangered species designated by the country's laws or international treaties and conventions? If significant ecological impacts are anticipated, are adequate protection measures taken to reduce the impacts on the ecosystem? Are adequate measures taken to prevent disruption of migration routes and habitat fragmentation of wildlife, and livestock? Is there a possibility that improved access by the project will cause impacts, such as destruction of forest, poaching, desertification, reduction in wetland areas, and disturbance of ecosystem due to introduction of exotic (non-native invasive) species and pests? Are adequate measures for preventing such impacts considered? In cases where the project site is located in undeveloped areas, is there a possibility that the new development will result in extensive loss of natural environments?</p>	