



National Environment Management Authority

Popo Road, off Mombasa Road P.O.BOX 67839-00200, Nairobi, Kenya.
Tel: 0724253398, 0735013046 E-mail: dgnema@nema.go.ke Website: www.nema.go.ke

NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON THE DRAFT STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) REPORT FOR THE REVIEWED INTEGRATED NATIONAL TRANSPORT POLICY (INTP)

In light of the provisions of section 57 A of the Environmental Management and Coordination Act (EMCA) 1999, Regulation 42 and 43 of Environmental (Impact Assessment and Audit) Regulations, 2003, the National Environment Management Authority (NEMA) has received a Draft Strategic Environmental Assessment report for the Reviewed Integrated National Transport Policy (INTP). The SEA findings are expected to integrate the existing sectoral policies, plans and programs to establish sustainable development mechanisms.

The State Department for Transport is the Policy owner and recognizes that an appropriate INTP is the prerequisite for attaining an excellent transport system that is responsive to the needs of the people and the industry. The INTP intends to promote the Country's development in terms of integrating production, marketing and population centres hence facilitating mobility in rural and urban areas, national and regional integration, trade promotions, improving the welfare of the people and Kenya's competitiveness.

The policy is based on the recognition that the construction of transport infrastructure systems and their maintenance often affect the environment, leads to displacement of human settlements loss of livelihoods, habitat fragmentation among other negative changes in the environment. As such there is need to ensure that the environmental, social, health and safety considerations are incorporated in transport infrastructure development, management and operations to safeguard the environment and human health.

A summary of the proposed environmental management and monitoring plan for the Integrated National Transport policy is highlighted in the table below. The proposed mitigation strategies are aimed at minimizing the negative impacts while enhancing the positive ones.

Key Environmental, Social, occupational health and safety impacts and mitigation Measures for the INTP

| ENVIRONMENTAL ISSUES | | |
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| Issue | Mitigation | Monitoring |
| Pollution (Air, water, noise) | <ul style="list-style-type: none"> NEMA policy on noise, air quality standards East African Community Protocol on Environment on Natural Resources (Amendment 206) Occupational Safety And Health Act, 2007 Public Health Act (CAP. 242) Civil Aviation Act No 21 of 2013, the Civil Aviation (Amendment) Act No. 46 of 2016, The Kenya Airports Authority (KAA) Act CAP 395, of 1991 and the various regulations covering diverse areas. The International Civil Aviation Organisation (ICAO) Convention on Biological Diversity Ramsar Convention Convention on Migratory Species/Bonn Convention Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa (1997) Convention on Persistent Organic Pollutant (2001) | Review guidelines on the transport sector action plan |
| Hazardous waste | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Sustainable Waste Management Act 2022 Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa (1997) | Review guidelines on waste management |
| Wetland loss and degradation | <ul style="list-style-type: none"> Compliance/adherence/ conformity to: Sustainable Waste Management Act 2022 Climate Change Act No 11 of 2016 United Nations Framework Convention on Climate Change (UNFCCC) Draft National Policy on Wetlands Conservation and Management (2013) Ramsar Convention Wildlife Conservation and Management Act 2013 National Environment Policy, 2013 | Strengthen guidelines on water catchment management. |
| Destruction of flora and fauna | <ul style="list-style-type: none"> Compliance/adherence/ conformity to: Convention on Biological Diversity (IC/A/P) Convention on Migratory Species/Bonn Convention (IC/A/P) Wildlife Conservation and Management Act 2013 Forest Act 2012 Environmental Management and Coordination Act of 2015 (CAP 387) and its Amendment Lusaka Agreement on the Cooperative Enforcement Operations Directed against Illegal Trade in Fauna (1994) | Review guidelines on the management of flora and fauna. |
| Introduction of invasive species | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: National Biodiversity Strategy and Action Plan (NBSAP), 2000 | Review guidelines for the prevention of and introduction of alien invasive species in the transport sector. |
| Deforestation | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Draft National Forest Policy, 2015 • EMCA Cap 2015 • National Biodiversity Strategy and Action Plan (NBSAP), 2000 National Master Plan for Conservation and Management of Water Catchment Areas 2012 • Environmental Management and Coordination Act of 2015 (CAP 387) and its Amendment | Draw guidelines on the requirement of environmental rehabilitation plan (ERP) |
| Climate Change impacts (drought, floods and landslides) | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Sessional Paper of 2014 on National Climate Change Framework Policy Climate Change Act 2016 County Governments Disaster Management Bill | Review guidelines on adequate integration of climate change mitigation and mitigation in transport sector project EIA Report |
| Oil spills | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: The Merchant Shipping Act No. 4 of 2009 The Environmental Management and Coordination Act (EMCA), 1999 International Convention for the Prevention of Pollution from Ships (MARPOL) | Re-assess the guidelines on for the ecosystem protection plan. |

| SOCIAL ISSUES | | |
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| Increased crime rates | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: The Penal Code (Cap. 63) the Security Laws (Amendments) Act, 2014 | Draft guidelines on mainstreaming and engagement of enforcement agencies |
| Inadequate consideration of labour opportunities | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: The Constitution of Kenya, 2010 • The Employment Act, 2007 Labour Relations Act No. 14 Of 2007 Labour Institutions Act No. 12 of 2007/Persons With Disabilities Act No. 14 of 2003 | Re-assess guidelines on labour management plan |
| Minimal consideration of erosion of cultural norms, values, and systems issues | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: National Policy on Culture and Heritage, 2009 World Bank Policies, Indigenous Peoples Policy (O.P.A.10) UNESCO Convention for the protection of the World Cultural and Natural Heritage (1972) World Heritage Convention | Re-assess guidelines on the protection of cultural norms, systems, and values |
| Inadequate consideration of cultural and heritage sites and displacement of indigenous people | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: National Policy on Culture and Heritage, 2009 World Bank Policies, Indigenous Peoples Policy (O.P.A.10) National Museums and Heritage Act 2006 World Bank's Operational Policy 4.11-Physical Cultural Resources UNESCO Convention for the protection of the World Cultural and Natural Heritage (1972) World Heritage Convention The Physical And Land Use Planning Act, 2019 World Bank's Operational Policy 4.12: Involuntary Resettlements Compliance with the Land Act 2012 | Review rules on the protection of heritage and protection/participation and inclusion of indigenous peoples. |
| Increased loss of land, and its entities, including property. | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Land Act 2012 The Physical And Land Use Planning Act, 2019 | In conjunction with NLC and Environment and Land Court, review guidelines of compensation/ relocation and resettlement plan. |
| Resource-based conflict-related issues | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Public Roads and Roads Access Act Cap 599 | <ul style="list-style-type: none"> Review grievance redress mechanisms in conjunction with law enforcement agencies. Rethink the Bill of Rights as enshrined in the COK (2010). Draw guidelines on the African Charter on Human Rights |
| Child labour and exploitation of children | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Children Act 2001 National Children Policy, 2010 Labour Relations Act No. 14 Of 2007 | Review guidelines of enforcement laws on child labour and exploitation |
| Inadequate consideration of issues related to increased road accidents | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Traffic Act Chapter 403 | Review guidelines on an enforcement management plan |

| OCCUPATIONAL SAFETY, HEALTH, AND SECURITY | | |
|---|--|---|
| Death and injuries | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Occupational, Safety, and Health Act, 2007 Work Injury Benefits Act, 2007 ILD Declaration on Fundamental Principles And Rights At Work. Persons With Disabilities Act No. 14 Of 2003 | Review guidelines on work injury and benefits |
| Gender based violence and sexual harassment and Violation of Rights of Children (VRC) | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Sexual Offences Act 2006 Gender Policy of 2011 Sexual and Gender Based Violence Act 2017 Children Act 2001 National Children Policy, 2010 ILD Declaration on Fundamental Principles And Rights At Work | <ul style="list-style-type: none"> Re-assess guidelines on GBV engagement and protection management plan Review guidelines on disease sensitization management plan |
| Sanitation and hygiene | <ul style="list-style-type: none"> Compliance/adherence/ conformity/Review to: Sustainable Waste Management Act 2022 Compliance with the Water Act, 2016 National environmental Sanitation and Hygiene Policy (NESHIP) 2007 Kenya environmental Sanitation and Hygiene Policy 2016-2030 | Review guidelines on work injury and benefits |

The full Draft Strategic Environmental and Social Assessment report for the Reviewed Integrated National Transport Policy (INTP) is available for inspection during working hours at:

- Principal Secretary, Ministry of Environment, Climate Change and Forestry, NHIF Building, P.O. Box 30126-00100, NAIROBI**
- Director General, NEMA, Popo Road, off Mombasa Road, P.O. Box 67839-00200, NAIROBI**

A copy of the Draft SEA report can be downloaded from www.nema.go.ke (NEMA/SEA/5/3/073)

NEMA invites members of the public to submit oral or written comments within thirty (30) working days from the date of publication of this notice to the Director General, NEMA, to assist the Authority in the decision making process regarding this SEA. Comments can also be e-mailed to dgnema@nema.go.ke

MAMO B.MAMO, EBS DIRECTOR GENERAL
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