

532
② Mr. Amolo
ms review this petition and
revert by 2nd May 2017.
26/4/17

KISII COUNTY GOVERNMENT OFFICE OF THE GOVERNOR

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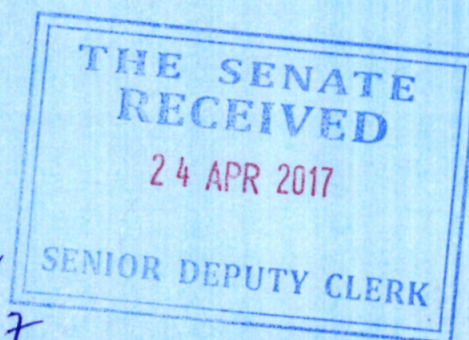
Kisii Municipal Building
P.O. Box 4550 – 40200
Kisii, Kenya.

Ref: KSI/C/6/2(569)

24th April, 2017

Mr. Jeremiah Nyegenye,
The Senate Clerk,
Parliament Building,
P O Box 41842-00100,
NAIROBI
Tel 020 2221291/2848000
Email: csenate@parliamnet.go.ke

① DHPS
kindly deal
26/04/17



Dear Jeremiah,

**REF: PETITION TO SENATE TO VARY THE BOUNDARIES OF NYANGWETA
FOREST IN SOUTH MUGIRANGO SUB COUNTY, KISII COUNTY**

This is a humble petition to Senate to vary the boundaries of Nyangweta Forest in South Mugirango Sub County, Kisii County to avail land for establishment of a Sugar Complex. The petition is made under the provisions of The Forest Conservation and Management Act, 2016 part IV section 34.

The Kisii County Government humbly petitions the Senate to vary the boundaries and grant excision of 120 acres of Nyangweta Forest to avail land for establishment of a Sugar Complex with three production plants including Sugar Production plant, Ethanol production Plant and Electric Power Generation Plant. The project was generated by the residents of the County during the public/stakeholders' engagements and is consistent with the County Government's larger objective of Industrialization.

This petition builds on the elaborate engagement the Kisii County Government has had with the Members of the Public during stakeholders/public participation meetings, the Forest Conservancy Committee, Nyanza Conservancy, approvals obtained from the Kisii County Assembly and executive, Environmental Impact Assessment Study Report and Subsequent issuance of the Environment Impact Assessment License and the Memorandum of Understanding signed by the Kisii County Government with the investor.

1 | Page

Mr. Charles Mwangi
Please deal in
line with (E)
above 27/4/17

The Forest is registered as title No South Mugirango/Nyataaro/2358, an absolute holding measuring approximately 63.2 Ha under the proprietorship of Gusii County Council, copy of certificate of official search is attached as appendix I.

Nyangweta forest is located in South Mugirango Sub County, Moticho Ward. The forest touches Chitago/Borabu, the neighbouring Ward. Records available in the Kisii County Land Registry show that the forest land was originally measuring approximately 218 acres. The Gucha County Council allocated 60 acres of the forest land to Kisii University to construct a campus leaving a balance of 158 acres.

Out of the remaining 158 acres of forest land, the Kisii County Government is petitioning Senate to grant excision of 120 acres for the establishment of the Sugar Complex. This leaves a balance of 38 acres which will remain under the management of the Kenya Forest Service. The County Government will work with the Kenya Forest to re-afforest the remaining part of the forest and facilitate its gazettement, in addition to other compensation proposals outlined in 1.4 below.

Nyangweta Forest is accessible with a tarmac and murram road passing through it. River Nyangweta passes through the forest and a small stream to the Southern part marks the boundary between the forest and free hold land. The forest is surrounded with rich agricultural land and served with electricity line from the national grid.

A map of Nyangweta Forest showing the part of it that the County Government is petitioning Senate to excise is attached as appendix II

In order to translate the intentions of establishing a Sugar Factory at Nyangweta into reality, Kisii County Government (KCG) entered a Memorandum of Understanding (MOU) dated 2nd March 2016 with investors, the **Kanoria Group** from India who will set up a Sugar Complex with a capacity of crushing 2500 tons of cane per day (TCD) with potential to expand to 5000 TCD, a copy of the MOU signed is herewith attached as appendix III.

The sugar complex will consist of three production plants, namely;

1. Sugar Production Plant
2. Ethanol Production plant
3. Electric Power Production Plant

The Kanoria Group of Companies will operate in Kisii under a newly registered company, Kisii Renewable Energy & Sugar Company Limited (KRESP1), a copy of the certificate of incorporation of the said company is attached as appendix IV.

The procedure of getting land at Nyangweta Forest to establish a sugar complex required the County Government to work with the Kenya Forest Service. To this end, engagements with the Forest Conservancy Committee (FCC), Nyanza Conservancy started in October 2014 when the head of conservancy at that time and members of the committee visited Nyangweta Forest to familiarize themselves with the forest and contextualize the request of the County Government.

Thereafter, the FCC held a special meeting on 24 June 2015 with the Kisii County Government. In that meeting, the County Government requested the Kenya Forest Service to consider excising

60 acres of the forest for the establishment of the sugar factory. This was the envisioned requirement for land at that time based on the intended set up of a sugar production plant only. This land requirement was subjected to public participation engagement with the residents of South Mugirango and approved by the Kisii County Assembly. The investor that was identified at that time did not however pursue their interest to translate these plans into reality. This caused the County Government to re-initiate the process of searching for interested investors.

It was until February 2016, when the County Government identified the Kanoria Group of Companies from India and entered into an MOU. This group has shown seriousness and commitment to set up a Sugar Complex at Nyangweta Forest. They have vast experience in the Sugar and related products Industry in India. The Group has the capacity to establish a Sugar complex that will have three main plants, namely; Sugar production, Ethanol production and Electric Power Production.

Taking cognizance of the provisions of the MOU which the County Government signed with the Kanoria Group, and considering the larger area required for purposes listed hereunder, a need was generated for more land than what the county Assembly had initially approved. The County Government therefore revised the requirement for land from Sixty (60) acres to One Hundred and Twenty (120) acres which is the minimum required to adequately accommodate the planned Sugar complex. The additional request of 60 acres, to make total 120 acres, was subjected to public/stakeholders' participation engagements, County Executive and County Assembly approvals. The requirements for land use will include the following:

APPROXIMATE SIZE OF PERCENTAGE OF LAND (total area is 120 acres)		
a) Cane tractor/vehicle movement,	3.6	3
b) Weigh-bridge services	3.6	3
c) Parking	8.4	7
d) cane handling/storage	6	5
e) Human movement	3.6	3
f) Movement for sugar trucks	3.6	3
g) Movement for Ethanol tankers	3.6	3
h) Process plants for Sugar and ethanol	10.8	9
i) Power Plant housing boiler and turbine	9.6	8
j) Electrical switch yard	8.4	7
k) Residential colony for employees	12	10
l) Greenbelt	8.4	7
m) Administration block and canteen	3	2.5
n) Large storage areas for ethanol and molasses	7.2	6
o) Sugar godowns	6	5
p) Bagasse yard.	6	5
q) Access Road	3	2.5
r) Pre School Unit/Amenities like fire station, health centre, petrol pump etc.	6	5

s) Social centre/shopping	7.2	6
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The Sugar Complex will have the capacities outlined below and will be implemented in two phases as shown in the table below:

COMPONENT	PHASE I 2016-2019	PHASE II-2020-2022
Sugarcane Crushing Capacity/day	2,500MTs	5,000 MTs
Sugar Production Capacity	105,000MTs	210,000MTs
Cultivated Plantation Size	10,000 ha	10,000 ha
Distillery Capacity	45KLpd	45KLpd
Power Co-generation capacity	10MW	20MW
Estimated Investment	50Mn USD	
Sugar Production	86,250MTs	172,500 MTs
Ethanol Production	7.5 mnlitres	15mn litres
Power Production	80,000 MWh	160,000MWh

1.1 Public Participation/stakeholder Engagements

The Public participation/stakeholder engagements regarding the sugar complex at Nyangweta were held with the publics from Kisii County, various Government Departments, Kisii County Assembly and wider public notices in the daily newspapers, radio and Kenya Gazette. These engagements aimed at giving all interested parties and wider audience in Kisii County and the Country at large opportunity to make comments about the project. The engagements also aimed at meeting the constitutional requirements on public participation and specific provisions of the law relating to excision of forests and environment management.

Below is an outline of the public participation engagements that were undertaken:

- 1) **The first public/stakeholder participation meeting was held on 15 April 2014, at Nduru Boys Secondary School hall** in South Mugirango Sub County. The Stakeholders meeting was convened with objective of consulting the Sugarcane farmers, the Members of the County Assembly, the Chiefs and other Community leaders to identify a suitable land for the proposed Sugarcane factory in South Mugirango Sub County.

The County Government Team was led by the Chairman of the County Public Service Board, Hon David Kombo, the County Executives (CEC) for Trade and Industry, Ibrahim Moiro, CEC for Education, Labour and Manpower Planning, Dr Kodek Omwancha, CEC for Land, Physical Planning and Urban Development, Moses Onderi.

The Members of the County Assembly that participated were; Minority Leader, Daniel Apepo, Deputy County Assembly Speaker, Evans Mokoro. Others included, MCAs Elkanah Nyandoro, Reuben Moreka, Ronald Onduso and Albert Oino.

Each of the six wards of South Mugirango Sub County was allowed 25 delegates to the meeting that included all Chiefs, community leaders, religious leaders, member of the general public, teachers and farmers.

The stakeholder meeting resolved that:

- a) The Kisii County Government establishes a sugarcane factory in South Mugirango Sub County on priority.
- b) That the suitable land for establishing the factory was at Nyangweta forest. The participants recommended that the County Government take appropriate measures to excise 60 acres of the forest land for establishment of the Sugar Factory.

However, the likely investor at that time did not pursue their interest. The current investor who was identified in February 2016, requires more land as will be shown in the follow up stakeholder/public participation meeting held on **4 September 2016**. (see below)

See appendix V for the record of the proceedings and list of participants.

- 2) **The Follow up Stakeholders/Public Participation meeting held on 4 September 2016** on the proposed Sugar Complex at Nyangweta Forest was necessitated due to the changes that had taken place in the plans to establish a Sugar factory. The changes which had taken place were:
 - a) **Change of Investor.** The early investor that was identified in 2014 had intended to establish a sugar factory but changed his interests. Consequently, another Investor, the Kanoria Group from India was identified in February 2016.
 - b) **Memorandum of Understanding.** The County Government signed a memorandum of understanding in February 2016 with the Kanoria Group from India to establish a Sugar Complex at Nyangweta.
 - c) **Production Plants.** The first investor was to establish a sugar production plant only, but the Kanoria Group intends to establish a Sugar Complex with three plant, namely,
 - (i) Sugar Production plant
 - (ii) Ethanol Production Plant and
 - (iii) Electric Power Plant
 - d) **Land requirement.** The first stakeholder/public Participation meeting which was held in 2014 had approved excision of 60 acres from Nyangweta forest for the establishment of a Sugar Factory but the Kanoria Group required 150 acres of land which was scaled down to 120 acres after negotiations with the investor. The 120 acres was a compromise arrived at which recognized scarcity of land and the need to conserve part of Nyangweta forest under the Kenya Forest Service.

Considering the above changes, it was necessary to hold a follow up meeting with stakeholders to seek their views and recommendations on the way forward.

It was clarified that the Environmental Impact Assessment Study report included covered the entire area under forest cover at Nyangweta and beyond.

The Stakeholders meeting approved the changes and urged the County Government to take urgent measures to implement the proposals.

See appendix VI for the record of proceedings and list of participants.

- 3) **The third public participation/Stakeholder meeting was held 29 March 2016.** This was a workshop which drew participants from the six wards of South Mugirango. The workshop was attended by the six Members of the County Assembly from South Mugirango, farmers, Religious leaders, County Executive committee members, Teachers and members of the general public.

The objective of the workshop was to discuss the Environmental Impact Assessment Study Report on the proposed Sugar Complex at Nyangweta Forest. The scope of the study included the entire area under forest cover at Nyangweta.

The consultant who carried out the EIA Study conducted the workshop using three languages, that is, English, Kiswahili and Ekegusii to ensure that all those participating followed the proceedings.

Participants of the workshop approved the study report and urged the County Government to submit it to the Environmental Management Authority (NEMA) on priority for appropriate action.

The record of the proceedings and list of participants is attached as appendix VII.

- 4) **The 4th stakeholders/public participation meeting held at Nyakeyo Secondary School with the Forest Conservancy committee on the proposed sugar complex at Nyangweta forest in South Mugirango Sub County on 6 September 2016.**

The stakeholders /public participation meeting was organized to provide a forum for the stakeholders to interact with the members of the Forest Conservancy Committee, Nyanza Conservancy, who were visiting to monitor on compliance issues relating to the planned excision and familiarize themselves with Nyangweta forest.

The National Government was represented by the Kisii County Commissioner and Deputy Commissioner in charge of South Mugirango Sub County.

Participants of the stakeholder/Public participation meeting were drawn from the areas surrounding the forest. They included farmers, chiefs, and general public. There were more than 200 people that turned up for the meeting. However, the County Government team was able to register part of the participants since majority of them were taken up by the engagements with the Forest Conservation Committee and participants.

The stakeholders were provided a summary of the project as follows:

- a) In 2014 the County Government identified an Investor who was to establish a Sugar factory at Nyangweta. The investor did not continue to pursue their interest. Therefore, another Investor, the Kanoria Group from India was identified in February 2016.
- b) The County Government signed a memorandum of understanding in February 2016 with the Kanoria Group from India to establish a Sugar Complex at Nyangweta.
- c) The first investor was to establish a sugar production plant only, but the Kanoria Group intends to establish a Sugar Complex with three plants, namely,

(iv) Sugar Production plant

(v) Ethanol Production Plant and

(vi) Electric Power Plant

- d) The land requirement for the expanded plants was 120 acres of land.
- e) That this meeting was organized to provide the stakeholders an opportunity to meet with the Forest Conservancy Committee and give them feedback about the plans to establish a Sugar Complex at Nyangweta.

The FCC had an open interactive session with stakeholders in which the general disposition of the residents of South Mugirango about the project became evidently clear. They urged the FCC to assist the Kisii County Government to excise 120 acres of land from Nyangweta forest to establish the Sugar Complex.

The record of the proceedings of the meeting and list of participants is attached as appendix VIII

1.2 Summary of reasons for the Sugar Complex

During the various public participation/stakeholder meetings held participants that included the residents of Kisii County, Members of the County Assembly, County Executive, heads of the relevant departments, participants gave various reasons why they wanted a Sugar Complex established at Nyangweta Forest. Below is a summary of the reasons:

- a) South Mugirango and the surrounding Sub Counties of Banchari, Bogetutu, Bomachoge and Bobasi have red soils which are fertile and suitable for growing sugarcane and other agricultural crops.
- b) Sugarcane is already a major cash crop grown by the farmers of South Mugirango, Bonchari and Bomachoge. With the planned setting up of the sugar complex, more farmers will embrace sugarcane farming due to the ready market and increased net earnings due to reduced transport costs.
- c) The illegal cutting of trees at Nyangweta forest and other areas within the catchment zone at night by Jaggery producers will come to an end. This will ensure that the remaining part of Nyangweta forest is conserved with participation of the community.
- d) The transport costs to the sugar factories in the neighbouring counties are high thus leading to recovery of considerable earnings to pay for the transport expenses. The proposed sugar complex is therefore expected to reduce the transport expenses and increase the net earnings for the farmers from their deliveries to the factory since the distance will reduce by an average of about 50%.
- e) The proposed sugar complex is expected to create about 3000 indirect employment opportunities which will benefit the local people in addition to about 1500 skilled employment opportunities that the complex might require. Although the skilled workforce is not to be entirely sourced from the locality, some of the skilled people from the area are likely to be employed in the complex.

- f) The proposed sugar complex will have direct interactions with the people of Kisii County in terms of the benefits resulting from social corporate responsibility of the sugar complex including agriculture extension services, support to schools, sports grounds development, sponsorship to sports activities, support to health centres and road opening up (access roads) and maintenance just to mention a few.
- g) CESS is one of the benefits expected from the deliveries of sugarcane to other factories. For the several years the Kisii County farmers have been delivering their sugarcane to other factories, it is not clear how the resulting CESS has been utilized to benefit the sugarcane growing farmers in the area. It is expected that Kisii County will directly benefit from the resulting CESS from the Sugar complex, which revenue will be pumped back to developing and improving access roads.
- h) Nyangweta Forest is accessible, with a tarmac and murram roads passing through it. Etago Health centre, Nduru Hospital and Etago police station are located within a distance of about 3 kilometres.
- i) River Nyangweta passes through the forest and a small stream to the Southern part marks the boundary between the forest and free holding land. The complex, will therefore extract water from nearby river Nynagweta.
- j) The forest is served with electricity from the national grid and surrounded with rich agricultural land which extends to Bomachoge, Bonchari, Bogetutu and Bobasi sub counties.
- k) The community further recognized that Nyangweta was a community forest. and if granted the 120 acres from the forest, they will form themselves into associations that will work with the Kenya Forestry to protect the remaining forest.
- l) Participants also recognized that the establishment of Sugar Factory in Kisii County will create a second major Factory that will address the needs of the sugarcane farmers situated to the lower part of the County. Tea factories serve the upper part of the County where tea is a major cash crop.

1.3 Consultative Workshop between the County Government and Forest Conservancy Committee held on 6-7 September 2016 at Kisumu

This workshop followed a stakeholders /public participation meeting that was held at Nyangweta which was organized to provide a forum for the stakeholders to interact with the Members of the Forest Conservancy Committee who were visiting to monitor on compliance issues and familiarize with Nyangweta forest.

The workshop brought together representatives of the National Government, County Government and members of the Forest Conservancy Committee.

The Chairman of the Forest Conservancy Committee opened the meeting and gave the County Government opportunity to make their presentation and build a case for excision of an additional 60 acres from Nyangweta forest to make the total 120 acres.

The County Government was represented in the workshop by the Departments of Land, Agriculture, Environment and Trade and Industry.

The workshop resolved that the County Government should submit an application for the 120 acres required at Nyangweta, submit a map of the area, a certificate of official search and indicate clear measures of compensations of the forest that will be degazetted.

Detailed record of proceedings and list of the workshop participants is attached as appendix IX

1.4 Compensation to the Kenya Forest Service

- a) The County Government identified 13 forests located in different parts of the County with total area of 461.74 hectares to be gazetted and placed under the management of the Kenya Forest Service. To this end, an advisory has been prepared and forwarded to the Kisii County Assembly for approval and subsequent gazettelement. The approval of the County Assembly was granted and communication thereof made through the Honourable Speaker's letter dated 14 April 2017. This is much larger land than what is being requested for excision.

A copy of the advisory is attached as appendix XB and Honourable Speaker's letter communicating approval of the advisory as appendix XA.

- b) The Department of Environment and Natural Resources at the County has a budget for carrying out tree planting every year. In 2014/2015 there was a budget of Kshs. 2 million, 2015/2016 there was 5 million while in 2016/2017 there is 5 million. The budget will be retained to ensure that there are continuous deliberate plans to plant trees in the county with objective of increasing the forestry cover in Kisii County.
- c) The EIA Study report proposes promotion of agroforestry. The Department of Agriculture is working to translate this proposal into reality by engaging farmers to embrace this method of farming.
- d) The Kenya Forest Service staff that are based at Kisii County do work closely with the County Government to ensure that the existing and future planted forests are protected. The County Government has already employed and deployed guards to some forest to protect them.

1.5 Environmental Impact Assessment Study Report

The Kisii County Government commissioned an Environmental Impact Assessment Study based on the recommendation of the Kenya Forest Service. The Study covered the entire area under forest cover at Nyangweta. It was submitted to the National Environmental Management Authority (NEMA), which after review, gave it a preliminary approval and prepared public notices which were widely circulated by placing the notices in two daily newspapers, on radio and the Kenya

Gazette to meet the legal requirements related to EIA study reports. Copies of the notices are attached to this letters as appendices as follows;

- a) A copy of the Kenya Gazette Notice No 4278 is attached as appendix XI
- b) A copy of the of documents of the radio notices is attached as appendix XII
- c) A copy of the notice placed in the Standard Newspaper of June 6, 2016 is attached as appendix XIII
- d) A copy of the notice placed in the Star Newspaper of June 6, 2016 is attached as appendix XIV

The issues that were raised by the Sugar Directorate and the Forest Conservation Committee, Nyanza Conservancy following the wider Public Participation were subsequently addressed and the EIA study cleared.

NEMA has since issued EIA License **NO NEMA/EIA/PSL/4393** for the Nyangweta Sugar Project, a copy of the said License is attached as appendix 1B.

1.6 Approval from the Kisii County Assembly

- a) Following the stakeholder/Public participation meeting that was held on 15 April 2014, in which the land requirement at that time was 60 acres, the County Executive Committee submitted an Advisory to the County Assembly dated 30th day of April 2014 seeking approval of the County Assembly to excise the said acres for establishment of a Sugar factory in South Mugirango Sub County. The approval of the County Assembly was granted and communication thereof made through the Honourable Speaker's letter dated 29 August 2014.

The Speaker's letter of approval is attached as appendix XV and Advisory is attached as appendix XVI.

However, it should be noted that the investor did not pursue their interest of setting up a sugar factory at Nyangweta.

- b) Consequent to a) above, the County Government re-initiated a search for an investor in the Sugar and related products industry. It was until February 2016 that the Government identified the Kanoria Group from India and signed an MOU with them to set up a Sugar Complex at Nyangweta. The MOU is attached as appendix III.

The Kanoria Group of Companies will operate in Kisii in the name of Kisii Renewable Energy & Sugar Company Limited (KRESP1). The Group requires a minimum of 120 acres to set up the Sugar Complex, being the compromise arrived at after much negotiation.

The County Government consequently held a follow up public participation meeting on 4 September 2016 to give the stakeholders opportunity to make comments and recommendation for the changes which had taken place regarding the set up of the Sugar Complex. The changes were in acreage from 60 acres to 120 acres, change of investor, changes from one production plant to three plants including Sugar production plant, ethanol production plant and Electric Power production plant. The stakeholders approved the changes.

An advisory for the excision of 120 acres from Nyangweta forest dated 15 July 2016 was submitted to the County Assembly and approved on 6 September 2016 and communicated through the Honourable Speaker's letter dated 28 September 2016.

The Honourable Speaker's letter of approval is attached as appendix XVIII and the Advisory as appendix XIX.

It is evident from the above summaries of the various public participation/stakeholder meetings that the publics were fully involved and the Kisii County Assembly and County Executive gave approvals for the excision of 120 acres of forest from Nyangweta forest for setting up a Sugar Complex. In addition, lead agencies including the Kenya Forest service and National Environment Management Authority

The establishment of the sugar complex at Nyangweta is an investment that is expected to significantly transform the economy of the County, and would greatly change the livelihoods of not only the sugarcane farmers but also those of the residents of the County and the Country at large. Examples of the likely changes in livelihood include, better prices for cane delivered, creation of employment opportunities for the residents, market for farm produce and other products, improvement of infrastructure and social services among others. The county Government will also earn revenue in terms of rent and license fees.

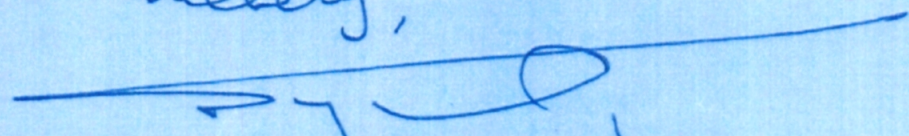
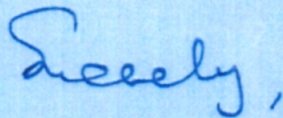
1.7 Conclusion

The engagement with lead agencies including National Environmental Management Authority, the Kenya Forest Service, the public notices placed in the newspapers, radio and Kenya Gazette, the public participation/stakeholders meetings, the debate in the County Assembly and discussions at the County Executive Committee have taken measures which ensures that

- a) The variation of boundaries of Nyangweta Forest will not endanger any rare, threatened or endangered species and will not adversely affect its value as a water catchment area. It will not prejudice biodiversity conservation, cultural site protection of the forest or its use for educational, recreational, health or research.

It is therefore my humble petition to Senate on behalf of the residents of Kisii County and the Kisii County Government to vary the boundaries of Nyangweta Forest to avail land for the development of the Sugar Complex project with three plants including Sugar Production Plant, Ethanol production plant and CO –Generation plant.

Yours



H. E. Hon. James E. O. Ongwae, CBS, EBS, OGW,
Governor,
KISII COUNTY.

REPUBLIC OF KENYA

(KISII COUNTY GOVERNMENT)

MEMORANDUM OF UNDERSTANDING

BETWEEN

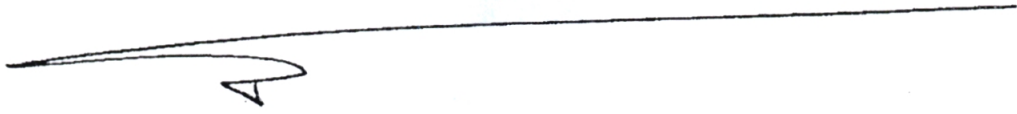
KISII COUNTY GOVERNMENT

AND

ASIATIC OXYGEN LIMITED

(KANORIA GROUP)

MADE ON THIS 2ND DAY OF MARCH 2016



MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (hereinafter referred to as "the MOU" is made on this 2nd day of March 2016.

BETWEEN

1. The County Government of Kisii (CGK), a county of the Republic of Kenya and of Post Office Box Number 4550-40200 Kisii in the said Republic on the one part

AND

2. Asiatic Oxygen Limited, a Kanoria Group (KG) Company incorporated under the laws of India with its registered office at 8 B. B. D. Bag (East), Kolkata 700 001, India hereinafter referred to as "AOL" which expression shall where the content so admits include its representatives, successors in title and assigns, on the other part.

Recitals

- A. Asiatic Oxygen Limited intends to set up a Company or any other entity in Kenya (hereinafter called "AOLK") to set up a Sugar Mill with a crushing capacity to 5,000TCD to manufacture 172, 500MTs of Sugar, 15mn liters of Ethanol/ Extra Neutral Alcohol (ENA) and 160mn kWh of renewable energy of which 20MW to be supplied to national grid;
- B. Asiatic Oxygen Limited (Kenya) intends to sell the bulk of its Sugar and Ethanol/ ENA production within Kenya and to supply its excess power production to Kenya Power Company Ltd. to be fed into the national power grid;
- C. It is intended by Asiatic Oxygen Limited that the Project is implemented in two phases as follows:

	Phase I: 2016- 2019	Phase II: 2020 – 22
Sugarcane Crushing Capacity/ day	2,500 MTs	5,000 MTs
Sugar Production Capacity	105,000 MTs	210,000 MTs
Cultivated Plantation Size	10,000 ha	10,000 MTs
Distillery Capacity	45 KLpd	45 KLpd
Power Co-generation Capacity	10 MW	20 MW
Estimated Investment	50 mn USD	
Sugar Production	86,250 MTs	172,500 MTs
Ethanol Production	7.5mn Litres	15 mn Litres
Power Production	80,000MWh	160,000 MWh

- D. In Phase 1, Asiatic Oxygen Limited (K) proposes a yearly availability of about 80, 000 MWh of electricity to Kenya Power Company Ltd.



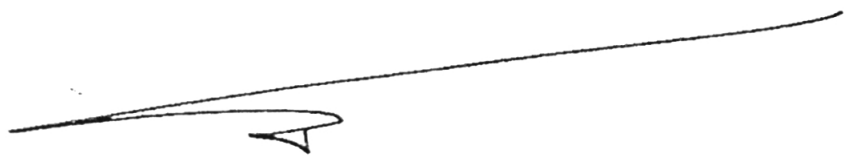
- E. Asiatic Oxygen Limited (K) will seek to improve the livelihoods of the local population by establishing a smallholder and outgrower support scheme, building and improving social infrastructure;
- F. Asiatic Oxygen Limited has elected to set up its Project in Kisii County, Kenya, because of its favourable agri-climatic conditions and County Government of Kisii's commitment to improve the investment climate, the track record of the Kanoria group and their experience of doing business, the availability of land and tax waivers and or concessions from the County Government of Kisii, where possible.
- G. Asiatic Oxygen Limited is in the process of finalizing the technical and environmental studies to confirm the feasibility of the Project from the perspective of soil quality, climate and environmental conditions and transport and transmission logistics;
- H. County Government of Kisii will make the **200 acres** parcel of land available to Asiatic Oxygen Limited (K) at a lease rent to be mutually agreed per acre per year for a lease period of **99 years**, thereafter renewable on terms and conditions to be agreed.

AND WHEREAS,

- I. It is the policy objective of County Government of Kisii and Government of Kenya to attract large-scale foreign investments to the agricultural sector of Kenya;
- J. County Government of Kisii and Government of Kenya seek to promote the use of local raw materials and the establishment of value- adding transformation industries;
- K. County Government of Kisii and Government of Kenya support the establishment of independent power plants based on renewable feedstock to increase Kenya's power production capacity and to alleviate its dependency on imported fossil fuels;
- L. County Government of Kisii and Government of Kenya promote the establishment of sustainable economic centres in rural areas;

CONSIDERING:

- M. County Government of Kisii has agreed the Project meets its policy objectives;
- N. County Government of Kisii recognizes the expected benefits of the Project in terms of job creation, education, stable income, and infrastructure, as well as the positive indirect effects of a large economic centre in Kisii County in particular and Kenya in general;
- O. County Government of Kisii wants to improve the livelihood of the rural population which still has unemployment issues and recognizes that the Project will contribute to this;



- P. County Government of Kisii recognizes the benefits of the additional power production capacity which can be supplied into the national power grid;
- Q. County Government of Kisii recognizes the Project represents an opportunity to enhance the renewable energy sector in Kisii County;
- R. County Government of Kisii recognizes the contribution the project is intended to make to the agricultural and other economic sectors in Kisii and Kenya and that it will indirectly help attract other foreign investments into the agricultural and other economic sectors;
- S. County Government of Kisii recognizes its support for the Project and it will facilitate the grant by Government of Kenya of investment incentives in the form of tax holidays and exemption of duties to Asiatic Oxygen Limited (Kenya) in connection with the Project;
- T. County Government of Kisii and Asiatic Oxygen Limited have agreed to enter into this Memorandum of Understanding and Agreement;

It is agreed as follows;

1. County Government of Kisii, in regarding the Project as a priority investment in the agricultural, industrial and power sectors in Kenya and taking into account its investment promotion policy, supports Asiatic Oxygen Limited's (Kenya) development of the project by;
 - 1.1 Recognizing the requirement of Asiatic Oxygen Limited (Kenya) to secure funding from investors and lenders; and
 - 1.2 In view of that status, to support the Project by hereby agreeing to grant and facilitate the main incentives, exemptions and rights as set out in the Appendix below;
2. Asiatic Oxygen Limited in consideration of the representations and agreements in this Memorandum agrees subject to achieving financial close and final investment approval by the Asiatic Oxygen Limited (Kenya), to implement the project according to its Business Plan and to meet all project-related infrastructure capital costs anticipated in that Business Plan, including but not limited to land clearance factory installation and fit-out and related civil works, social infrastructure and connection to the National Grid power line.
3. This Memorandum of Understanding (MOU) brings out the basis on which the parties have agreed to pursue this project together and will be given affect to or implement in detail by the parties entering into definitive agreements in a time bound manner.
4. This memorandum is governed and shall be construed in accordance with the laws of Kenya and each party commits to work out of utmost good faith.



Appendix

A. Government Support

1	Government support to the project	County Government of Kisii supports the project and agrees to provide such assistance and enter into agreements to ensure the successful implementation of the project and its funding as Asiatic Oxygen Limited (Kenya), its shareholders or the funders may reasonably require from time to time.
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B. Permits

2	Permits	County Government of Kisii confirms that Asiatic Oxygen Limited (Kenya) will be granted all the required permits and other authorizations in connection with the project and its funding provided that Asiatic Oxygen Limited (Kenya) complies with all published requirements of the laws of the Republic of Kenya in relation to such permits or authorizations, the details of which are generally available to the Public in Kenya. County Government of Kisii confirms that it will use its good offices with the Government of Kenya and any or all other governmental and statutory bodies to enable Asiatic Oxygen Limited (Kenya) to obtain the licences, permits, permissions and commitments that Asiatic Oxygen Limited (Kenya) may reasonably require on terms not less favourable than those granted to other projects.
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C. Incentives ,Waivers and Concessions

3.	Expatriates	County Government of Kenya agrees that it will use its good offices with Government of Kenya and or all other Governmental and statutory bodies etc.to enable that the directors, consultants and employees (including their immediate families) of Asiatic Oxygen Limited (Kenya) and its contractors and sub – contractors, shall be entitled to: a. enter into, leave and reside in Kenya for the purposes of the project. b. work in Kenya (excluding immediate families who are only entitled to apply for Asiatic oxygen limited to work in relation to the same conditions that apply to other ex-patriates). c. facilitate in bringing into or importing and to exporting following or in anticipation of the ending of their period of residence of work, such persona and household effects, free of all taxes and all customs duties (other than any prevailing COMESA tax) but otherwise subject to Government of Kenya's usual terms and conditions being applied and without any discrimination and for the same to be processed through the port of entry or exit, including any customs procedures, without delay, and d. subject to the applicable sales duties /tax, sell within Kenya any such effects brought into or imported into Kenya. County Government of Kisii agrees that it shall facilitate that all relevant officials or public authorities shall deliver without delay all documents, permits and licences required to give effect to the foregoing. Asiatic Oxygen Limited (Kenya) agrees that it will comply with all labour laws in Kenya.
4.	Import and export of equipment and materials	County Government of Kisii, agrees to support Asiatic Oxygen Limited (Kenya) in its request to Government of Kenya that the import of any agricultural inputs shall not be subject to any tax or duty save as aforesaid. County Government of Kisii, agrees to facilitate and ensure that all plant, machinery and equipment which will form part of the capital expenditure for the project in both the phases are eligible for duty free imports as aforesaid.

5.	Tax	County Government of Kisii will support Asiatic Oxygen Limited (Kenya) in obtaining the most favourable tax treatment in terms of (a) depreciation of its capital assets of the project (b) exemption from withholding tax on interest receipts for lenders to the project, payment of dividend, lease rent for lands and other bonafide business payments, management fee/ charges (c) taxation for expatriate (d) exemption from payment of corporate tax (e) duties, taxes and levies (f) capital allowances (g) exemption from payment of Value Added Tax on input sale of goods. County Government of Kenya agrees that it will not impose any taxes or levies on Asiatic Oxygen Limited (Kenya) other than those listed herein or agreed with Asiatic Oxygen Limited (Kenya) or as per the law.
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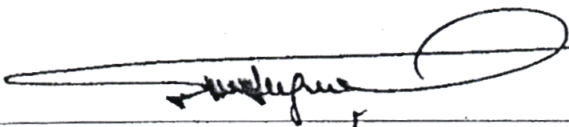
D. Power purchase Agreement

6	Power Purchase Agreement	a. County Government of Kisii will facilitate and ensure that Kenya Power Company Limited will enter into a power purchase Agreement (the "PPA") with Asiatic Oxygen Limited (Kenya) as follows: i. Contract duration of 45³ years from start of operations ii. Take – or-pay agreement for 90% of the Total capacity of each phase i.e 90 % of the predicted available export capacity with co-operation between the parties as to scheduling of available power on a daily basis and iii. Favourable capacity tariff.
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IN WITNESS WHEREOF the parties have affixed their respective common seals on the date and year hereinabove first mentioned.

Signed and Sealed with
the common seal of:

Kisii County Government

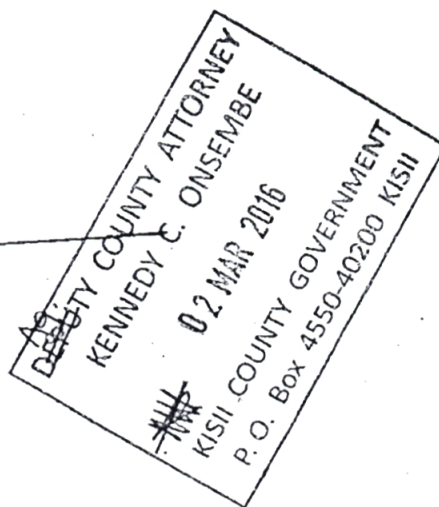


H.E HON. JAMES ONGWAE, CBS, EBS, OGW
THE GOVERNOR, KISII COUNTY GOVERNMENT

In the presence of:

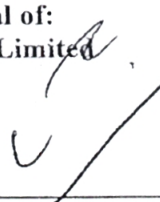
Samuel Mogeni,

Chief Officer, Agriculture, Livestock, Fisheries and Cooperative Development



Signed and Sealed with
the common seal of:

Asiatic Oxygen Limited



Mr. Vinod Vora

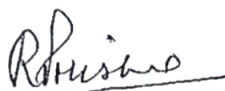
Chief Finance Officer, Kanoria Group

In the presence of:

Mr. Ram Prasad Mishra

Senior General Manager- Sugar

Asiatic Oxygen Limited





No. PVT/2016/016645

CERTIFICATE OF INCORPORATION

I hereby CERTIFY, that -

KISII RENEWABLE ENERGY & SUGAR COMPANY LIMITED

is this 4th day of July, 2016 Incorporated under the Companies Act, 2015 and that the Company is PRIVATE LIMITED BY SHARES.

A handwritten signature in dark ink, appearing to be 'E. J.', is written over a horizontal dashed line.

Registrar of Companies



Form: Form 1000 - New Employer Code

Select a code of practice

EMPLOYER INFORMATION

New Employer code : 112321 Sector: PE

Category : 019 COMMUNITY & SOCIAL SERVICES

Name : THE ECONOMIC DEVELOPMENT & TRADING COMPANY LIMITED

P.O. Box : 11111111111111111111

District : 001 DARGORETTI

P.I.N : 0015397617

Physical Location: LOMIA STREET

TEL: 0722702310

Use CCP :

Active Y N

Inspector: 2123456789

Inspector's ID :

Registration

Registered on : 13/07/2016

First Entered By: bslaiya

On : 13/07/2016

Last Updated By :

On :

1 of 1

S/No.: E051479



Certificate of Registration

This is to certify that

KISII RENEWABLE ENERGY & SUGAR COMPANY LIMITED

of

P.O. BOX 70631 00400 TOM MBOYA

has been Registered as Employer Number **20568266**

under the NSSF Act No. 45 of 2013 of the Laws of Kenya

this 11 day of JULY Year 2016

A handwritten signature in black ink, appearing to be 'D. J. O. O.', written over a horizontal line.

For: MANAGING TRUSTEE

This Certificate has been issued without any alteration whatsoever

Ref. No : SF//14201/20568266

Date: 12.07.2016

KISII RENEWABLE ENERGY & SUGAR COMPANY LIMITED

P.O. BOX 70631 00400

TOM MBOYA

1/1/2016

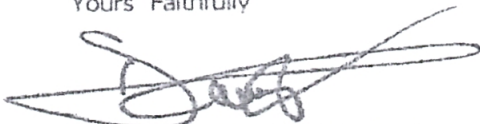
Dear Sir/ Madam

NOTIFICATION OF EMPLOYER REGISTRATION

1. Following receipt of your application for registration as an Employer under the National Social Security Fund Act No. 45 of 2013, Laws of Kenya. I am pleased to inform you that the Registration Number which has been allocated to you is **20568266**. Your Certificate of Registration is hereby enclosed.
2. Under provisions of the above Act, you are now required to commence remittance of contributions in respect of your employees with effect from **30-JUL-16**.
3. Please ensure that the first remittance of contributions from you is made without delay to the N.S.S.F. office nearest to you and thereafter continue to remit each month's contribution on or before the fifteenth (15th) day of the month following the one to which it relates.
4. Please ensure that all your employees are registered as Fund members. Those who are not registered should be sent with an introduction letter and their National Identity Card/Passport for non Kenyans to the N.S.S.F. Office nearest to you for registration.
5. Your Certificate of Registration should be produced whenever requested by N.S.S.F..

For further advice and information please contact the nearest N.S.S.F. office.

Yours Faithfully



For: MANAGING TRUSTEE

cc.

Manager Registration & Collection

RE_0002



No. PVT/2016/016645

CERTIFICATE OF INCORPORATION

I hereby CERTIFY that -

KISII RENEWABLE ENERGY & SUGAR COMPANY LIMITED

is this 4th day of July, 2016 Incorporated under the Companies Act, 2015 and that the Company is
PRIVATE LIMITED BY SHARES.

Registrar of Companies



Certificate Date : 08/07/2016

Personal Identification Number

P0515997512

This is to certify that taxpayer shown herein has been registered with Kenya Revenue Authority

Taxpayer Information

Taxpayer Name	KISII RENEWABLE ENERGY & SUGAR COMPANY LIMITED
Email Address	KRESP1@YAHOO.COM

Registered Address

L.R. Number : 209/24	Building : BARCLAYS PLAZA
Street/Road : LOITA STREET	City/Town : NAIROBI
County : Nairobi	District : Starehe District
Tax Area : CBD	Station : North of Nairobi
P. O. Box : 70631	Postal Code : 00400

Tax Obligation(s) Registration Details

Sr. No.	Tax Obligation(s)	Effective From Date	Effective Till Date	Status
1	Income Tax - Company	08/07/2016	N.A.	Active

The above PIN must appear on all your tax invoices and correspondences with Kenya Revenue Authority. Your accounting end month is December unless a change has been approved by the Commissioner-Domestic Taxes Department. The status of Tax Obligation(s) with 'Dormant' status will automatically change to 'Active' on date mentioned in "Effective Till Date" or any transaction done during the period. This certificate shall remain in force till further updated.

STAKEHOLDERS MEETING IN SOUTH MUGIRANGO AT NDURU SECONDARY SCHOOL HALL TO IDENTIFY LAND FOR A SUGARCANE FACTORY –HELD ON 15 APRIL 2014.

1.0 INTRODUCTION

The Stakeholders meeting was convened with objective of consulting the Sugarcane farmers, the Members of the County Assembly, the Chiefs and other Community leaders to identify a suitable land for the proposed Sugarcane factory in South Mugirango Sub County.

The County Government Team was led by the Chairman of the County Public Service Board, Hon David Kombo, the County Executives (CEC) for Trade and Industry, Ibrahim Moiró, CEC for Education, Labour and Manpower Planning, Dr Kodek Omwancha, CEC for Lands, Physical Planning and Urban Development, Moses Onderi.

The Members of the County Assembly that participated were : Minority Leader, Daniel Apepo, Deputy County Assembly Speaker, Evans Mokoro. Others included, MCAs Elkanah Nyandoro, Reuben Moreka, Ronald Onduso and Albert Oino.

Each of the six wards of South Mugirango Sub County was allowed 25 delegates to the meeting that included all Chiefs, community leaders, religious leaders, teachers and farmers.

1.1 BACKGROUND

South Mugirango is one of the nine Sub Counties of the Kisii County. It is located to the Southern part of of the County neighbouring Migori County, Homabay County and Narok County.

The Kisii County Government plans to establish a sugarcane factory in South Mugirango Sub County. This investment is feasible because small scale farmers in the area mostly grow Sugarcane as a cash crop which they sell to the factories in the neighbouring Counties of Narok, Migori and Homabay.

The estimates from the Ministry of Agriculture show that the area under milling cane in South Mugirango is 3500 hectares with an average production of 70 tons per hectare. Total production is about 245000 tons per year. The deliveries to different milling factories in the neighbouring counties and other uses are estimated to be; Transmara 73500 tons, Sony Sugar 110250 tons, jaggery crushing 49000 tons and Sukari 12250 tons.

South Mugirango has the potential of increasing the hectares under sugarcane growing to 5500 and production to about 385,000 tons per year. The Geographic coverage for sugarcane growing of the proposed factory will include Bomachoge Borabu and Chache Sub Counties with an

estimated area of 1500 hectares for sugarcane growing and estimated production of 105000 tons annually. It is envisioned that Bonchari Sub County farmers will be encouraged to embrace sugarcane growing which could cover about 800 hectare or so with an estimated annual production of about 80,000 tons.

The above estimated hectares for sugarcane growing would likely sustain a sugarcane factory with production for 11 continuous months in every year excluding one month break for annual maintenance of the factory.

The constitution of Kenya Chapter 5 part I categorizes land in Kenya into three categories, namely, Public, Community and private. The proposal of the County Government is to establish a sugarcane factory on a public land in South Mugirango Sub County. The land is currently forested and under management of the Kenya Forestry Services which is subject to the Forestry Act.

1.2 ANALYSIS OF THE PROBLEM & BENEFITS OF A SUGARCANE FACTORY IN SOUTH MUGIRANGO.

The CEC for Lands, Physical Planning and Urban Development, made a presentation to the delegation seated in the hall to highlight the issues the sugarcane farmer are experiencing and benefits of the sugarcane factory.

In his presentation, he said that Sugarcane farmers in South Mugirango were experiencing various problems which have resulted to incurring huge losses or at times total waste of their sugarcane crop. He said that the sugar cane growing farmers have largely been delivering the canes to Sony Sugar Company in Migori County since it was the only milling factory serving the districts of Gucha, Migori, Rongo, Homabay, Kuria and Transmara in 1980s, 1990s, 2000s. At that time when this was the case, sugar cane farmers in Gucha District incurred huge losses due to delayed cane harvesting, with the plant and ratoons staying in the farms up to 60 months instead of the 23 months for the plant, 18 months for the 1st ratoon and 16 months for the 2nd ratoon.

The above challenges made a considerable number of farmers to resort to jaggery milling as an alternative. In 2010, the Transmara and Sukari Milling factories in the neighbouring Counties of Homabay and Narok were started. The farmers in Gucha saw these factories as an alternative that was flexible and responsive to their needs. See the above statistics on deliveries to each factory.

The CEC added that transport costs to the factories in the neighbouring counties are high thus leading to recovery of considerable earnings to pay for the transport expenses. The proposed sugarcane factory in South Mugirango is therefore expected to reduce the transport expenses and increase the net earnings for the famers from the deliveries to the factory since the distance will be reduced by about 85%.

The existing factories concentrate on buying the sugarcane from the farms and transporting it to the milling centres. The interactions between the farmers and milling factories are that of buyer

and seller. A small number of young men are offered opportunity to do sugarcane cutting. The proposed sugarcane factory in South Mugirango could reverse these trends by creating about 2500 indirect employment opportunities which could benefit the local people in addition to about 500-600 skilled employment opportunities that the factory might require. Although the skilled workforce is not to be entirely sourced from the locality, some of the skilled people from the area are likely to be employed in the factory.

The CEC for land further told the delegates that Social corporate responsibilities are one of the other aspects corporate companies engage in to promote their relationship with the bordering communities. The existing sugar milling factories are in the neighbouring counties. Their geographic area for social corporate responsibilities does not extend to parts of Kisii County that grow sugarcane. The proposed sugarcane factory will have direct interactions with the people of South Mugirango in terms of the benefits resulting from corporate social responsibility of the factory including agriculture extension services, support to schools, sports grounds development, sponsorship to sports activities, support to health centres and increasing access roads and maintenance just to mention a few.

CESS is one of the benefits expected from the deliveries of sugarcane to other factories. For the several years the South Mugirango farmers have been delivering their sugarcane to other factories, it is not clear how the resulting CESS has been utilized to benefit the sugarcane growing farmers in the area. It is expected that Kisii County will directly benefit from the resulting CESS from the Sugarcane that will be established in South Mugirango, which revenue will be pumped back to developing and improving access roads.

The CEC for lands concluded his remarks by appealing to the delegates to identify a suitable land with a minimum of 60 acres for establishing a sugarcane factory in South Mugirango.

The CEC for Trade and Industry, Ibrahim Moiro, informed the delegates that the County Government had good plans of establishing a factory in South Mugirango Sub County. He said that the factory will cost Kshs 2.4 billion. Once constructed, it will create about 600 jobs that will be permanent and many more as casuals. The skilled and non-skilled youths in the Community therefore stood to gain.

The CEC added that the meeting was deliberately planned to give the farmers, community leaders, members of the county assembly from South Mugirango Sub County opportunity to identify a suitable land to enable his Ministry to driver the process forward.

The CEC for Education, the MCAs and Hon David Kombo, all addressed the delegates and supported the CEC for Lands and Trade and Industry.

1.3 RESOLUTIONS

Hon David Kombo led this session. He urged the delegates to make their contributions and provide reasons for their proposals to enable the meeting to make resolutions that will be submitted to the Government for consideration. The delegates resolved that:

a) The Kisii County Government establishes a sugarcane factory in South Mugirango Sub County on priority.

- i) The speakers cited reasons given by the CEC for lands and Trade and Industry for their concurrence with the County Government's proposal.
- ii) The delegates added that sugarcane is already a major cash crop in South Mugirango. With the planned sugarcane factory, more farmers will therefore be encouraged to start growing the crop due to the ready market which will ultimately sustain the operations of the factory.

b) That the suitable land for establishing the factory is Nyangweta forest. The Government to take 60 acres from the forest and use it to establish the factory. The following reasons were cited:

- i) The forest belongs to the Community and as such using the land to establish the Sugarcane factory will be more beneficial to the community, county and nation.
- ii) Nyangweta, is at a central place comparative when considering the sugarcane farmers from South Mugirango, Bonchari and the larger Bomachoge being the catchment areas for the proposed sugarcane factory.
- iii) Nyangweta is served well with roads from Kamagambo-Nyangweta to Mogonga which is under construction. Besides it has several feeder roads that make it suitable.
- iv) The delegates also reasoned that Etago Health Centre, Moticho Health Centre and Nduru District Hospital are situated within a short distance from Nynagweta. They will therefore serve the workers of the factory.
- v) The development of the factory will enhance the forest coverage due to the re-forestation program the Community, the entrepreneur and County Government will carry out.
- vi) The factory will further open up the area thus attracting investors in real estates, businesses and increase vibrancy of existing centres.

Proceedings Recorded by

Patrick Achoki

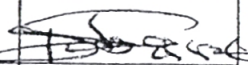
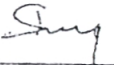
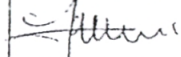
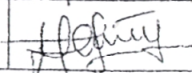
Director of Physical Planning and Urban Development

Department of Lands, Physical Planning and Urban Development

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL, 2014

MOTICHO WARD

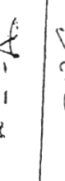
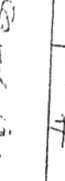
VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE	SIGNATURE
✓ 1	DAVID O. OBADE	CHIEF	16059750	0729664608	
✓ 2	ZABUN O. NYABWAR	A/CHIEF	8532675	0729-588748	
✓ 3	JOHN K. MATIGALA	Former M.C.D	1752248	0726452332	
✓ 4	BETH AYUMBA	D.P. Cyeetha P.	21570773	0726247567	
✓ 5	MOSEL MANDENE	OTENDO	4745810	0722042253	
✓ 6	SPORAN AMBUNDA	OTENDO	11440637	0728146128	
✓ 7	RICHARD K. OMBOGA	A/CHIEF	8647087	0715304405	
✓ 8	MOMASI W. MOMASI	OTENDO	2283574	0726978572	
✓ 9	MOMASI AYIENDA	FARMER	21174555	0707205333	
✓ 10	CHARLES OSORO	CLAW STUDIO	10927963 1649872	0714171541	
✓ 11	SAMUEL KENYAKIA DNDIEKI	NYANSAKIA	10927963	0714171541	
✓ 12	ZABUN KENYAKIA	OTENDO	11555429	0720977898	
✓ 13	HENRY NYABUTO	Farmer	9913086	0721583111	

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL, 2014

BOGETENGA

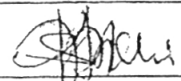
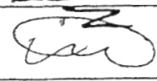
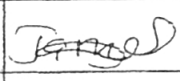
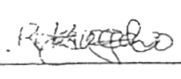
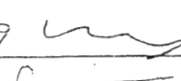
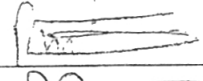
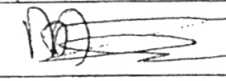
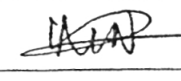
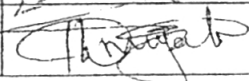
VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE	SIGNATURE
14	WILBERT O. NDOGWA	Cheteshile	16016760	0729688854	
15	LAMRENCE D. ASIGO	ALERA	10782486	0721594566	
16	JOSEPH N. NABO	Aselateri		0720983433	
17	STANIS NYANDORO	Cheteshile	0867487	0721890543	
18	JOSEPH MAGARA NYANDORO	Mt. Kenya Unit	0378417	0713026430	
19	JOHN N. MUSA	Church leader	8538706	07262449883	
20	IRENEAL NYANDORO	Church leader	1251790	0705781995	
21	STANIS NYANDORO	Feperur	1636197	0722626937	
22	PIREK MURUMU	LEBE	14606620	0722458744	
23	MELAI GETHURU	ELERICANO	13819989	0729216927	
24	THOMAS MURUKA	Thamara	10926371	0124391338	
25	ROSE N. NYANDORO	BOGOTENGA	7845370	07226482934	
26	LEONARD OMAN MURUKA	Feperur	1636077	0722626937	

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL, 2014

BOGETENGA

VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE	SIGNATURE
1	SHADRACK OTACHI	SUB-COUNTY ADM	4106031	0712000150	
2	ABD. ONTANKA	DEPUTY ADMIN SUB-COUNTY	21957898	0721345893	
3	JOYCE MONRA	Measure Getoro chiefs	1637192	073324338	
4	JAMES O. OBUZU	CHAIRMAN Peace/9/South	8772767	072064166	
5	KEFA M.O. ROGONCHO	LOCAL COUNCIL	11442037	0726941384	
6	JOEL OBARE	church leader	1636344	0726253759	
7	PETER M. GUSWA	CLAN ELDER	8578468	0726144015	
8	MATHIAS MAIKARA	S.M. CENTRE	8773388	0715069081	
9	Melwizedeki N. Ragira	Alchis	8125170	0720548573	
10	TOM N. OGWORI	Teacher	6951309	0722904044	
11	JOEL Bantiga	Farmer	9972054	072184414	
12	SIMON GUKUZA	Farmer CLUB	7856675	0720458892	
13	ELIAHO MOGENI	S.M. Acc-chief	1636124	0721660516	

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL, 2014

BOGETENGA

VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE	SIGNATURE
27	OKWIEGO NYAMUGES		6551302	0719423281	
28	GABRIEL NYAMUGES		1436204	0717739888	
29	LUXUMIRA MUGALE	CHIEF	1046651	0725921740	
30	CENINUS WYABUTE		9402525	0729258801	
31	John Onyinkwa		22400035	0714671041	
32	Alfred Oualeke		7315954	0722267896	
33	JOSEPH OROO	ASS. CHIEF		0721950173	
34	JOSEPH NANTALE		20077747	0724619932	
35	George Ommon		6921918	0722397536	
36	(TBALE) DONTA		102355	07220019	
37	JOSEPH MONTALE		712282	0723733891	
38	Nicole Yatu		1022899	072264952	
39	YATU DONTA		2301-26	072008455	

40 JESSE MONTALE
41 INDEPENDENT BLOCK
42

2301672 0726455066
07122525 0712211652
0712211652 0712211652

1917 Jan

Regina

2238 7550

0713220 963

1917 Jan

Elmira

1261 2000

0724825 731

WILFRED KALUS

23779710

0726291293

ALFRED DYER

1873029

MARY MORAIS

22103950

STANLEY OGBURN

138291021

AND OSGOOD

29908120

W. H. H. H.

~~W. H. H. H.~~

~~W. H. H. H.~~

~~W. H. H. H.~~

~~W. H. H. H.~~

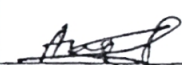
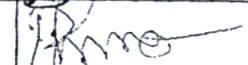
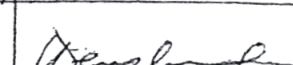
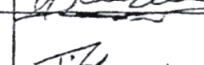
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~~W. H. H. H.~~

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL 2014

GETENGA WARD

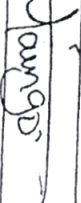
VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE	SIGNATURE
1	LAWRENCE B. OMAGWA	CATHOLIC Justice & Peace Commission	2742438	0714843508	
2	James N SAMUSI	Opion leader	1648441	0728450753	
3	Peter M. MUSE	Opion leader	1653501	0703507737	
4	Samson Ayine Atoro	CDF REPRESENTATIVE	21485529	0727667953	
5	ASHAH BICHANLA	SUGITA HEALTH CENTRE CHAIRPERSON	6922798	0719754280	
6	LEICERS ONCHIEFT	LEADER	7292444	0725828117	
7	JOSEPH O. KOMBU	ALCHIEF	9402194	0734789879	
8	CHARLES OMWONG	CHIEF	10956431	0722487039	
9	DENIS K.N. MUGERE	ALCHIEF	14605126	0721561408	
10	TIMOTHY OKEYO	ALCHIEF	10613421	0711848438	
11	HARON NYANDORO	Opinion leader	7309003	0720924710	
12	Moses Nyabuto Oritu	Opinion leader	5815220	0722617334	
13	Moses Onderi	KISII County CEC/Lands	7950679	0721448899	

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL, 2014

TABAKA WARD

VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE	SIGNATURE
1	GEORGE M. NDEGE	OPPORTUNITY MAKER	10788 107821102	0722267861	
2	Gebrail Mogoedi	ASPC	1632680	0719766641	
3	cler NATHAN DUBAISI	OPPORTUNITY MAKER	0966710	0723578783	
4	CUR MARI DUBAI	CLIFF	4444439	0721778301	
5	Zablon Kengere	Tabaka Local	1633901	0724-051259	
6	Maurit Dnsore	Tabaka Local	163627	072479433	
7	ESTHER MORA	Tabaka Local	12610303	071348471	
8	Aseneth Isaac Oupaka	ASPC	21218235	0714487616	
9	DANSONO Matingo	ASPC	20466249	0783270420	
10	PETER M. BAKOUCO	C.B.O	1640042	0713921193	
11	Thomas M. Orikwa	Businessman	13053591	07406627895	
12	Samson Ojorh Inyanga	Businessman	1640763	0710623193	
13	Tom Kereu	Tabaka	12514427	0704550065	

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL, 2014

TABAKA WARD

VENUE

[illegible]

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL, 2014

BORABU/CHITAGO WARD

VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE	SIGNATURE
✓ 1	JOEL OCAKE OMWERI	S.M. BORABU Loc.	1648715	0727603108	Joel Ocake
2	ONGAGA M. OTIENO	S.M. BORABU Loc.	5815445	0721651123	ONGAGA M. OTIENO
3✓	NTABUO K. OMORO	CHITAGO Loc.	11294276	0726337956	NTABUO K. OMORO
4	JOSEPHINE N. NYAMBWE	CHITAGO Loc.	20314941	0710763222	JOSEPHINE N. NYAMBWE
5	LAURENCE NYABONDA KERO	S.M. BORABU	1648382	0721336627	LAURENCE NYABONDA
6	LUCAS NYABONDA KERO	S.M. BORABU	12603459	0729680775	LUCAS NYABONDA
7✓	JAMES MAUTI MATATI	CHITAGO Loc	1648695	0729425243	JAMES MAUTI MATATI
8	CHARLES NTABO MUGWENI	CHITAGO	20709410	0727972920	CHARLES NTABO MUGWENI
9	PETER KOTIRO	KABIRO Loc	1815451	0705575346	PETER KOTIRO
10	DAVID K. KENTANZA	SOUTH M. BORABU	722290	0723725109	DAVID K. KENTANZA
11	SAMSON M. MOTONGWA	CHITAGO Loc.	1648152	0720265459	SAMSON M. MOTONGWA
12	ZACHARIAH O. NYAGOSIA	CHITAGO Loc.	1648929	0729581213	ZACHARIAH O. NYAGOSIA
13	CHARLES M. KUMENYA	CHITAGO Loc	10018045	0729207013	CHARLES M. KUMENYA

VENUE

[illegible]

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL, 2014

BOIKANG'A WARD

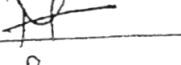
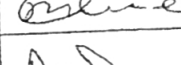
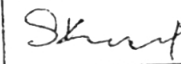
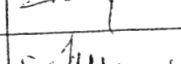
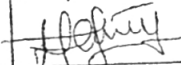
VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE	SIGNATURE
1	ESTHER ^{ORIENT} ORIENT	BOIKANG'A	1635999	0724476444	
2	JOHN BOIKANG'A	BOIKANG'A	13483322	0723735080	
3	OKUNU GEORGE	ASS/CHIEF	2617124	0729500260	
4	CYNELIS ACHIL	BOIKANG'A	6931689	0729818744	
5	FORNER CELR HOMAS MUMIKAKES	BOIKANG'A	6931107	0721255440	
6	JOHN ABINGA	BOIKANG'A	ID=4821947	-	
7	JOHN ABINGA	BOIKANG'A	6930123	0718614108	
8	JOHN ABINGA	BOIKANG'A	7223736	0717966798	
9	JOHN ABINGA	BOIKANG'A	16386147	0710816578	
10	JOHN ABINGA	BOIKANG'A	10929876	0735599851	
11	JOHN ABINGA	BOIKANG'A	13483322	0723735080	
12	JOHN ABINGA	BOIKANG'A	16386147	0710816578	
13	JOHN ABINGA	BOIKANG'A	10929876	0735599851	
14	JOHN ABINGA	BOIKANG'A	16386147	0710816578	

ATTENDANCE LIST: STAKEHOLDERS MEETING IN SOUTH MUGIRANGO ON 15TH APRIL, 2014

MOTICHO WARD

VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE	SIGNATURE
✓ 1	DAVID O. OBALE	CHIEF	16059750	0729664608	
✓ 2	ZABUNO NYABWARA	A/CHIEF	8532675	0729-588748	
✓ 3	JOHN K. MATHIAH	FORUM MCH	1752248	0726452332	
✓ 4	SETH AYUMBA	D.P. CYCLES	21570773	0726247567	
✓ 5	MOSEL MANDENE	OTENDO	4745810	0722042253	
✓ 6	SPONDA AMBULO	OTENDO	11440637	0728146128	
✓ 7	RICHARD K. OMBOGA	A/CHIEF	8647087	0715304405	
✓ 8	MORARI W. MORARI	OTENDO	22835724	0726978572	
✓ 9	MORARI AYIEMDA	FARMER	21174555	0707255333	
✓ 10	CHARLES DSOBO	CLAW GLDOR	10927963 1649872	0714171541	
✓ 11	BAMWEL DNDIEKI	NYANSAKIA	10927963	0714171541	
✓ 12	ZABUN KENYANTA	OTENDO	11555429	0720997898	
✓ 13	HENRY NYABUTO	Farmer	9913080	0721583111	

MOTICHO WARD

VENUE

NO	NAME	ORGANIZATION	ID/NO	TELEPHONE
14	DANIEL O. MAGERE	NYANSAKIA	1653093	0713034501
15	DANIEL M. MOKARI	NYANSAKIA	6920354	0715449651
16	FRANK J. OTHI	NYANSAKIA	4607190	0716227096
17	OSOTI O. OCHI	Moticho	1653167	0720583726
18	ALBERT N. OMBELA	NDON-10	8647087	0715304405
19	Zablon Kientan	NDON-10	4555421	0720977198
20	Samuel Kinyatta	NYANSAKIA	10927743	0714171541
21	Notah B. Oguti	OTENDO	4117697	0706673315
22	SIDON MATHONI MUGIRE	NYANSAKIA	1649702	0710408082
23	Zablon A. Oyugi	OTENDO	4117836	0704093001
24	HENRY N. OGIRI	NYANSAKIA	7008771	0713237337
25	JOHN OGIRI	NYANSAKIA	11555773	0729862991
26	ISAAC ABAGA	OTENDO	7223506	0724710730
27	ISAAC OGIRI	NYANSAKIA	13465916	0702953865

**RESOLUTIONS OF THE FOLLOW UP STAKEHOLDERS/PUBLIC PARTICIPATION MEETING
HELD ON THE PROPOSED SUGAR COMPLEX AT NYANGWETA FOREST IN SOUTH
MUGIRANGO SUB COUNTY**

ON 4 SEPTEMBER 2016.

1.0 Background

The current stakeholders /public participation meeting was necessitated due to the changes that have taken place in the plans to establish a Sugar factory at Nyangweta Forest in South Mugirango Sub County. The County Executive for Land highlighted to the stakeholders the changes as follows:

- a) **Change of Investor.** The early investor that was identified in 2014 had intended to establish a sugar factory but changed his interests. Consequently, another Investor, the Kanoria Group from India was identified in February 2016.
- b) **Memorandum of Understanding.** The County Government signed a memorandum of understanding in February 2016 with the Kanoria Group from India to establish a Sugar Complex at Nyangweta .
- c) **Production Plants.** The first investor was to establish a sugar production plant only, but the Kanoria Group intends to establish a Sugar Complex with three plants , namely,
 - (i) Sugar Production plant
 - (ii) Ethanol Production Plant and
 - (iii) Electric Power Plant
- d) **Land requirement.** The first stakeholder/public Participation meeting which was held in 2014 had approved excision of 60 acres from Nyangweta forest for the establishment of a Sugar Factory but the Kanoria Group requires a minimum of 120 acres to establish a Sugar Complex with three plants, see C) above.

Considering the above changes, it became necessary to hold a follow up meeting with stakeholders to seek their views and recommendations on the way forward.

2.0 The stakeholders (elected leaders, chiefs, ward administrators and publics) deliberated the changes, sought clarifications and resolved as follows:

- a) That the County Government's proposal to increase the land requirement from 60 acres to 120 acres was based on the plan to establish a sugar complex with three production plants including sugar production plant, ethanol production plant and electric power production plant. This proposal was reasonable and acceptable as it will enable the Investor to construct the three plants at Nyangweta, which will increase the employment opportunities, improve people's lives through possible increase of business opportunities of

agricultural products such as maize, beans, bananas, fruits and enhance the corporate social responsibilities of the company.

- b) That the remaining 38 acres of land of Nyangweta forest be secured by the County Government, replanted jointly with the Kenya Forestry services and be gazetted.
- c) That the County Government works with the County Land Management Board to lease the 120 acres of land to the Kanoria Group for 99 years.
- d) That the Lease agreement, in addition to the standard provisions shall include an article that shall expressly forbid the Investor to Sub Lease any part of the 120 acres of land to the third party.

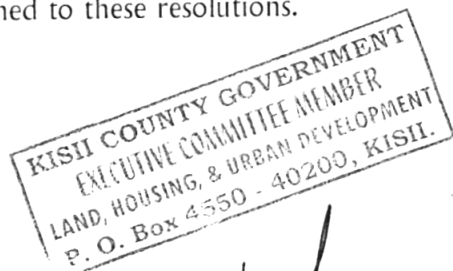
3.0. Reservations: One Member of the County Assembly, Hon Evans Mokoro of Moticho Ward expressed his reservations about the proposal to increase land requirement from 60 acres to 120 acres arguing that the 60 acres could have been utilized first before seeking to increase it.

CEC lands explained that the Sugar Complex is an integrated program that will be constructed in two phases as provided for in the MOU. He said that the Kanoria Group has the capacity and wide experience in similar plants in India. As investors, the Group wanted to be sure that the County Government has adequate land that will accommodate all the three production plants.

4.0 Any other Business

The Stakeholders urged the County Government to expedite the process of constructing the Sugar Complex at Nyangweta .

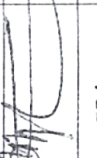
List of participants is attached to these resolutions.



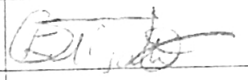
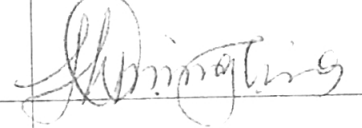
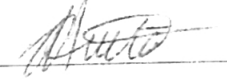
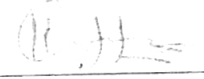
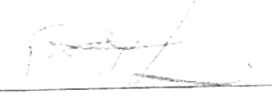
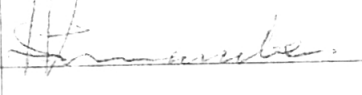
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4/9/2016

REGISTRATION OF PARTICIPANTS OF THE FOLLOW UP STAKEHOLDER/PUBLIC PARTICIPATION MEETING ON
PROPOSED SUGAR COMPLEX AT NYANGWETA FOREST IN SOUTH MUGIRANGO SUB COUNTY

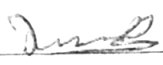
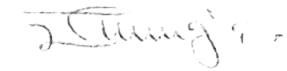
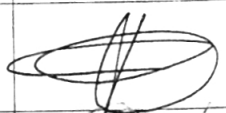
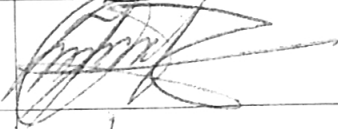
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1	Josiah enduini	Chitanga	8002796	
2	Charles Makeni	Chitanga	10485309	
3	Julius Antonio	Chitanga	1144489	
4	Haron Nyandoro	Chitanga	7309003	
5	Dennis Babama	Tabaka	30463211	
6	Wilson enduse	Chitanga	0902209	
7	Azama ngobots	Bohanga	13472601	
8	Christophe Odhaci	Bohanga	1637983	
9	Jehi Odhaci	Chitanga	1656519	
10	George Okoi	Tabaka	20462302	
11	Reuben Athui	Bohanga	4138087	
12	Samson K. Odinga	Bohanga	1644191	
13	Josiah Odhaci	Tabaka	5806060	

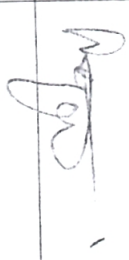
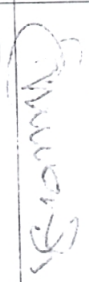
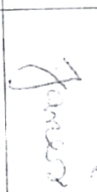
	NAME	WARD	IDENTITY CARD NO	SIGN
14	Alvin Kipanga	Tobruka	6926739	Amwange
15	Zipporah P. P. P.	Tobruka	27134016	ZIPPORAH
16	Philo M. K. K.	Tobruka	11252241	Philo
17	Samuel M. P. P.	MOTICHIO	6920359	Samuel
18	Abel C. M. M.	KHUSI/MOTICHIO	0301722	Abel
19	JAMES D. M. M.	BOGETENGA	1636476	James
20	James Mokuu	CHITAGU/MUCHOR	1220975	James
21	ZABRON D. D.	GETENGA	7029222	Zabron
22	Joshua G. G.	()	12607225	Joshua
23	HARRISON A. A.	MOTICHIO	5035359	Harrison
24	Henry Juma	Moticha	23757519	Henry
28	Joshua Obiero	Lichaga	13818513	Joshua
29	ABINER OYAGI	MOTICHIO	11555972	Abiner
30	James Oino	Getenga	0068035	James
31	MARIL MORAP	GETENGA	11553046	Maril

	NAME	WARD	IDENTITY CARD NO	SIGN
32	ELISHA OBIEN OBIEN	GETENGA	20567943	
33	ZABLOU MARTIN	KESENIA	1656214	
34	JAPHET MAKORI	BOTKANITA	23664016	
35	ZACHARIAH ORONI	MOTICHO	1653167	
36	FRANCIS OBIEN	MOTICHO	16566100	
37	FRANCIS OBIEN	Chikago Ward	31932967	
38	FRANCIS OBIEN	Chikago Ward	26912741	
39	WILSON OBIEN	Chikago Ward	14900000	
40	FRANCIS OBIEN	Chikago Ward	0111542154	
41	SANDERL MARIKE	Kisii County	1636077	
42	FRANCIS OBIEN	Chikago Ward	16566100	

	NAME	WARD	IDENTITY CARD NO	SIGN
43	JULIUS NYAMATI C. M. F. I. C.	Me. F. I. C.	6952197	Def.
44	John B. B. B. B.	Me. F. I. C.	4116169	John.
45	Aifred C. M. F. I. C.	Me. F. I. C.	7233437.	C. M. F. I. C.
46	CHARLES C. M. F. I. C.	C. M. F. I. C.	0222487037	
47	JOSEPH MUGAKA	TA-BAKK	0579211	Joseph M. B. B. B.
48	SAWSON NYAMATI	BOGETEVET	0667487	
49	DAVID C. M. F. I. C.	Me. F. I. C.	22035735	
50	ROBERTO C. M. F. I. C.	C. M. F. I. C.	2000714	
51	DAVID C. M. F. I. C.	Me. F. I. C.	27409262	
52	JOSEPH C. M. F. I. C.	Me. F. I. C.	1037012	

	NAME	WARD	IDENTITY CARD NO	SIGN
53	Charles N. Nwankwo	P. Nwankwo	16 20 07	Charles
54	M. N. Nwankwo	P. Nwankwo	16 20 07	Charles
55	Peter Nwankwo	N. Nwankwo	22 09 75 45	Charles
56	HARUN MOHAMED	MOHAMED	11 7 48 74	Charles
57	John Charles	T. Nwankwo	4 13 85 11	Charles
58	Samuel A. Nwankwo	T. Nwankwo	5 9 4 8 1 2 4	Charles
59	John C. Nwankwo	N. Nwankwo	6 9 21 5 20	C. Nwankwo
60	Dennis N. Nwankwo	N. Nwankwo	29 84 6443	Charles
61	Josephine T. Nwankwo	C. Nwankwo	12 51 35 77	John
62	Johnson O. Nwankwo	T. Nwankwo	10 34 18 4 2	Charles

	NAME	WARD	IDENTITY CARD NO	SIGN
63	James Okechi	Chitago/Boralou	22135698	
64	Sylvester Undoh	Boikanka	9110385	
65	Jacob Kintoni	Boikanga	7845679	
66	Moses Ntakwagha	Boikanga	7844504	
67	Enock Makanga	Moticho	22658145	
68	DMBASA APLE	MCA TABAILA	D12863536	
69	Dudley S. Muna	MCA Muna	27092777	
70	Olmo M. ALBERT	MCA-CHITAGO	071456647	
71				
72				

	NAME	WARD	IDENTITY CARD NO	SIGN
73	David Dones Moses	Ward 1 (Lester)	0730-283009	
74	James H. H. H.	CITIZEN/Barbarian	0716 025842	
75	James H. H. H.	CITIZEN/Barbarian	0722528058	
76	Chrisiphet mormon	Barbarian Ward	0720805834	
77	James C. H. H.	Barbarian Ward	0723 228821	
78	Deese Mathew	Kien Council	0720 22 4437	
79	Robert D. H. H.	Barbarian	0724 304446	
80	James H. H. H.	Barbarian	0724 34 3260	
81	Moses C. H. H.	C. H. H. Lands Barbarian	0721 44 8800	
82	Alice H. H. H.	C. H. H. Lands Barbarian	0713035 197	

	NAME	WARD	IDENTITY CARD NO	SIGN
83	JOSEPH NTASIDIKA	CITIC MARUYO	1638615	Joseph Ntashika
84	James Ntashika	Getenga	942345 1648441	James
85	Ntashika James	Tabaka	22204165	James
86	Lotce Ntashika	Getenga	20687425	Lotce Ntashika
87	Joseph Ntashika	Tabaka	16491	Joseph Ntashika
88	James Ntashika	XICA Ntashika	0722941166	James Ntashika
89	James Ntashika	XICA Ntashika	0724929079	James Ntashika
90	Ntashika Esita	Getenga	5815220	Ntashika
91	Henry Ntashika	Molicho	9913050	Henry Ntashika
92	Paul Ntashika	Tabaka	0923143670	Paul Ntashika

	NAME	WARD	IDENTITY CARD NO	SIGN
93	Joseph Moya	Gebru	0710 324076	Free
94				
95				
96				
97				
98				
99				
100				

RESOLUTIONS OF THE STAKEHOLDERS/PUBLIC PARTICIPATION WORKSHOP DISCUSSING THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT ON E PROPOSED SUGAR COMPLEX AT NYANGWETA FOREST IN SOUTH MUGIRANGO SUB COUNTY

ON 29 MARCH 2016.

1.0 Background

The current stakeholders /public participation workshop was organized to provide a forum for the stakeholders to discuss the Environmental Impact Assessment Study Report that had been concluded. Participants of the workshop were drawn from South Mugirango Sub County . They included farmers, chiefs, Members of the County Assembly and other leaders of the Community. Each of the six wards was represented by a team of 10 participants.

The County Executive for Land highlighted to the stakeholders the changes as follows:

- a) **That in** 2014 the County Government identified an Investor who was to establish a Sugar factory at Nyangweta. The investor had initially shown interest but had not been pursuing his interest. This made the Nyangweta taskforce to conclude that he had changed his interests. Consequently, another Investor, the Kanoria Group from India was identified in February 2016.
- b) **That** The County Government signed a memorandum of understanding in February 2016 with the Kanoria Group from India to establish a Sugar Complex at Nyangweta .
- c) **That** the first investor was to establish a sugar production plant only, but the Kanoria Group intends to establish a Sugar Complex with three plants , namely,
 - (i) Sugar Production plant
 - (ii) Ethanol Production Plant and
 - (iii) Electric Power Plant
- d) **That** the Environmental Impact Assessment Study covered the entire area of Nyangweta Forest.
- e) **That** this workshop aimed at providing the stakeholders opportunity to discuss the EIA report and give their recommendations.

2.0 The EIA Study Report-Expert Presentation

The EIA experts highlighted the key areas of the study. This session was carried out in English, Ekegusii and Kiswahili to ensure that all participants were able to provide their feedback.

The EIA expert outlined the anticipated impacts of the Sugar Complex and proposed mitigation measures:

Impact	Proposed Mitigation measure
Objective	To minimize solid waste generation ensuring efficient solid waste management
1. Increase solid waste generation	• Use of an integrated solid waste management system i.e. through a hierarchy of options like: Source reduction, Recycling, Reuse, and Land filling. • Use of durable, long-lasting materials to reduce, the amount of construction waste generated overtime. • Use construction materials containing recycled content where possible and in accordance with accepted standards. • Reuse packaging material such as cartons, cement bags, empty metal and plastic containers. • Dispose waste more responsible by dumping at designated dumping sites or landfills only. • Waste collection bins to be provided at designated points on site . • Provide facilities for proper handling and storage of construction materials.
Objective	To minimize impacts of dust and exhaust emissions
2. Dust emission	• Avoid excavation works in extremely dry weathers • Personal protective equipment to be worn • Post signs that limit vehicles speed onto unpaved roads and over disturbed soils. • Cover stockpiles of sand, soil and similar materials or surround them with wind breaks. • Ensure strict enforcement of on-site speed limit regulations. • Sprinkle water on access routes when necessary to reduce dust generation by construction vehicles.
3. Exhaust emission	• Vehicle idling time shall be minimized • Sensitize truck drivers to avoid unnecessary racing of vehicle engines at loading/offloading points and parking areas. • Construction equipment to be maintained properly tuned and maintained as per the manufacturers specification. • The engine size of the construction equipment shall be the minimum practical size. • Construction equipment operating simultaneously to be minimized through efficient management practices.
Objective	To minimize impacts of noise and vibration
4. Noise and vibration	• Prescribe noise reduction measures if appropriate e.g restricted working hours, transport hours and noise buffering. • Consult with the surrounding community on the permissible noise levels and best working hours. • The noisy construction works will be planned to be during the day. • Use best available technology. • Sensitize construction vehicle or machinery not being used.

	• Ensure that construction machinery is kept in good condition to reduce noise generation.
Objective	To minimize of energy consumption
5. Increase energy consumption	• Monitor energy use during construction and set targets for reduction of energy use. • Ensure electrical equipment and appliances are switched when not being used. • Ensure planning of transportation of materials to ensure that fossil fuels (diesel, petrol) are not consumed in excessive amounts. • Install energy saving fluorescent tubes and bulbs at all lighting points instead of bulbs which consume higher electric energy.
Objective	To minimize water consumption and ensure efficient water use
6. Increase water demand	• Ensure that water is sourced from a sustainable source and from licensed water vendors. • Recycling waste water and using it for other purposes. • Harvesting rain water during rainy seasons.
Objectives	To minimize incidences and accidents
7. Increased incidents and accidents	• Registration of all workplaces by the Directorate of Occupational Health and Safety (DOHSS).. • Comply with all standards and legally required health and safety regulations as set out by the occupational Safety and Health Act (Part XI: Section 96) as pertains to construction activities. • Demarcate all works which may pose a employee and other site workers. • Erect warning signs • Place portable fire extinguishers at suitable locations. • Training all staff on fir safety policy and procedures • Allocate a fire assembly point and mark all fire exits within the site.
Objective	To minimize impacts of hazardous waste
8. Hazardous waste	• Incorporate all potential contaminants in the construction environmental management plan (CEMP). • Maintain vehicles and machinery routinely inspected to minimize the risk of fuel/oil leaks. • All fuels, chemical and hazardous liquids would be stored away from drainage lines, within an impervious banded area. • Refuel construction plant, vehicles and equipment at off-site, or in a designated refueling area
Objective	To minimize impact on community
9. Community impacts	• Initiate good public relation between the proponent, contractor and the community. • Erect and maintain information boards in the position, quantity, design and dimensions of the proposed sugar factory. • Keep "Complaints Register" on Site.

- The participants raised a concern that the report did not show how the impact resulting from the gazettement of mitigated.

- a) The EIA expert responded that the report proposed promotion of agroforestry as a long term and sustainable measure to compensate the trees
- b) That the County Government will in addition identify forests to be gazetted in lieu of the planned degattement of Nyangweta forest(details will be provided in the Cabinet Paper that will be submitted to County Executive Cabinet and the County Assembly)

3.0 Recommendations of the Workshop

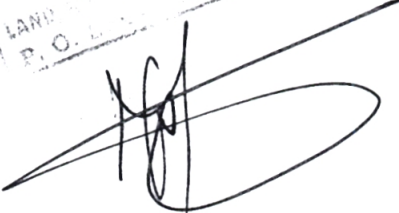
The participants of the workshop approved the Environmental Impact Assessment Study Report and urged the EIA Expert and County Government to expedite its submission to NEMA.

4.0 Any other Business

The Stakeholders expressed concern for the delays in starting the construction of the Sugar Complex at Nyangweta.

List of participants is attached to these resolutions.

GOVERNMENT
COUNTY MEMBER
LAND AND AGRICULTURE DEVELOPMENT
P.O. BOX 40200, KISumu

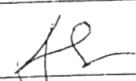
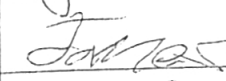
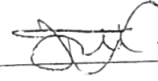
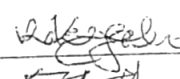
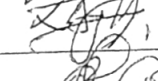
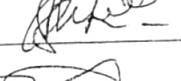
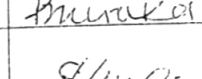
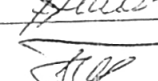
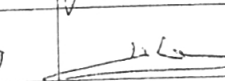


LIST OF PARTICIPANTS OF THE STAKEHOLDER MEETING TO DISCUSS THE ENVIRONMENTAL IMPACT ASSESSMENT
REPORT FOR NYANGWETA PROPOSED SUGARCANE FACTORY, ON 29 MARCH 2016

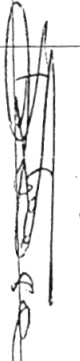
NAME	POSITION	WARD	IDENTITY NO	SIGN
1. Azele Tsimi	CHURCH	HELENDU	7-209222	
2. Mphahlele D. Ntsebeza	"	"	1158731	
3. Joseph Morwana	Boda Boda	MSTICHO	20542979	
4. DAVID MATHABE	FARMER	MOTICHO	8262378	
5. SIMON RATHU	ATTIEF	BOIKANGA	1836806	
6. Joshua B. Mungile	Kutu out growers co-ordinators - sec. 30	GEBANGA	12607225	
7. Abel Tshini	ETHIC	BOIKANGA	0301722	
8. JOSEPH MABEZA	CHURCH	MOTICHO	01357935	
9. CHARLES DUDU	CHURCH	HELENDU	10756431	
10. RASHID NYANGWETA	CHIEF	NYANGWETA	8532675	
11. FUMBA ACHITU UCHITA	Farmer	BUTETENGA	4138087	
12. ROBERT NCHICH	SEC		12826175	
13. CHIEF BOMI	ACC	NYANGWETA	26569430	

	NAME	POSITION	WARD	IDENTITY CARD NO	SIGN
14	MUTEGI Rita NAKENYA	ACC	TABAKA	27888940	
15	OBITA DERRICK MARY	CLERK	MOTICHO	31503982	
16	ZIPPORAH Othman	CLERK	TABAKA	01729025	
17	NESLEY ONYANCHIA	FARMER	BOLETTENGA	26129026	
18	EZEKIEL O. MUMA	DRIVER	TABAKA	13288509	
19	ELWAH O. MOGENI	ADMINISTRATION	BOLETTENGA	1636124	
20	ROBERT ISONDA JOSEPH	FARMER	BOLETTENGA	26241836	
21	MOSES ONDERI	CEC/Land	Ministry of Lands - KC	7950079	
22	MAURICE MBEGERA	CONSULTANT/EIA	MASURU ENCL	07352056	
23	U. HARUN NOLWI	FARMER	MOTICHO	1174874	
24	LUCY NDERI	FARMER	MOTICHO	21354367	
25	DAVID KENZANI	CHIEF	CHITAGO BABA	7222990	
26	PERPETUA S. GEHEMBA	TEACHER H.T.	BOLETTENGA	0406098	
27	MAITI ERIC	FARMER	BOLETTENGA	32170640	
28	Hon Onduso Ronald	MCA	GETENGA	11690282	

LIST OF PARTICIPANTS OF THE STAKEHOLDER MEETING TO DISCUSS THE ENVIRONMENTAL IMPACT ASSESSMENT
REPORT FOR NYANGWETA PROPOSED SUGARCANE FACTORY, ON 29 MARCH 2016

	NAME	POSITION	WARD	IDENTITY NO	SIGN
29	Julius Ombu	FARMER	GETENGA	13341231	
30	JAMES O. NYABUTI	FARMER	OTENDO	5237122	
31	JERED O. NYAMBERE	FARMER	GETENGA	24002984	
32	KEPA M.O. RUGENCITO	FARMER	BOGETENGA	11442037	
33	ZEBEDEDU A. ARATI	FARMER	MOTILU	10929841	
34	JOHNSON D. OMUYANE	FARMER	BOGETENGA	8270157	
35	Zedelesia O. Ombu	FARMER	BOGETENGA	7344507	
36	ZABLOU MARTIN	FARMER	GETENGA	1650714	
37	PERIS MURUKA	MAENDELEO YA WAZAWAZI	GETENGA	1650318	
38	James Nyabuti	FARMER	BOIKANGA	9403523	
39	JAMES H. NYAMBERE	FARMER	BOIKANGA	20331865	
40	James Ombu	FARMER	BOIKANGA	6931100	
41	JACOB OMBU	CHURCH REP.	BOGETENGA	5143927	

7

	NAME	POSITION	WARD	IDENTITY CARD NO	SIGN
42	LEIDIAH NTAAMBAUGI	FARMER	GETENGA	30795331	
43	ADUANI OKOMBO	FARMER	BOIKANITA	26593616	
44	ANUGENDE BISIRAH	CHURCH LEADER	GETENGA	2742438	
45	PISIMAS O. AYIEGA	Former	MOTICHO	31313461	
46	CITARE, P. SODITA	FARMER	BOIKANITA	14605011	
47	John Nyabuto Gyoo	Farmer	Brikang'aa	9548125	
48	Rescet OUGUSSO	PRINCIPAL SMA CHURCH	BOUETENNA	2777421	
49	MURUGA O. MACHINA		BOIKANITA	16016760	
50	JANE-N. KINARU	CHIEF I	TABAKA	11690201	
51	WNIQUEZE ORO	CHIEF	LESONO	9970792	
52	DAVID O. SHABE	CHIEF	MATIKO	16059430	
53	KEITHAPPO OMBASA	FARMER	GETENGA	0700115982	
54	JAMES MAAKAA	PRINCIPAL	MARDOSEA	0729917127	
55	Isidrak Omyando -	Commissioner	Kigoro -	4441521	
56	DENNIS OKOMBU	FARMER	BOIKANITA	12610393	

LIST OF PARTICIPANTS OF THE STAKEHOLDER MEETING TO DISCUSS THE ENVIRONMENTAL IMPACT ASSESSMENT
REPORT FOR NYANGWETA PROPOSED SUGARCANE FACTORY, ON 29 MARCH 2016

	NAME	POSITION	WARD	IDENTITY NO	SIGN
57.	Ken. Reuben MOKESA	N/C.A. BUGEZTENGA	BUGEZTENGA	9737140	
58.	Paul Moga	farmer	Tabaka	21115773	
59	PATRICK ACHOLA	DOOR GUARD		15784812	
60	ISSA A. OGBA	D.A. LAMP/US		15218980	
61	Daniel APOPO	leader primary	Tabaka.	1636380	
62	FAURIE ORODEI	Farmer	BUGEZTENGA	1234200	
63	KRONS KAKOTO	N.C.A	Moloko	2072207	
64	ELIZABETH ACHOLA	N.C.A	BUGEZTENGA	0713632424	
65.	HOW. ALBEN OINO	M.C.A	CHITIMU/BOMANI	0724787-10	
66.	Bill Okemwa	EIA expert	Mogale	20253925	

RESOLUTIONS OF THE STAKEHOLDERS/PUBLIC PARTICIPATION MEETING HELD AT NYANGWETA WITH THE REGIONAL CONSERVANCY COMMITTEE ON THE PROPOSED SUGAR COMPLEX AT NYANGWETA FOREST IN SOUTH MUGIRANGO SUB COUNTY

ON 6 SEPTEMBER 2016.

1.0 Background

The stakeholders /public participation meeting was organized to provide a forum for the stakeholders to interact with the Members of the Regional Conservancy Committee who were visiting to monitor on compliance issues and familiarize themselves with Nyangweta forest.

The National Government was represented by the County Commissioner and Deputy Commissioner in charge of South Mugirango Sub County.

Participants of the stakeholder/Public participation meeting were drawn from the areas surrounding the forest. They included farmers, chiefs, and general public. There were more than 200 people that turned up for the meeting.

However, the County Government team was able register part of the participants since majority of the people were taken up by the engagements between the Forest Conservation Committee and participants of the meeting.

The County Executive for Land who was present provided a summary of the project as follows:

- a) In 2014 the County Government identified an Investor who was to establish a Sugar factory at Nyangweta. The investor did not continue to pursue this interest. Therefore, another Investor, the Kanoria Group from India was identified in February 2016.
- b) **The County Government signed a memorandum of understanding in February 2016 with the Kanoria Group from India to establish a Sugar Complex at Nyangweta .**
- c) The first investor was to establish a sugar production plant only, but the Kanoria Group intends to establish a Sugar Complex with three plants , namely,
 - (i) Sugar Production plant
 - (ii) Ethanol Production Plant and
 - (iii) Electric Power Plant
- d) The land requirement for the expanded plants was 120 acres of land.
- e) That this meeting was organized to provide the stakeholders an opportunity to meet with the Regional Conservancy Committee and give them feedback about the planned establishment of the Sugar Complex at Nyangweta

2.0 Address from the Regional Chairman and Head of Conservancy

The Chairman of the Regional Conservancy Committee and the Regional Head of Conservancy addressed the meeting. Their Key message to the stakeholders was on compliance and their mission of protecting forest cover in the region. They urged the participants to stop cutting down the trees in the forests. Their mission was to familiarize themselves with Nyangweta forest and work with the County Government to ensure the excision of part of the forest followed the laws and procedures.

3.0 Resolution of stakeholder /Public participation meeting

The Stakeholders/public participation meeting unanimously resolved that the Regional Conservancy committee assist the County Government to excise 120 acres of land from Nyangweta forest to establish the Sugar Complex

4.0 Any other Business

Stakeholders expressed their displeasure for the delays in establishing the Sugar Complex at Nyangweta.

List of part of participants is attached to these resolutions.

KISII COUNTY GOVERNMENT
EXECUTIVE COMMITTEE MEMBER
LAND, HOUSING, & URBAN DEVELOPMENT
P. O. Box 4550 - 40200, KISII.



06/09/2016

AT NYANKEWESTA

s/n	Name	Position	Id no	Signature
1	DAVID D. OBIAS	CHIEF OF THE L-10	16059750	
2	KAZUKI OYARD	ASS/CHIEF/LEGAL/NYANKEWESTA	0729661608 82355733	
3	AMABUN O. NYANKEWESTA	ASS/CHIEF/LEGAL/NYANKEWESTA	8532675	
4	STANSON N. NOTONGIST	SNR. CHIEF CHITAGO	1648152	
5	MILSON MBURU	DARE GACHAUSHT	5FESF77	
7	GODFREY MURIEL	CHIEF/LEGAL/NYANKEWESTA	21351934	
8	WILLIAM KALILUSA	EC-LEGAL	0568159	
9	Tom O. Togo	IN. CEC MPES	11200039	
10	Jackline K. WOTO	Country Director of Forests (NEMT)	1122488	
11	SILVERIO OCHOA GATA	FOC LAULI NYANKEWESTA	22371740	
12	OSERO MURIEL	FCC Member	011115	
13	Daniel MURUTTO	CEO-NEMA - Forestry Division on Nyangwaka Forest	13999016 23176746	
14	DEDAH OTHO	FCC - OTHER I	13226905	
15	SAME CYNTHIA DIONDO	CTA YOUTH REP	34634233	
16	GODFREY V. C. MAKOKHA	Asst. HOC-Nyanke	1950109	

17. Peter Omwet
 18. Martin Kibungo
 19. Agnes Mellowo
 Former
 Former
 Former
 0701764230
 1653478
 20633644
 Peter
 Martin
 Agnes

17	Amaga Samia	Agriculture	3551058	17
18	Jesse A. Samia	FCE-Nizaza	0414732	18
19	Moses ODERI	ETC/Lands	7950079	19
20	Niedemus Nyamari	Surveyor-Kin C	24981737	Information
21	James Clemens	Surveyor Kin C	0723152104	Survey
22	Christina N. Nigga	Farmer	029533767	24
23	Richard John Obungu	Farmer	0783903102	23
24	Edward Bruce Otieno	Farmer	0726387002	24
25	John Ntaka Oson	Farmer	0776337371	25
26	Moses OKEKO ONTURI	Farmer	0720822734	26
27	John Obei Kumbi	Farmer	0720570255	27
28	Jotta MacLENNAN MOSETI	Farmer	8723992326	28
29	James H. Otundo	Farmer	0726664982	29
30	John Ousethi Kipatiti	Farmer	0700616149	30
31	Samuel Oumunga Ousindi	Farmer	0715019124	Information
	Henry Ousethi	Farmer	164956	31

33	Joshua N. Chenge	Teacher	1648675	Page 92
34	SEPHORA Queen	Farmed	1651590	Queen
35	George Kanyama	Driver	5875195	ALU
36	Jacob O. Othene	Agriculture	11649670	Page 93
37	Zachary O. Othene	farmer	0301740	Patel
38	Pier N. Dugunda	Farmer	1648793	Page 94
39	Kongwe Bwato	farmer	1656089	Team
30	Zachary Abwira	farmer	12609365	Zach
31	ESHO Mwangi	Driver	12607789	Page 95
32	JAMES M. MATHAI	SNR ALICIA	1648695	Page 96
33	MARY AGUA	MYUC chairman	1636666	Maria
34	Thedius O. Othman	Chairman	12609157	Page 97
35	HEMUS Danyer			Page 98
36	Alia Bosipah	Farmers		
37	Moses emboza	MAN	23518400	
38	Paul Mchabito	Farmed	10018056	

39 Catherine Mwangi

Farmer

93548619

Savanna

40 Joshua Embaga

Farmer

10693448

Embaga

41 Queen Karama

Farmer

19612334

Karama

42 Samuel Mwangi

Farmer

9738998

Samuel

[illegible]

WORKSHOP ON THE PROPOSED SUGAR COMPLEX AT NYANGWETA FOREST IN SOUTH MUGIRANGO SUB COUNTY

HELD ON 6-7 SEPTEMBER 2016 AT KISUMU.

1.0 Background

This workshop follows a stakeholders /public participation meeting that was held at Nyangweta which was organized to provide a forum for the stakeholders to interact with the Members of the Regional Conservancy Committee who were visiting to monitor on compliance issues and familiarize them with Nyangweta forest.

The workshop brought together representatives of the National Government, County Government and members of the Regional Conservancy Committee.

2.0 The Proceedings

The workshop was opened with a word of prayers at 9.00am on 7 September 2016, and followed by introductions. The Chairman of the Regional Conservancy Committee gave the County Government opportunity to make their presentation and build a case for excision of an additional 60 acres from Nyangweta a forest to make the total 120 acres.

The County Government was represented in the workshop by the Departments of Land, Agriculture, Environment and Trade and Industry.

The County Executive for Land on behalf of the Kisii County Government made a presentation to the Committee. In his presentation he covered the following grounds regarding the Proposed Nyangweta Sugar Complex:

- a) Originally Nyangweta Forest occupied an area of approximately 218 acres
- b) Gucha County Council allocated Kisii University 60 acres to construct a campus.
- c) The County Government made an initial request to the Kenya Forest to excise 60 acres from Nyangweta for the establishment of a Sugar Factory.
- d) The first Public/stakeholder participation meeting held in April 2014, approved excision of 60 acres of the forestry land for the establishment of the sugar factory
- e) An advisory was subsequently prepared and submitted to the County Assembly. The County Assembly approved the advisory in August 2014 which was requesting for 60 acres for establishment of a sugar Factory. The Investor at that

time intended to establish a sugar production plant only. The said investor pulled out later.

- f) The County Government reinitiated its efforts to searching for an Investor which culminated in the identification of the Kanoria Group from India in February 2016.
- g) In February 2016, the Kisii County Government signed an MOU with an Investor, the Kanoria Group from India. The Group intends to establish a Sugar Complex with the following plants:
 - 1. Sugar Production Plant
 - 2. Ethanol production plant
 - 3. Electric Production Plan
- h) The minimum land use requirement for the three production plants is 120 acres of land. This was arrived at after much negotiation with Kanoria Group to reduce the land requirement from 200 acres. This was corroborated with the land use estimates prepared by a team including the Director of physical Planning, Director of Agriculture, Director of Environment at the County.
- i) Considering that land requirement had changed significantly, the County Government carried out a follow up public participation meeting to seek views and recommendations of the residents of South Mugirango. The stakeholders meeting approved excision of an additional 60 acres to make the total 120 acres from Nyangweta Forest to establish the sugar complex.
- j) The County Executive submitted an Advisory to the County Assembly seeking approvals to excise an additional 60 acres to make the total 120 acres from Nyangweta forest to establish the Sugar Complex with three production plants including Sugar Production, ethanol and electric power.
- k) At the time of holding this meeting, approval to excise an additional 60 acres from Nyangweta forest to make the total 120 acres was being awaited from the Kisii County Assembly.
- l) The County Government had earlier on commissioned an Environmental Impact Assessment Study for the entire forest area which was completed and a report Submitted to the National Environmental Management Authority.
- m) The National Environmental Management Authority reviewed the Study report and subsequently placed public notices in the Standard Newspaper, the Star, the Kenya Gazette and made announcements through the radio inviting comments from the public.

- n) Once the excision is complete, the balance of forestry cover at Nyangweta forest will be 38 acres, which area will be secured, re-afforested by the Kisii County Government and gazetted by the Kenya Forestry Services
- o) In order to compensate for the 120 acres that will be degazetted, the Kisii County Government has identified thirteen forests located in different parts of the County that will be gazetted and handed over to the Kenya Forest services to Manage.
- p) In addition to the 13 forests located at different parts of the County, the County Government had developed a clear afforestation and re-afforestation program and will promote agroforestry.

3.0 The Chairman opened the sessions for discussions

Summary of Key issues requiring action

- i) The meeting sought a clear commitment from the Kisii County Government to compensate the Forest Services

The CEC for Forestry in Kisii County presented a list of forests that have been identified which will be gazetted to enhance the forest cover in Kisii County. These forests will be placed under the Management of the Kenya Forestry Services.

- ii) The Chairman required the Kisii County Government to re-submit the application to the Kenya Forest Services for the additional 60 acres.

The CEC for Lands will re-submit the Application within the next two weeks.

- iii) The Regional Conservancy Committee asked for the revised map showing the areas that will be excised that is the 120 acres and the balance, that is, 38 acres.

CEC for lands will submit the revised map together with the application.

- iv) The Committee sought a clear indication that the riparian land will be conserved and clearly indicated as public land.

- v) The members emphasized the protection of riparian land.

CEC for Forestry to avail the Forestry Strategy in Kisii

- vi) The Committee wanted to know whether the Environmental Impact assessment was carried out for the initial 60 acres of land requested for.

CEC for lands explained that the Environmental Impact Assessment Study was carried for the entire forestry area. However the requirement for the Sugar Complex is 120 acres only.

- vii) The Committee wants to have an indication of land use allocation by percentage/size

The CEC for Lands to avail this indication in the application letter

- viii) There was a question on change of user.

A discussion followed as to when should the change of user be done. It was guided that change of user is done once the procedures are complete and land is confirmed available.

- ix) The Committee wanted to have an official search to confirm the ownership of the land.

CEC for Lands to avail the official search of the land in the application due to be submitted.

- x) The meeting resolved that the issues outlined above be addressed and a report be submitted to the Kenya Forestry Services for further action

4.0 Any other Business

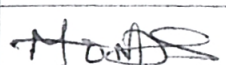
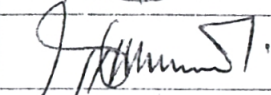
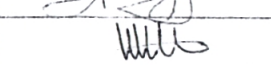
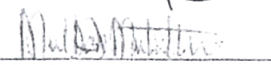
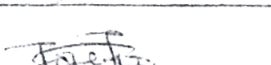
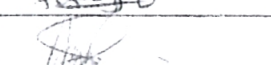
There being no other business, the meeting ended at 6.00pm with a word of prayer

List of part of participants is attached to these resolutions.

KISII COUNTY GOVERNMENT
EXECUTIVE COMMITTEE MEMBER
LAND, HOUSING, & URBAN DEVELOPMENT
P. O. Box 4550 - 40200, KISII.



7/9/2016 Hisumu

s/n	Name	Position	Id no	Signature
1	MOSES ONDERI	CEC/Lands	7450279	
2	DR. NDIRO OMARI	CEC/ENVIRONMENT	A118818	
3	James W. W. W.	DEC (CIVIL SERV)	1054416	
4	ANDREW C. ROICH	SECRETARY CLMS	8072963	
5	SAMUEL K. OSORO	CEC TRADE	2755890	
6	John Katibwa	Asst CEC ALF/CD	11200039	
7	Patrick Azzolel	DIRECTOR PP&WD	10784382	
8	OLMOTH DADAN	FCC Member	13236905	
9	DANIEL MUTUTHU	NEMA - FCC MEMBER	22176740	
10	WALTER LAMTHIA LAMTHIA	FCC - YOUTH REP	24624233	
11	JACKLINE KWAMBENYA OTEYO	FCC FINDER	22371744	
12	GILBERT KIMANI	FCC - ADP/ALF/CD	2337160	
13	J. L. AGA J. D. O.	FCC ALF/CD	3051555	
14	JOSEPH A. GWANA	FCC - TATA	8414732	
15	Nicodemus Nyamat.	Surveyor - Kisii County	24981737	
16	Abraham Ochieng Ochieng	FCC Member	CM1115	

[illegible]

Appendix X A

KISII COUNTY GOVERNMENT

Telephone: +254-020-8029160

Email: KisiiCountyAssembly@kisii.go.ke

Fax: 058-30796



Old Municipal Hall Building

P.O. Box 4552 - 40200
Kisii, Kenya.

COUNTY ASSEMBLY

Date: 13th April, 2017

To: H.E, Hon. James E. O. Ongwae, CBS, EBS, OGW,
Governor,
Kisii.

Dear Sir,

RE: GAZZETTMENT OF IDENTIFIED FORESTS IN KISII COUNTY

The above subject refers.

The Kisii County Assembly during its sitting in the morning on Thursday 13th April, 2017 adopted and approved the advisory on the Gazzettment of Identified Forests in Kisii County.

A copy of the advisory is herein attached for your action.

Thank you.

Hon. Kerosi Ondieki,
Speaker-Kisii County Assembly.

KISII COUNTY GOVERNMENT

Telephone: +254 709727001 / 2,
+254 730184001 / 2
Email: governor@kisii.go.ke



Kisii Town Hall Building
P.O. Box 4550 – 40200
Kisii, Kenya.

OFFICE OF THE GOVERNOR

KCG/MWEENR/ CEC/FS/VOL II/03(511)

Date: 19th September, 2016.

Hon Speaker,
Kisii County Assembly,
KISII.

RE: ADVISORY TO THE COUNTY ASSEMBLY ON GAZZETTMENT OF IDENTIFIED FOREST IN KISII COUNTY.

I refer to the advisory dated 15th July, 2016 on lease of land to Kanoria Group to establish a Sugar Complex at Nyangweta Forest. I thank you and the County Assembly for allowing us to establish the Sugar Factory that the people of South Mugirango richly deserve. The Lease will take away 120 acres of land leaving a balance of 38 acres as forest cover. Forest cover in Kisii County at the moment stands at 2.62% of the total land mass. This is significantly below the constitutional requirement of 10%. Forest cover plays a critical ecological, social, cultural and economic function and in some cases directly contributes to the Country's Gross Domestic Product (GDP). The benefits of forest gazettment to the surrounding and the County Government are immense including prevention of forest encroachment that is currently witnessed.

During a special meeting of the Forestry Conservation Committee [FCC] of the Nyanza Region held in Kisumu on 7th September 2016, it was generally agreed that the County Government makes a deliberate and progressive move towards increasing forest cover. This will go a long way to compensate for the excision of Nyangweta Forest which will be used for economic development.

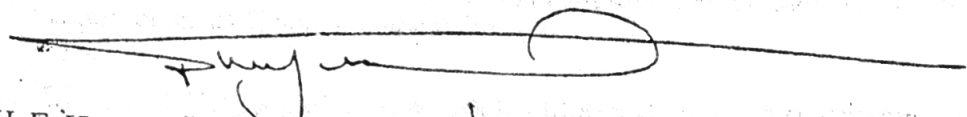
The County Government in collaboration with Kenya Forest Service has identified the following forests for gazettment as County/National forest.

No.	Forest Name	Location	Area (Ha)	Adjoining Parcel No. if any	Year Planted & Type of Trees
1	Nyangweta	South Mugirango	16	South Mugirango/Nyataro/1209	There are plantations of various ages covering 98 ha, the oldest plantation being 14 years.
2	Ndonyo	South Mugirango	15.4	South Mugirango/Nyataro 1202	Planted 1970.
3	Insaria	South Kisii Bomorenda	2.4	No. 490	1979: Eucalyptus Saligna Cupressus lusitanica & Pinus patula.

4	Keboye Hills	Kisii South Bomorenda	25	Kisii County	1980: Eucalyptus Saligna Cupressus lusitanica & Pinus patula.
5	Ritumbe	South Mugirango	10.4	South Mugirango/ Chache/107	The first plantation established 1980.
6	Sombogo	Kitutu Chache North	5	-	2007: Eucalyptus.
7	Taracha Hill Keumbu	Nyaribari Chache, Birongo Scheme (Keumbu)	3.84	No. 589	1981: Eucalyptus Sligna, Cup & Pinus.
8	Nyanturago Swamp	Nyaribari Chache & Bobasi, Nyanturago Scheme (Keumbu)	360	No. 711	1981: Eucalyptus Sligna, Cup & Pinus.
9	Emborogo Hill	Nyaribari Masaba	8.2	No. 1055	1981: Eucalyptus Saligna, Cupressus Lusitanica & Pinus Patula
10	Kionganyo	Nyaribari Chache South -Township	4	-	Eucalyptus Saligna
11	Nyakeiri	Kitutu Chance North	2.5	-	2007:Eucalyptus saligna and Grevillea robusta
12	Ngeri Hill	Bonchari	3.0	Kisii County	1990: Eucalyptus Saligna
13	Mogonga Swamp	Bassi/Masige /Bobasi 2094	6	-	1970

This advisory has been necessitated by the urgent need to increase forest cover in the County and gazettment of these forests is a demonstration of the County Government's willingness to partner with National Government Agencies to remedy the situation.

The identified forests have been discussed at the Cabinet Level and approved for gazettment. The County Government will undertake survey and mapping of these forests to ensure clear demarcation in order to stem encroachment.


H. E. Hon. James E. O. Ongwae, CBS, EBS, OGW,
Governor,
KISII

Appendix XB

KISII COUNTY GOVERNMENT

Telephone: +254 709727001 / 2,
+254 730184001 / 2
Email: governor@kisii.go.ke



Kisii Town Hall Building
P.O. Box 4550 – 40200
Kisii, Kenya.

OFFICE OF THE GOVERNOR

KCG/MWEENR/ CEC/FS/VOL II/03(511)

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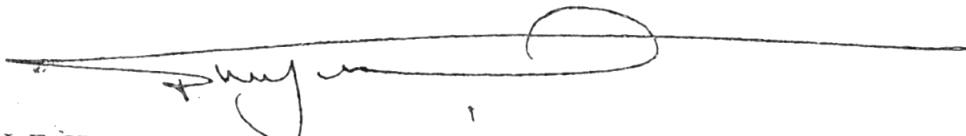
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H. E. Hon. James E. O. Ongwae, CBS, EBS, OGW,
Governor,
KISII

GAZETTE NOTICE NO. 4276

THE PHYSICAL PLANNING ACT

(Cap. 286)

COMPLETION OF PART DEVELOPMENT PLAN

PDP No. KSI/37/2016/01-Existing Site for Daraja Mbili Mixed Secondary School and Daraja Mbili Primary School

NOTICE is given that the above-mentioned part development plan was on 17th May, 2016, completed.

The part development plan relates to land situated within the Kisii County.

Copies of the part development plan have been deposited for public inspection at the County Physical Planning Office.

The copies so deposited are available for inspection free of charge by all persons interested at the County Physical Planning Office, between the hours of 8.00 a.m. to 5.00 p.m., Monday to Friday.

Any interested person who wishes to make any representation in connection with or objection to the above-named part development plan may send such representations or objections in writing to be received by the County Physical Planning Officer, P.O. Box 2180, Kisii, within sixty (60) days from the date of publication of this notice and such representations or objections shall state the grounds on which it is made.

Dated the 26th May, 2016.

MR/9496878 P. B. ACHOKI,
for Director of Physical Planning.

GAZETTE NOTICE NO. 4277

THE PHYSICAL PLANNING ACT

(Cap. 286)

COMPLETION OF PART DEVELOPMENT PLAN

PDP No. R/B/328/016/02-For the Proposed Change of user from Dump Site to Residential and Sub-division into Two Portions "A" and "B" (Kabarnet Town)

NOTICE is given that the above-mentioned part development plan was on 24th May, 2016, completed.

The part development plan relates to land situated in Kabarnet Town, Baringo Central Sub-County.

Copies of the part development plan have been deposited for public inspection at the office of Chief Officer, Lands, Housing and Urban Development, Kabarnet and County Physical Planning Office, Kabarnet.

The copies so deposited are available for inspection free of charge by all persons interested at the office of Chief Officer, Lands, Housing and Urban Development, Kabarnet and County Physical Planning Office, Kabarnet, between the hours of 8.00 a.m. to 5.00 p.m., Monday to Friday.

Any interested person who wishes to make any representation in connection with or objection to the above-named part development plan may send such representations or objections in writing to be received by the Department of Lands, Housing and Urban Development or County Physical Planning Office, P.O. Box 53-30400, Kabarnet, within sixty (60) days from the date of publication of this notice and such representations or objections shall state the grounds on which it is made.

Dated the 24th May, 2016.

MR/9496727 F. KICHE,
for Director of Physical Planning.

GAZETTE NOTICE NO. 4278

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY
ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT
FOR THE PROPOSED NYANGWETA SUGAR FACTORY AT
NYANGWETA, SOUTH MUGIRANGO SUB COUNTY, KISII
COUNTY

INVITATION OF PUBLIC COMMENTS

PURSUANT to regulation 21 of the Environmental Management and Co-ordination (Impact Assessment and Audit) Regulations, 2003, the National Environment Management Authority (NEMA) has received an Environmental Impact Assessment Study Report for the above proposed project.

The Proponent, Ministry of Agriculture, Livestock, Fisheries and Cooperative Development in Kisii County Government is proposing to construct a sugar factory that will have a milling plant, spirit distillery for local and international market as well generation of electricity for both the factory use and sale to the national grid.

The following are the anticipated impacts and proposed mitigation measures:

Impact	Proposed Mitigation measure
Objective	To minimize solid waste generation ensuring efficient solid waste management
Increased solid waste generation	- Use of an integrated solid waste management system i.e. through a hierarchy of options like: Source reduction, Recycling, Reuse, and Land filling. - Use of durable, long-lasting materials to reduce, the amount of construction waste generated overtime. - Use construction materials containing recycled content where possible and in accordance with accepted standards. - Reuse packaging material such as cartons, cement bags, empty metal and plastic containers. - Dispose waste more responsibly by dumping at designated dumping sites or landfills only. - Waste collection bins to be provided at designated points on site. - Provide facilities for proper handling and storage of construction materials.
Objective	To minimize impacts of dust and exhaust emissions
Dust emission	- Avoid excavation works in extremely dry weathers - Personal protective equipment to be worn - Post signs that limit vehicles speed onto unpaved roads and over disturbed soils. - Cover stockpiles of sand, soil and similar materials or surround them with wind breaks. - Ensure strict enforcement of on-site speed limit regulations. - Sprinkle water on access routes when necessary to reduce dust generation by construction vehicles.
Exhaust emission	- Vehicle idling time shall be minimized - Sensitize truck drivers to avoid unnecessary racing of vehicle engines at loading/offloading points and parking areas. - Construction equipment to be maintained properly tuned and maintained as per the manufacturers specification. - The engine size of the construction

	equipment shall be the minimum practical size.
Objective	• Construction equipment operating simultaneously to be minimized through efficient management practices. • To minimize impacts of noise and vibration
Noise and vibration	• Prescribe noise reduction measures if appropriate e.g. restricted working hours, transport hours and noise buffering. • Consult with the surrounding community on the permissible noise levels and best working hours. • The noisy construction works will be planned to be during the day. • Use best available technology. • Sensitize construction vehicle drivers and machinery operators to switch off engines of vehicles or machinery not being used. • Ensure that construction machinery is kept in good condition to reduce noise generation.
Objective	• To minimize of energy consumption
Increase energy consumption	• Monitor energy use during construction and set targets for reduction of energy use. • Ensure electrical equipment and appliances are switched off when not being used. • Ensure planning of transportation of materials to ensure that fossil fuels (diesel, petrol) are not consumed in excessive amounts. • Install energy saving fluorescent tubes and bulbs at all lighting points instead of bulbs which consume higher electric energy.
Objective	• To minimize water consumption and ensure efficient water use
Increase water demand	• Ensure that water is sourced from a sustainable source and from licensed water vendors. • Recycling waste water and using it for other purposes. • Harvesting rain water during rainy seasons.
Objectives	• To minimize incidences and accidents
Increased incidences and accidents	• Registration of all workplaces by the Director, Directorate of Occupational Health and Safety (DOHSS). • Comply with all standards and legally required health and safety regulations as set out by the Occupational Safety and Health Act (Part XI: Section 96) as pertains to construction activities. • Demarcate all works which may pose a employee and other site workers. • Erect warning signs • Place portable fire extinguishers at suitable locations. • Training all staff on fire safety policy and procedures • Allocate a fire assembly point and mark all fire exits within the site.
Objective	• To minimize impacts of hazardous waste
Hazardous waste	• Incorporate all potential contaminants in the construction environmental management plan (CEMP). • Maintain vehicles and machinery routinely inspected to minimize the risk

	of fuel/oil leaks.
Objective	• All fuels, chemical and hazardous liquids would be stored away from drainage lines, within an impervious banded area. • Refuel construction plant, vehicles and equipment at off-site, or in a designated refueling area
Community impacts	• To minimize on community • Initiate good public relation between the proponent, contractor and the community. • Erect and maintain information boards in the position, quantity, design and dimensions of the proposed sugar factory. • Keep "Complaints Register" on Site.

The full report of the proposed project is available for inspection during working hours at:

- (a) Director-General, NEMA, Popo Road, off Mombasa Road, P.O. Box 67839-00200, Nairobi.
- (b) Principal Secretary, Ministry of Environment and Mineral Resources, N.H.I.F. Building, Community, P.O. Box 30126-00100, Nairobi.
- (c) County Director of Environment, Kisii County.

The National Environment Management Authority invites members of the public to submit oral or written comments within thirty (30) days from the date of publication of this notice to the Director-General, NEMA, to assist the Authority in the decision making process of the plan.

GEOFFREY WAHUNGU,
Director-General,

MR/9383246

National Environment Management Authority.

GAZETTE NOTICE NO. 4279

NANDI TEA ESTATES LIMITED

(Incorporated in Kenya)

Registered Office: P O Box 34995 - 00100, Nairobi

LOSS OF SHARE CERTIFICATE

Share Certificate No. 105 for 75,000 ordinary shares issued on 12th November 1987 in the name of Nandi Teachers Savings and Credit Co-operative Society Limited (CS/2709).

The share certificate as detailed above having been lost or misplaced, notice is hereby that a duplicate share certificate will be issued to Nandi Teachers Savings and Credit Co-operative Society Limited (CS/2709) after the expiry of thirty (30) days from this date unless valid objection is lodged with the company secretary prior thereto and that on issue of duplicate of the share certificate, the original share certificate as detailed above will be deemed to have been cancelled and of no effect.

PATRICK K KARINGE,
Company Secretary.

GAZETTE NOTICE NO. 4280

OLD MUTUAL LIFE ASSURANCE COMPANY LIMITED

(Incorporated in Kenya)

Head Office: P.O. Box 30059-00100, Nairobi

LOSS OF POLICY

Policy No. 37001835 in the name of Isaiya Kaberia Kabira.

APPLICATION has been made to this company for the issue of duplicate of the above-numbered policy, the original having been reported as lost or misplaced. Notice is given that unless objection is lodged to the contrary at the office of the company within thirty (30) days from the date of this notice, duplicate policy will be issued, which will be the sole evidence of the contract.

Dated the 20th May, 2016.

MR/9496675

LUCY KINUTHIA,
Officer, Claims.

Appendix XII

ROYAL MEDIA SERVICES LTD.

Communication Centre, Maalim Juma Road, Off Dennis Pritt Road
P.O. Box 7468 - 00300 Nairobi, Kenya
Tel: +254 (0)20 2721415/6 • 2718506/7
Fax: +254 (0)20 2724211
Email: citizen@royalmedia.co.ke

PIN NO.: P051121511V

VAT NO.: 0110065W

No: 155183

RECEIPT

Date: 24/6/16 A/C No.:

Received From: National Environment Management Authority

Amount Kshs./US\$: One hundred and thirty nine thousand two hundred only

Being Payment of: Classified

Order No.: 17750 Invoice No.:

Amount in Figures

139200

Cheque No.

cash deposit

Bank & Branch

Standard/Kisumu

With Thanks



RADIO CITIZEN



ROYAL MEDIA SERVICES LTD.

COMMUNICATION CENTRE

MAALIM JUMA ROAD OFF DENNIS PRITT

P.O. BOX 7468 NAIROBI, KENYA

TEL: 25422721415/6

FAX: 25422724220

INVOICE NO:

PIN NO: PO51121511V

VAT NO: 0110065W

INVOICE

Customer

Name KISII COUNTY GOVERNMENT

Address 4550 - 40200

Tel 0722103591

BEN'S CENTRE AGENCIES

PO. BOX 121- 40200, KISII

TEL: 058-2031458, CELL:

0723473388

benscentre@yahoo.com

Qty	Description	Ammount
3 DAYS	CLASSIFIED FOR THREE DAYS	120,000

PAYMENT DETAILS

- Cash ☒
- Cheque No.
- Payment upon receipt of invoice

Sub Total	120,000
Vat 16%	19,200
Total	139,200

NEMA

National Environment
Management Authority

EGESA FM CLASSIFIED

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA) HAS PUBLISHED A NOTICE TO THE PUBLIC TO SUBMIT COMMENTS ON AN ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT FOR PROPOSED NYANGWETA SUGAR FACTORY AT NYANGWETA, SOUTH MUGIRANGO SUB -COUNTY, KISII COUNTY . THE COMMENTS SHOULD BE MADE ON THE IMPACT AND MITIGATION MEASURES BASED ON THE FOLLOWING AND OTHER AREAS.

1. SOLID WASTE GENERATION ENSURING SUFFICIENT WASTE MANAGEMENT
2. IMPACT OF DUST AND EXHAUST EMISSIONS
3. IMPACT OF NOISE AND VIBRATION
4. ENERGY CONSUMPTION
5. WATER CONSUMPTION AND ENSURE EFFICIENT WATER USE
6. INCIDENCES AND ACCIDENTS
7. IMPACT OF HAZARDOUS WASTE
8. IMPACT ON COMMUNITY

NEMA INVITES MEMBERS OF THE PUBLIC TO SUBMIT ORAL OR WRITTEN COMMENTS WITHIN 30 DAYS FROM THE DATE OF THIS ANNOUNCEMENT TO THE DIRECTOR GENERAL NEMA, TO ASSIST THE AUTHORITY IN DECISION -MAKING PROCESS FOR THIS PROJECT. A FULL REPORT OF PROPOSED PROJECT IS AVAILABLE FOR INSPECTION DURING WORKING HOURS AT THE FOLLOWING OFFICES WHERE COMMENTS SHOULD ALSO BE SUBMITTED .

PRINCIPAL SECRETARY, MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES NHIF
BUILDING 12TH FLOOR P O BOX 30126-00100, NAIROBI OR DIRECTOR GENERAL NEMA P O BOX
67839-00200 MOMBASA OR COUNTY DIRECTOR OF ENVIRONMENT KISII COUNTY.

A COPY OF EIA REPORT CAN BE DOWNLOADED AT WWW.NEMA.GO.KE. COMMENTS CAN ALSO
BE EMAILED TO: danema@nema.go.ke KINDLY QUOTE REF. NO NEMA./EIA/5/2/1269.

Appendix XV

KISII COUNTY GOVERNMENT

Telephone: +254-020-8029160

Email: countyassembly@kisii.go.ke



Kisii Town Hall Building

P.O. Box 4552 – 40200

Kisii, Kenya.

COUNTY ASSEMBLY

DATE: 29th AUGUST 2014

H.E THE GOVERNOR,
KISII COUNTY GOVERNMENT,
P.O BOX 4550.
KISII.



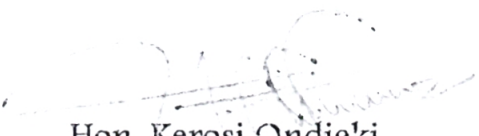
Dear Sir,

RE: ESTABLISHMENT OF SUGAR FACTORY IN SOUTH MUGIRANGO –KISII COUNTY

I refer to yours dated 30th April 2014.

Kindly note that the Assembly sitting on 13th August 2014 in its morning Session resolved that, a sugar factory be established on a 60 acre of land comprising Nyangweta Forest within Kisii County. Enclosed herein are;

1. Copy of Report
2. Copy of Harzard


Hon. Kerosi Ondicki

SPEAKER-KISII COUNTY ASSEMBLY

Cc

- ✓ ECM-Agriculture, Livestock, Fisheries and Cooperatives Development
- ✓ ECM- Environment, Energy, Water, and Natural Resources
- ✓ ECM-Trade, Tourism and Industry

Appendix XVI

KISII COUNTY GOVERNMENT

OFFICE OF THE GOVERNOR

Telephone: 058-30005
Email: info@kisii.go.ke
Fax: 058-30208



Kisii Municipal Building
P.O. Box 4550 – 40200
Kisii, Kenya.

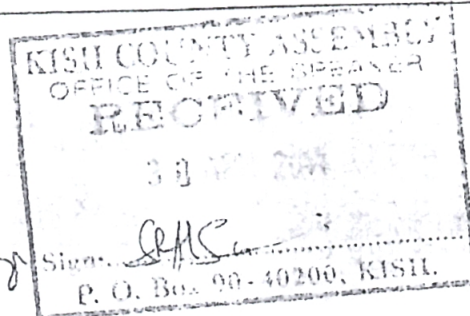
Ref no: KSI/C/6/2(170)

Date: 30th April, 2014

THE HON. SPEAKER

KISII COUNTY ASSEMBLY

KISII COUNTY



ADVISORY TO THE SPEAKER OF KISII COUNTY ASSEMBLY ON THE ESTABLISHMENT OF A SUGAR FACTORY IN SOUTH MUGIRANGO IN KISII COUNTY

Introduction

This Advisory seeks the approval of the County Assembly to allow the investor to establish a Sugar Factory in South Mugirango, within Kisii County. The County Cabinet has discussed and approved the proposal to establish the factory.

1. The objectives of the advisory

The objective of the advisory is first to inform the County Assembly that the County Government has identified an investor of a Sugar factory and secondly to seek approval to excise land measuring 60 acres at Nyangweta forest in South Mugirango for the establishment of the sugar factory. The establishment of the factory will advance the economic development of Kisii County through employment creation, higher income and the taxes the county government will earn and also economic empowerment of the cane farmers as they stand to receive better prices for their cane.

2. Background

The office of the County Executive Committee (CEC) Member in charge of Trade and Industry has made recommendations regarding the policies, programs and action to advance the economic development of Kisii County. The County Cabinet has duly approved the recommendation for the establishment of the sugar factory in South Mugirango.

The Sugar Factory will be established in conjunction with other collaborative county departments through consultation and public participation. The Department will monitor other requirements during operations.

South Mugirango Sub-County and the adjacent areas in Kisii County currently grow sugar cane that is processed through either Transmara Sugar Factory in Narok County or Sony Sugar Company in Migori County. The region has potential to increase capacity to meet the cane requirements of the proposed Sugar Factory.

The County Assembly's approval will authorize the County Government to grant an operating permit to the investor and the attendant support to establish, operate and maintain the Sugar factory. The Kisii County Government has identified a suitable location of the factory within South Mugirango Sub-County and will facilitate issuance of the necessary permits for its establishment. The licensing procedures shall be simplified and coordinated by the office of the CEC-Trade and Industry.

The County Government will not give tax concessions to the investors but will ensure a win-win situation between Kisii County Government and the investor. Tax exemptions have been viewed elsewhere as making the rich richer and the poor and enterprising cane farmers poorer. The Investor will therefore pay all the applicable taxes.

The investor will be given the right to invest in Sugar cane growing and support farmers to increase their production. The investor will be protected initially from competition for a period of 10 years by not licensing another sugar factory within the said period after starting operations.

It is proposed that after five (5) years of the factory's operation, 15% shareholding shall be sold to the farmers and general public in Kisii County through Initial Public offer to be undertaken by way of private placement.

3. Location of the Factory

The office of the County Executive Committee (CEC) member in charge of Lands and Physical planning has identified the site for the factory within the Nyangweta Forest catchment and prepared an advisory plan to that effect. The plan is attached for ease of reference by the County Assembly. The proposed 60 acre land will be leased by the investor at the current government rates. The site identified is not forested as such as it is the drier sector of the forest.

4. Analysis of the problem

The establishment of the factory is intended to address the present lacunae in the operation of the sugar industry by dealing with the perennial shortages of sugar that give rise to importation of sugar especially from the COMESA countries.

The sugar cane from South Mugirango is processed in the neighbouring counties thus reducing its competitiveness leading to low earnings by the farmers. The huge transport costs currently experienced will be solved and the same being a saving will be given to the farmers thus increasing the price of cane per ton. The factory will also provide employment for our youths.

5. Cane Statistics

The office of the County Executive Committee (CEC) Member in charge of Agriculture has given us the area under cane growing and production in South Mugirango and its environment. The area under cane is 7,600 Ha and the area under milling cane currently is 3,500 Ha and the yield is 70 tons per Ha. Total production is estimated at 245,000 tons and a delivery to Trans Mara is 73,500 tons, Sony Sugar is 110,250 tons, Jaggery is 49,000 tons and to Sukari industry is 12,250 tons. The existing cane farmers are estimated at 15,000

The road network currently in South Mugirango and Bomachoge, both being a sugar belt is pathetic and with the establishment of the Sugar Factory, there is likely to lead to improvement of road networks in these regions.

Employment creation is an often referred to whenever economic development is envisaged in a given area. This is an imminent reality as we will be assured of not less than 500 permanent jobs and indirectly 2000 jobs.

The other attendant benefits like power generation by the plant is a positive contribution that will come with the establishment of the sugar factory.

6. Financial implication

The Kisii County Government will not spend money in establishing the sugar factory as it will be put up by an investor. The county government will provide land measuring about 60 acres (at Nyangweta in South Mugirango) and the land will be leased to the investor for 50 years. We anticipate the investor to put up the factory at a cost of Kshs. 2.4 billion when complete.

7. Recommendation to the County Assembly for Approval

We write to request that the County Assembly approves the excision and construction of the Sugar factory at Nyangweta forest in South Mugirango, Kisii County. This advisory is seeking the approval of the County Assembly in demarcating part of Nyangweta forest in order to put up this investment. The approval of the advisory will save time so that the Investor can be allowed to start investing.



H.E. HON. JAMES E. O. ONGWAE, CBS, EBS, OGW.
GOVERNOR
KISII COUNTY

Appendix XVIII

KISII COUNTY GOVERNMENT

Telephone: +254-020-8029160
Email: KisiiCountyAssembly@kisii.go.ke
Fax: 058-30796



Old Municipal Hall Building
P.O. Box 4552 - 40200
Kisii, Kenya.

COUNTY ASSEMBLY

Date: 28th September, 2016

The CEC-Land, Housing, Physical Planning and Urban Development,
Kisii County Government,
P.O 4550-40200,
Kisii.

Dear Sir,

**RE: STAKEHOLDERS AND LEADERS RESOLUTION ON THE PROPOSED SUGAR
COMPLEX AT SOUTH MUGIRANGO.**

We refer to the above matter and forward herewith the report adopted by the Kisii County Assembly on 6th September, 2016 at 2:30 pm on the proposed establishment of a sugar complex at Nyangweta Forest for your necessary action.


Hon. Kerosi Ondieki
SPEAKER - KISII COUNTY ASSEMBLY.

Cc, H.E the Governor

KISII COUNTY GOVERNMENT

Telephone: +254-020-8029160

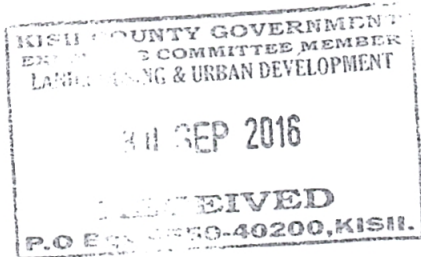
Email: KisiiCountyassembly@kisii.go.ke



Old Municipal Building

P.O. Box 4552 – 40200

Kisii, Kenya.



COUNTY ASSEMBLY

Approved
[Signature]
21.7.16

REPORT ON THE ESTABLISHMENT OF THE SUGAR COMPLEX AT NYANGWETA IN SOUTH MUGIRANGO SUB COUNTY.

HON.PIUS BWONGERI ABUKI, MCA (KITUTU CENTRAL WARD)

CHAIRMAN, LANDS, PHYSICAL PLANNING, HOUSING AND
URBAN DEVELOPMENT.

1. COMMITTEE MANDATE

Mr. Speaker sir,

The Departmental Committee on Lands, Physical Planning, Housing and Urban Development was established under Standing Order No. 191, and its mandate among others, as outlined under Standing Order 191 (5) (e) includes:-“to investigate, inquire into and report on all matters relating to the management, activities, operations and estimates of the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly.

2. COMMITTEE MEMBERSHIP

Mr. Speaker sir,

The committee on Lands, Physical Planning, Housing and Urban Development was reconstituted by the House on Thursday 16th July 2015 comprising of the following members:

- | | |
|-------------------------|-------------|
| 1. Hon. Pius Abuki | Chairman. |
| 2. Hon. Richard Machana | V/chairman. |
| 3. Hon. Henry Moracha | Member. |
| 4. Hon.Sabina Kennedy | ” |
| 5. Hon.Grace Ogonda | ” |
| 6. Hon. Kefa Manura | ” |
| 7. Hon. Agnes Kerubo | ” |

3. COMMITTEE OBSERVATIONS

Mr. Speaker sir,

The committee together with the CEC Lands had a sitting and scrutinized an advisory sent to the Assembly by His Excellency the Governor and made the following observations;

- i. The main income generating crop of South Mugirango is sugarcane, hence the factory will help absorb the sugarcane produced in this area and other parts of the county at better prices and this will better the livelihoods of the people.
- ii. The factory will create employment for the residents of this county and more especially the youth around the South Mugirango sub county.
- iii. The manpower that shall be working at the factory shall create market for other farm produce in the county.
- iv. The construction of the factory shall induce the improvement of infrastructure in South Mugirango which is in a dilapidated state.
- v. The factory will generate revenue for the County Government in terms of rent and license fees.
- vi. The factory will also generate power and this will help connect those interior areas that are not connected to the National Grid.

5. RECOMMENDATIONS.

Mr. Speaker Sir, the committee recommends the following

- i. That the County Assembly URGENTLY approves this noble undertaking to enable the establishment of this factory
- ii. The County Government should provide the required land by demarcating a part of Nyangweta Forest for this project to take off.
- iii. The County Government to identify areas to be gazetted as forest areas by Kenya Forest Service since Nyangweta forest shall be degazetted in view of the construction of the factory

- iv. The County Government to institute measures to safeguard the interests of the people of South Mugirango and indeed the entire county to ensure they reap maximum benefits from the project.

6. ACKNOWLEDGEMENT

Mr. Speaker Sir,

I would like to extend my sincere gratitude towards the office of the CEC, Lands, the committee members and the secretariat who worked towards the compilation of this report.

On behalf of the committee members it is my pleasant pleasure and privilege to table the report on behalf of the Departmental committee on Lands, Physical Planning, Housing and Urban Development for further deliberations.

Thank you.

Signed  Date 21 / 07 / 2016

Hon. Pius Abuki Bwonger, MCA (Kitutu Central Ward)

Chairperson of the Departmental Committee on Lands, Physical Planning, Housing and Urban Development.

Appendix XIX

KISII COUNTY GOVERNMENT

OFFICE OF THE GOVERNOR

Telephone: 058-2030005
Email: info@kisii.go.ke
Fax: 058-2030208



Kisii Municipal Building
P.O. Box 4550 - 40200
Kisii, Kenya.

Ref No: KSI/C/6/2(499)

Date: 15th July, 2016

Hon. Kerosi Ondieki,
Speaker of the Kisii County Assembly,
KISII



Dear Hon. Kerosi,

RE: ESTABLISHMENT OF THE SUGAR COMPLEX AT NYANGWETA IN SOUTH
MUGIRANGO SUB COUNTY

LEASE OF LAND TO KANORIA GROUP

WHEREAS the County Executive Committee submitted an Advisory to the County Assembly dated 30th day of April 2014 seeking approval of the County Assembly to enable an investor establish a Sugarcane factory at Nyangweta in South Mugirango Sub County and the approval of the County Assembly was granted and communication thereof made through the Honorable Speaker's letter dated 29 August 2014, a copy of the Advisory and the speaker's letter are attached.

Whilst the envisioned requirement for land at that time was Sixty (60) acres, the County Government has since identified a very serious investor with capacity to establish an integrated Sugar complex that will have three main plants namely;

- a) Sugar production
- b) Ethanol production and
- c) Electric Power Production

This new intended investment if undertaken will significantly transform the economy of the County and would greatly change the livelihoods of not only the sugarcane farmers but also those of the residents of the County and the Country at large. Examples of the likely changes in livelihood include, better prices for cane delivered, creation of employment opportunities for the residents, market for farm produce and other products, improvement

Approved by the CA
6th Sep 2016
30.9.16

of infrastructure and social services among others. The county Government will also earn revenue in terms of rent and license fees.

Kisii County Government (KCG) has entered into a Memorandum of Understanding (MOU) dated 2nd March 2016 with above mentioned investor **Kanoria Group** from India who will set up a sugar complex with a capacity of crushing 2500 Tons of cane per day (TCD) with potential to expand to 5000 TCD. The said factory will manufacture Sugar, Ethanol / Extra Neutral Alcohol (ENA) and generate electric Power in the name of Kisii Renewable Energy and Sugar Company Limited (KRESP1). A copy of the MOU signed is herewith attached for your reference.

Taking cognizance of the provisions of the MOU which the County Government has signed with the Kanoria Group, and considering the larger area required for purposes listed hereunder, need has been generated by the technical requirements of the sugar complex for more land than what the county Assembly had initially approved. The County Government therefore seeks to revise the requirement for land from Sixty (60) acres to One Hundred and Twenty (120) acres which is the minimum required to adequately accommodate the planned Integrated Sugar complex. The requirements for land use will include the following:-

- a) Cane tractor/vehicle movement,
- b) Weigh-bridge services
- c) Parking
- d) cane handling/storage
- e) Human movement
- f) Movement for sugar trucks
- g) Movement for Ethanol tankers
- h) Process plants for Sugar and ethanol
- i) Power Plant housing boiler and turbine
- j) Electrical switch yard
- k) Residential colony for employees
- l) Greenbelt
- m) Administration block and canteen
- n) Large storage areas for ethanol and molasses
- o) Sugar godowns
- p) Bagasse yard.

The Sugar Complex will have the capacities outlined below and will be implemented in two phases as shown in the table below:

COMPONENT	PHASE I 2016-2019	PHASE II-2020-2022
Sugarcane Crushing Capacity/day	2,500MTs	5,000 MTs
Sugar Production Capacity	105,000MTs	210,000MTs

Cultivated Plantation Size	10,000 ha	10,000 ha
Distillery Capacity	45KLpd	45KLpd
Power Co-generation capacity	10MW	20MW
Estimated Investment	50Mn USD	
Sugar Production	86,250MTs	172,500 MTs
Ethanol Production	7.5 mn litres	15mn litres
Power Production	80,000 MWh	160,000MWh

Considering the need for more land generated by the technical requirement of establishing the Sugar Complex, and the larger objective of the County Government to promote industrialization, the County Executive Committee has resolved as follows:-

- THAT The County Government avails a total of One Hundred and Twenty (120) acres of land at Nyangweta Forest for the establishment of the Sugar Complex.
- THAT the County Government leases the One Hundred and Twenty (120) acres of land to **Kanoria Group** for a period of 99 years at revisable annual rent of Kshs 4,000/= (four thousand shillings) per acre.
- THAT the first lease payment shall fall due and be payable after ground breaking for construction expected to take place in January 2017, subject to timely financial closure and obtaining of required permit/licenses /approvals.
- THAT the County Government identifies areas to be gazetted as Forest land by the Kenya Forest Service in lieu of degattement of Nyangweta Forest

The County Executive Committee seeks concurrence of the County Assembly for the excision of additional Sixty (60) acres of land from Nyangweta forest to make a total of One Hundred and Twenty (120) acres for the establishment of the aforesaid Sugar Complex.

Take note that the County Government has completed the Environmental Impact Assessment Study and submitted a report to the National Environmental Management Authority which has subsequently issued public notices in the Kenya Gazette, Radio and two dailies with national circulation, copies are attached.

Please note that it is VERY urgent we get the approval of the County Assembly as everything has been held in abeyance by NEMA until this approval is given.

Yours



H.E. Hon. James E.O. Ongwae, EBS, CBS, OGW,
Governor,
KISII COUNTY