

## SUMMARY OF THE LAISAMIS TO SITE ABBREVIATED RESETTLEMENT ACTION PLAN

<b>Project title:</b>	Lake Turkana Windfarm
<b>Country:</b>	Kenya
<b>Document Originator:</b>	African Development Bank
<b>Revision:</b>	Revised by Lake Turkana Wind Power in Nov. '15 to verify factual accuracy.

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### Preface

The Lake Turkana Wind Project (LTWP), an electrical infrastructures project, located in northern Kenya adjacent to the southeast shores of the lake in the Marsabit district herein referred to as “the Project” comprises of two components: construction of a 310 MW wind farm and rehabilitation of 200km of existing minor urban roads. The road rehabilitation is the subject of this Abbreviated Resettlement Action Plan (A-RAP) herein referred to as “Sub-project”.

### Project Background

The Project location is particularly favorable for generating electricity from wind turbines as it situated within the “Turkana Wind Corridor” where subtropical wind jet streams pass between Mount Kulal to the north and Mount Nyiru to the south of the wind-farm site. These subtropical wind jet streams, originating in the Indian Ocean, aided by the high and low temperature climatic conditions between the mountains and the Lake produce a natural venturi effect, accelerating the winds across the wind-farm site at low (~50m) atmosphere levels, creating strong, predictable and ideal wind conditions for electrical power generation from wind turbines.

The Project, forms part of Kenya’s energy sector, Least Cost Power Development Plan (LCPDP), and diversification towards clean technologies; comprising of 365 wind turbines, associated overhead medium 33,000 voltage (33kV) collection system and a high voltage (HV) substation as well as a network of access roads in and around the site for construction, operations and maintenance. Export of the electrical power will be via a high voltage 400kV transmission line, an ‘associate’ facility, to be constructed and operated by KETRACO, a Kenyan agency with the remit for developing all HV transmission lines and substations of 132kV and above.

### Transport Route

The major equipment will be brought into Kenya via the deep water port of Mombasa where they will be offloaded onto special purpose vehicles (SPV) and transported to site, a distance of 1,200km, see figure below that depicts an overview of the transportation route from Mombasa to wind-farm site at Loiyangalani. The transport route can be broken down into two sections. Section 1, Mombasa, Nairobi and Laisamis a distance of 1,000km are designated ‘A-Class’ roads and are of bitumen construction.

Section 2, herein referred to as the Sub-project/ access route, from the turnoff at Laisamis to the wind-farm site, a distance of 200km, the roads are designated ‘B and C-Class’ roads and are a mixture of gravel and murrum. These roads are in poor condition and unsuitable to carry the long and heavy SPV’s

that will transport the equipment to site.



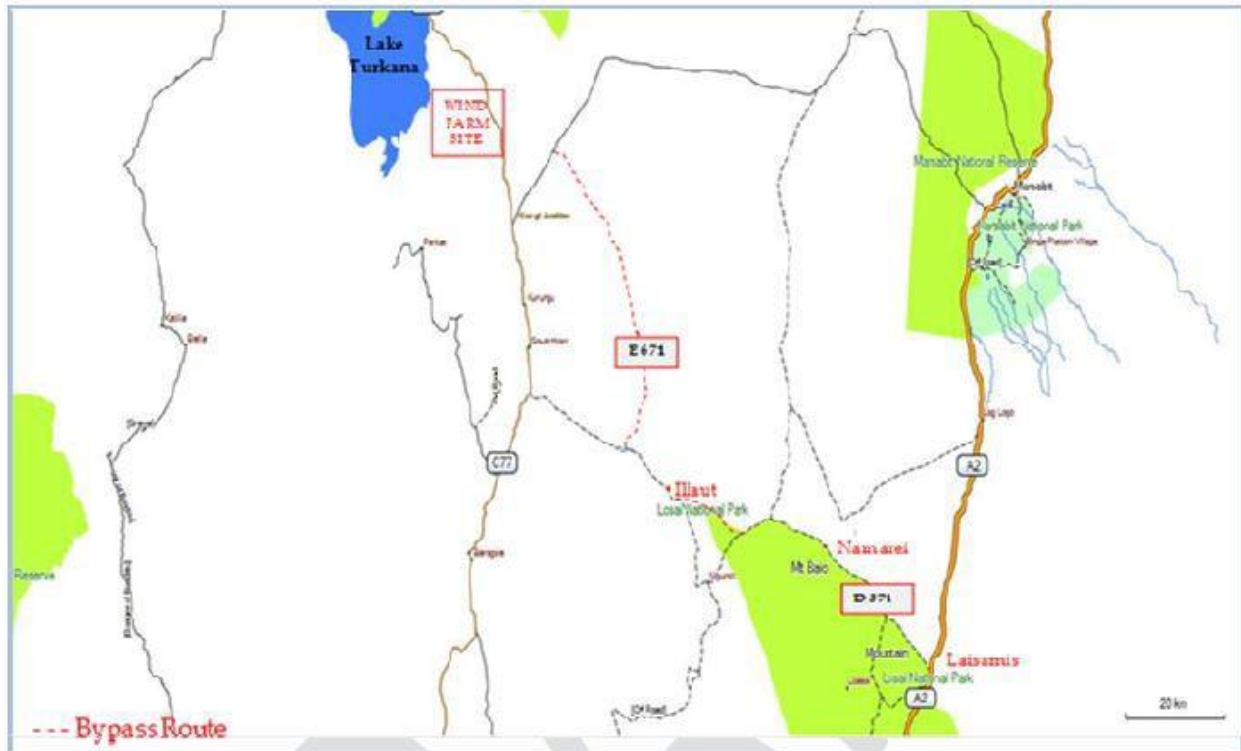
Figure 1: Transportation Route

### Statement of Concern

Following disclosure of the ESIA, the feedback from the stakeholder consultation process identified several villages that were concerned with the proposed alignment of the access route and subsequently requested LTWP to consider an alignment that would bypass their villages, namely Ngurunit, South Horr and Karungu. LTWP, taking on board the communities concerns, undertook additional studies that looked at the various alternatives available using existing roads and identified an alignment that bypassed these villages. The realignment passes through Laisamis, Lengima, Lekuchula, Namarei and Illaut villages.

In the villages of Namarei and Illaut informal Vendors and residential structures are located within the existing road reserve.

In order to ensure the safety of the people and Vendors utilising these premises, relocation of these structures needs to be undertaken. The figure below depicts the optimum agreed route with the local communities, Vendors and PAPs that mitigate the above concern.



**Figure 2: Access Final Bypass Route**

This realignment and the Vendors/PAPs encroaching within the designated road reserve of Namarei and Illaut are the subject of this A-RAP.

### **A-RAP Statement of Objective**

The objectives of this A-RAP are to maintain, if not improve upon the standards of living of all project affected persons (PAPs). The main adverse impact of this Subproject is the relocation of the unauthorised Vendor and residential structures out of the existing road reserves.

This A-RAP identifies all PAPs (namely Vendors) and their structures within the road reserve at the cut-off date (March 21, 2012), provides an overview of their business profile, value of their assets and other sources of livelihood as well as assesses their socio-economic standing.

The A-RAP also clearly establishes the resettlement/ relocation provisions of the Sub-project including PAPs and Vendor's preferred relocation area, describes the compensation options to be offered and other relocation assistance to be provided, highlights the consultations measures undertaken, the potential impacts of the sub-project upon the Vendors/ PAPs and establishes mechanisms for grievance

redress. The responsible institution, budget, implementation schedule and its monitoring is also described.

### **Sub-project Statement of Responsibility**

The A-RAP has been prepared in accordance with the guiding principles outlined in proponents Resettlement Policy Framework (RPF) produced in 2011 when certain aspects of the Project and Sub-project designs were still to be confirmed. The Project RPF has since been submitted along with the Environmental Social Impact Assessments (ESIA's) for wind-farm and road rehabilitation to both the African Development Bank (AfDB) public disclosure of information platforms.

The RPF and ESIA's were prepared by international and local consultants. This A-RAP has been prepared in compliance with the policies and principles for involuntary resettlement of AfDB and the National Environmental Management Association (NEMA) environmental, social, health and safety guidelines, land tenure laws and regulations in Kenya.

The A-RAP form as opposed to a full RAP has been deemed the appropriate reporting format for this Sub-project given; the impact is of a temporary and minor nature, loss of assets or restriction of access to assets is diminutive compared to involuntary resettlement of a similar number of household.<sup>1</sup>

In accordance with the above policies and guidelines this A-RAP has been prepared by the developer LTWP and Log Associates a Kenyan environmental consultancy.

LTWP has been consulting with and engaging with the various communities along the route, has a dedicated RAP team responsible for ensuring that compensation in the measures outlined in this report are delivered in a fair and equitable manner in accordance with the guiding principle outlined in its RPF, community engagement plan (CEP), the recommendation of the ESIA and in compliance with internationally recognised involuntary resettlement policies.

Log Associates were engaged by LTWP to undertake the valuation and enumeration of affected assets, Vendors/PAPs, and provide oversight to applicable Kenya Laws in relation to valuation and compensation. The consultant's report is attached as an Appendix to this report.

### **Relocation Description**

The Lake Turkana Wind Project (LTWP), an electrical infrastructures project, located in northern Kenya adjacent to the southeast shores of the lake in the Marsabit district herein referred to as "the Project" comprises of two components: construction of a 310 MW wind farm and rehabilitation of 200km of existing minor urban roads. The road rehabilitation is the subject of this Abbreviated Resettlement Action Plan (A-RAP) herein referred to as "Sub-project".

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<sup>1</sup> As defined by the African Development Bank Involuntary Resettlement Policy

The realignment passes through Laisamis, Lengima, Lekuchula, Namarei and Illaut villages. In the villages of Namarei and Illaut informal Vendors and a residential structure are located within the existing road reserve. LTWP, taking on board the communities concerns, undertook additional studies that looked at the various alternatives available using existing roads. The surveys identified an alignment that bypassed Ngurunit; South Horr and Karungu villages were the communities had issues with the number of vehicles that would have to pass through their villages during construction.

Extracts from the 'Bureau of Statistics: Kenya National Population Census, 2009' indicate that Namarei has a population of 2,612 with 598 households and Illaut has a population of 2,645 with 638 households.

LTWP in collaboration with the affected Vendors/ PAPs, local administration and community elders agreed an equitable compensation and structure relocation plan to an area outside the road reserve.

Twenty (20) structures belonging to informal Vendors/ PAPs were identified as being within the road reserve that needs relocated. Of the (20) structures located in the road reserve, (17) are business structures, in Illaut the administration/ community store is affected as is the community store in Namarei and (1) residence/ cum cafe is affected.

In total, LTWP will relocate forty-six (46) structures. Normally under Kenya law and practices any structure located within the road reserve is an illegal structure and must be removed on giving of notice by the roads authority or local administration. Notice to vacate the road reserve is an oral request to the owner of the structure and by painting a red 'X' on the building, usually the door which signifies that it is an illegal structure. The notice informs the owner of the structure that he or she has thirty (#30) days in which to remove the structure from the road reserve, salvaging whatever materials possible otherwise the structure will be demolished.

Following detailed discussions, with Vendors/PAPs, and having full understanding of the issues, the compensation packages and benefits outlined below and detailed within this A-RAP were agreed.

A suitable relocation area has been identified for both the affected structures and the associated structures nearby, out of the road reserve and within the market place vendor plot matrix managed by the local administration; compensation packages developed in accordance with involuntary resettlement best practices, along with mitigation, benefits and assistance proposed for those Vendor's who require it as outlined below and throughout this report.

The Sub-project construction works is expected to take approximately 15 months. The estimated relocation schedule will take thirteen (13) weeks. Most of the affected structures are of temporary construction and relocated of these structures can be accomplished within this timeframe.

The budget for the relocation of the Vendors/ PAPs includes full replacement cost for assets, loss of income, and provision of assistance and disturbance allowance. The estimated budget is KES 15 mio and this figure includes 10% contingency for unforeseen matters.

The relocation initiative will include the following:

- New plots/ relocation areas will be identified and location agreed with the village administration

for each of the Vendors/ PAPs;

- Prompt payment of 70% of the total replacement value of individual Vendor/PAPs structures.

The payment includes 15% disturbance allowance;

- Vendors/PAPs will have 90 days to vacate and relocate outside the road reserve to their individually agreed locations with the relevant administration authorities;
- The final 30% compensation for structures will be paid when the Vendor/PAP has vacated the area. This payment also includes 15% disturbance allowance.
- Loss of income will be paid to those vendors transacting. In accordance with the Consultant's recommendation each Vendor will receive (2) months loss of income due to disturbance/ relocation of their business asset. Loss of income budgeted amounts to KES 1,4 mio
- Payments will be made by bank transfer into the accounts of the Vendor/structure owners;
- Assistance to those Vendors/ PAPs that requests/ require assistance;
- LTWP RAP team will oversee the RAP implementation process;
- LTWP will undertake internal monitoring of the process and will report to third parties as per obligations such as NEMA and Lenders to the Project;
- A grievance redress mechanism and procedure will be put in place by LTWP; and
- Consider the community members for employment opportunities, where possible.

## Summary

**Consultations:** Vendors/ PAPs will be consulted continuously about the relocation plan and implementation of the same prior to commencement of construction activities. Particular attention will be given to elderly and female Vendors/ PAPs and those that request assistance. Vendors/ PAPs will be enlightened on the legal restrictions that govern the process.

RAP Implementation Budget: LTWP will set aside a budget of KES 15mio for the implementation of A-RAP.

**Compensation:** The compensation package provided in this report is based on full replacement and relocation costs for all structures. Compensation for structures, where applicable, loss of income and disturbance allowance will be paid prior to commencement of works in accordance with a phased approach. Phase 1, seventy percent (70%) on signing of letters of offer/ agreements and Phase 2, the remaining thirty percent (30%) when structures are removed from the road reserve.

**Disturbance Allowance:** A sum equal to 15% of the full replacement value will be added to the costs of structures by way of compensation as disturbance allowance.

**Notice:** A minimum of three (3) months' notice will be given to the Vendors/ PAPs to enable them to salvage whatever materials possible from the assets affected. Where cash compensation is not the preferred option; LTWP will provide other methods of compensation such as assistance in relocating structures, salvaging materials, transportation and building of structures.

**Monitoring and Evaluation:** Monitoring and evaluation will be a continuous process. LTWP will be responsible for all aspects of internal monitoring. Six months to one year upon completion of the project, LTWP will conduct an independent assessment of the RAP process to evaluate and document lessons learnt.

**Grievance Redress Mechanism:** LTWP will establish its Resettlement Working Group (RWG) in order to deal with any grievances in a timely fashion.

**Community Expectations:** Vendors/ PAPs have intimated that LTWP should not delay the implementation process as they need to start preparing to relocate and make plans for their future and lengthy delays could impact their planning. Should the PAPs raise issues for the attention of the LTWP, the proponent confirmed that these issues will be taken seriously to minimize impacts, complaints, grievances and potential delays.