

**Process Framework for Involuntary Restrictions and  
Social Assessment**

**CEPF Grant:** 108997

**Grantee:** East African Wild Life Society

***Project Title:*** Strengthening the management and protection of Lake Ol bolossat,  
Kenya

**Project Location:** Lake Ol bolossat- Nyandarua County

1. **Grantee organization.** East African Wild Life Society
2. **Grant title: Strengthening the management and protection of Lake Ol bolossat, Kenya**
3. **Grant number:** 108997
4. **Grant amount (US dollars):** 100,000
5. **Proposed dates of grant:** 01/07/2018- 31/10/2019
6. **Countries or territories where project will be undertaken:** Kenya
7. **Date of preparation of this document:** 2/05/2018

## 8. Project background

Lake Ol Bolossat is the only natural lake in Central Kenya and one of the very few highland lakes in the world. It is located in the administrative areas (sub-counties) of Ndaragwa, Ol Joro Orok and Ol Kalau in Nyandarua County and covers an area of 43.3 square kilometre (4 km<sup>2</sup> and 39.3 km<sup>2</sup> riparian land - grassland). Its main water recharge is streams emanating from springs in the Satima escarpment and Dundori catchment areas. . Its wetland resources are habitat for aquatic and terrestrial flora and fauna including over 300 hippos and 100 bird species. It was designated as the 61st Important Bird Area in Kenya by the National Liaison Committee on IBAs led by Nature Kenya given the presence of abundance of resident avifauna some of which are either globally or regionally threatened or are range-restricted. The lake also act as migration flyaway for the migrants birds. A waterbirds census in Lake Ol bolossat conducted in January 2018 counted a total of 14, 423 individuals. Agriculture is the main economic activity around the lake and has increased over time due to the favourable humid tropical climatic conditions of the wetland. The communities surrounding the lake are predominantly Kikuyus who practice agriculture for both subsistence and commercial purposes. However, most of the communities living downstream are mainly pastoralists and depend on the lake for pasture especially during the dry seasons. The human population in the lake basin is estimated at 202 people per square kilometres as per the 2009 National census.

The lake ecosystem is a source of water for Nyahururu Municipality that serves a population of over 15,000 and the communities living downstream in the Laikipia, Samburu, Isiolo and Garissa Counties. It is also an important livestock dry season grazing area. The communities also draw fish from the lake for both subsistence and commercial purposes though in small scale. The thriving tourist industry in Samburu, Shaba and Buffalo springs National Reserves is made possible by the flow of the Ewaso Nyiro River whose origin is from the Lake Ol Bolossat. The lake itself being a bird watching site is also a tourist attraction in the area which act as source of income to the communities who act as tour guides for the birdwatchers in the area. The potential for tourism in the area is very high and the use of ecotourism as a mechanism for payment for ecosystem services in this case would contribute to alternate income generation to the farmers whose agricultural practices are the main threat to the wetland and thus saving this important ecological and economic asset.

It is a fragile and vulnerable ecosystem that is facing ever-increasing threats from anthropogenic activities in its catchment and basin areas. Previous work by EAWLS in the project area identified multiple challenges facing the lake including siltation as result of road upgrading activities and rock mining on the lake shores, pollution from urban effluent and agro-chemicals; encroachment into the riparian areas of the lake due to increasing need for arable land, increase in livestock and unexplored nature friendly alternative; deforestation in the lake catchment for firewood and charcoal; water abstraction for irrigation and domestic use from the streams and springs feeding the lake; site-species mismatch of tree species with farmers planting eucalyptus trees in wetland areas; and introduction of invasive and alien species. .

The aforementioned problems are attributed to lack of legal protection status of the lake, inadequate environmental education and awareness on resource use and management among the lake surrounding communities, weak institutional capacity of community environmental groups, lack of appropriate land use plan, weak law enforcement and lack of proper coordination among the stakeholders. Other factors include the inadequate information on geology, hydrological and ecological linkages to enhance decision making processes.

There have been past efforts by different stakeholders to promote the protection and sustainable management of the lake. The need to protect Lake Ol' Bolossat and its watershed was recognized by both the local and the central government as early as 1982 when the Nyandarua County Council, now Nyandarua County Government submitted a Proposal to establish it as a protected area to the former Wildlife Conservation and Management Department, the now Kenya Wildlife Service. This was meant to conserve wildlife and generate revenue from tourism. At the same time, Ewaso Ngiro Development Authority initiated an afforestation programme to conserve the lake as an important catchment area of the river Ewaso Ngiro.

The enactment of the Water Act 2016 and Forest Act 2016 saw the establishment of the Ol' Bolossat and Ndaragwa Community Forest Associations (CFAs) and Lake Ol' Bolossat Water Resource Users Association (LOBWRUA). Other interventions implemented by Kenya Wetlands Forum, hosted by EAWLS in close collaboration with community groups resulted in the development and eventual launch of the Lake Ol' Bolossat Integrated Management Plan (2008-2013) on 26th January 2010 and the formation of Friends of Lake Ol' Bolossat Association (FOLO) as an umbrella organization for 25 environmental Community Based Organization (CBOs) from both Laikipia and Nyandarua Counties. FOLO assisted with mobilizing the community to sign a petition to the Minister of Environment and Mineral Resources to declare Lake Ol' Bolossat a Protected Area. Nyahururu Bird Club (NBC), a local CBO founded in 2010, has been creating community awareness on the need to protect and conserve the lake and its riparian grasslands as habitats of birds with grey crown crane as the flagship species.

Other stakeholders who have worked in the area include Wetlands International, Nature Kenya and World Wide Fund (WWF-KE). For instance, Nature Kenya was our partner in phase 1 project and has been instrumental in carrying out community awareness activities around the area and also

joined efforts in pushing for the formal gazettement of the lake to enhance its protection. Wetlands International (WI) on the other hand, has been implementing the Water, Sanitation and Hygiene (WASH) and Integrated Water Management in Laikipia County which lies within the lake Ol Bolossat Ecosystem. WI also supported Community forum as build up activities to the World Wetlands Day (WWD) 2018 Event. WWF supported Arts competition as a build-up activity leading to the WWD 2018 event.

With CEPF small grant, EAWLS implemented “*Enhancing Environmental Regulations in Safeguarding Lake Ol Bolossat in Nyandarua County, Kenya*” project referenced cfp7-2016-111 EAWLS. This project trained quarry merchants on environmental safeguards that can be implemented within quarrying operations to minimise siltation of the lake, and formed a joint monitoring committee which consisted of only community members. In addition, a joint action plan which profiled the gazettement of the lake as a top priority was developed through a participatory approach by a multiplicity of stakeholders including the County Government, national government agencies and local communities. As part of the implementation of this Plan, a documentary which profiled the lake, highlighted the challenges it faces and the urgent need to gazette it as a protected wetland. With the support from the County Government and other stakeholders, EAWLS continued to champion for this course relentlessly; efforts that came into fruition on 2nd February this year during the World Wetlands Day Event hosted at the shores of Lake Ol Bolossat when the former Cabinet Secretary of the then Ministry of Environment and Natural Resources declared the Lake a wetland protected area effective January 24th 2018. Efforts have also been initiated by Kenya Wildlife Service (KWS), Designated Ramsar Administrative Authority, to have the lake designated as a Ramsar Site in Kenya.

This project aims at strengthening the management and protection of Lake Ol Bolossat by addressing the issues discussed in the subsequent paragraphs.

The past conservation efforts within and around the lake have been ineffective and thus the lake has continued to face ever increasing threats that led to its listing among the IBAs in Danger by Birdlife in 2017. Efforts have been made to gazette the lake as a protected wetland. A wetland can be gazetted under two Acts namely Wildlife Conservation and Management Act 2013 and Environmental Management and Coordination (Amendment) Act 2015 as guided by the regulations developed under each of the two Acts. However, the process/procedure for the gazettement is almost similar as spelled out in both Wildlife Conservation and Management (protected Wetlands) Regulations 2015 and Environmental Management and Coordination (Wetlands, Riverbanks, Lakeshores, and Seashores Management Regulations 2009).

The process of gazetting a wetland as per the Environmental Management and Coordination (Wetlands, Riverbanks, Lakeshores, and Seashores Management Regulations 2009 involves the following steps:

- Identification of the area to be gazetted and a boundary plan produced

- Submission of the proposal to the CS (the boundary plan and documentation showing why the area needs to be gazetted).
- The CS in consultation with the Authority (NEMA or KWS) and NLC, publishes an intent notice to gazette the area for public comments
- Public participation
- If no petition is levied, the CS makes the declaration
- Documentation submitted by CS to the office of AG
- Ag's office checks consistency and conformity with the existing laws
- Notice is published on the Kenya Gazette.
- Development of an Integrated Management plan through public participation process
- Adoption for and commitment towards the implementation of the management plan

Application to have the lake gazetted as a protected wetland was made by NEMA and on 2nd February 2018, the former Cabinet Secretary in charge of Environment and Natural Resources declared the lake as a wetland protected area effective January 24th. The draft legal notice together with the supporting documents were endorsed, signed and submitted by the Cabinet Secretary to the office of the Attorney General for formal publishing. The office of the Attorney General is mandated to review all the documents submitted for gazette to ensure consistency with the existing laws before a legal notice is published in the Kenya Gazette by the Government Press. The office of the Attorney General has since then reviewed all the documentation and have written back to the ministry in charge (now Environment and Forestry) to provide further information to back the application before the notice can be published. The ministry in turn has also written to NEMA to provide all the information required. Some of the concerns raised included the exact area to be gazetted, geographical delineation (northings and Eastings), whether there was approval by the County Environmental Committee (CEC), land tenure system, sketch/map of the area to be covered for gazette. NEMA has also been advised to consider only public land for the gazette.

There seem to have been inadequate consultations done by NEMA throughout the process. Our consultation with KWS has revealed that they are pursuing the option of gazetting the lake under the Wildlife Act as a national reserve and that a boundary plan together with scientific information required have been submitted to the Cabinet Secretary, Wildlife and Tourism for consideration. Based on our interactions with the county government during phase one, they wanted the lake to be gazetted under KWS as a national reserve. Despite these dynamics, EAWLS through this project intends to work closely with the NEMA (leading agency), Ministry of Environment and Forestry and other key stakeholders such as KWS, ministry of Wildlife and Tourism, Ministry of Lands and Urban Planning, NLC and County Government among others to harmonise interest and consolidate efforts towards completion of the gazette process. This will involve bring these stakeholders together through Joint consultative meetings to work on a roadmap that will guide the rest of gazette process for instance providing the information required by the Ag's office to have the legal notice published. . The efforts being or have been made by these key actors

is a sign of commitment in itself and therefore EAWLS is just coming in to help them harmonise their efforts towards realising this common agenda through consultations.

EMCA under which the lake was declared a wetland protected area gives leeway for civil society organisations like EAWLS to lead the gazettement process. EAWLS stands out to be a neutral in its operations and in the process of gazettement. It has track records in dealing with a multiplicity of stakeholders from national, county and grassroots level. In our past work in the area, we have worked with the very actors that the current project targets and have been able to convene them before. Furthermore, EAWLS has been in consultation with various stakeholders who will be engaged in the process during this proposal development and they already understand the intentions clearly and have endorsed the project through the support letters that have been attached to this application. We have host three national forums in natural resource management that brings all these stakeholders to discuss emerging issues. This adds to our legitimacy to lead the process. On the other side, EAWLS will work closely with and the lead agency (NEMA) and the Ministry of Environment and Forestry in convening the meetings jointly.

Gazettement of lake means clearly defining exact geographical boundary, recognising, dedicating and managing it, through legal or other effective means, to achieve the long-term conservation of the lake with its associated ecosystem services and cultural values. Gazettement clearly defines the authority in charge and the manner in which the lake will be managed as prescribed by the management plan. For instance, if the lake is gazetted under NEMA as protected wetlands, only activities such as research, ecotourism, restoration and enhancement and any other activities stipulated under the management plan will be permitted and regulated.

An important step in gazettement process is the public participation as has been over-emphasized by our constitution and EMCA. For the public and particularly the lake surrounding communities who directly depend on the lake to contribute to the process effectively, it will be critical to provide a platform that will enable the public to understand the gazettement process and its implications (opportunities, limitations and benefits) while also sharing the views and concerns for clarifications and consideration. The wetlands regulations requires that the notice is published on the Kenyan Gazette and any two nationally circulated newspapers for the public to air their views and/or express their concerns. EAWLS appreciates that even though this is good legal requirement, it has limited reach out and does not provide the public with a one-on one opportunities between the public and the various government agencies. This project therefore will organise one TV show (national channel) and one local radio talk show to educate the public about the gazettement while giving them a one-on-one opportunity with experts from the government agencies to respond to their concerns. Various experts/discussants will be invited to the TV show and radio talk show to talk to the public about the process and its implication, and to respond to the questions from the public.

The local leadership including political, religious and opinion leaders play a critical role in reaching out to the community (information dissemination), conflict resolution (resource based

conflicts) and can also influence community members on various agenda. The media forum may not reach out to all the community members and therefore for wider outreach, it will be critical to also sensitize the local leadership (chiefs, assistant chiefs, ward administrators and religious leaders) and provide them with awareness materials that they can share with their constituents during their meetings and ‘*barazas*’ among others. This will ensure that these leaders actively in the protection of this wetland by acting as ambassadors.

Furthermore, a significant proportion of the communities heavily rely on this wetland for their livelihoods and therefore to safeguard them, the new dispensation will require a clear regulatory and coordination framework that integrates the local communities into the management activities of the lake including planning, coordination, monitoring and decision making processes among others. Establishing a collaborative management between the relevant authorities and the local communities will require a community body that is representative of the lake communities and downstream beneficiaries. Several forums and Associations/committees exist including Friends of Lake Ol’ Bolossat Association, a Joint Monitoring Committee (formed in phase 1). Save Lake Ol’ Bolossat Initiative, Nyahururu Bird Club (NBC) and Lake Ol’ Bolossat Conservation Network, Ol’ Bolossat CFA and Lake Ol’ Bolossat WRUA among others. Hence, there is need to mobilise all these forums and associations, and consolidate them into one single community forum that is representative of the local communities including those living downstream. NBC has been EAWLS partner especially in the projects involving the communities around the lake including CEPF phase 1. Once this forum is formed, its leadership will be trained on governance, resource mobilisation, partnership and conflict resolution. The community forum will negotiate and sign management agreements with the County Government of Nyandarua conforming to the KFS-CFA model. Kenya Forest Service (KFS)-Community Forest Association (CFA) model’s agreement spells out the rights, responsibilities, roles and benefits of each parties (KFS, CFA), conflict resolution mechanism, and map of the area and must be in accordance with the management plan. It is a sign of commitment by both parties to the overall goal of the management plan. The current project will adopt this model. The signing of management agreements does not have to wait until the lake is gazetted and therefore not dependent on the completion of the gazette process.

Integrated Management Plan is necessary for any protected wetland as stipulated the Environmental Management and Coordination (Wetlands, Riverbanks, Lakeshores, and Seashores Management Regulations 2009 and should be developed in accordance with Protected Area Planning Framework (PAPF). It is a legal requirement that an Integrated Management plan must be developed to guide the conservation of any protected wetland. It is critical in guiding and coordinating the management and conservation activities of any wetland. The lake having been declared a wetland protected area will require an Integrated Management Plan which is developed through a participatory approach. The lake’s existing Management Plan expired in 2013 and needs to be reviewed and updated to reflect the changes that have occurred including its new protection status. The management plan will spell out a clear governance structure embedding the community forum into the governance, clarify roles and responsibilities, and opportunities among others. The

County Government of Nyandarua, being the designated authority under the Act, will be in charge of the implementation of this Plan.

### **9. Indigenous and Historically Marginally People Affected**

There are no indigenous people living around Lake Ol Bolossat. The lake original inhabitants were Maasai who practiced livestock rearing. Currently the lake is predominantly inhabited by Kikuyus who mainly grow crops both for subsistence and commercial purposes. The communities also practice irrigation agriculture by abstracting the water from the streams feeding the lake or piping water directly from the lake. There are also other communities such as Turkana, Maasai and Kalenjin. Samburu also come to graze their cattle around the lake especially during the dry season when pasture is scarce. The communities also practice fish farming in small scale for subsistence purpose.

### **10. Potential Impacts on Historically Marginally People Affected**

The Ol Bolossat Lake Basin forms an important area as a source of pastures and other cultivated livestock feeds more so during the dry period, this makes the ecosystem to be attractive to communities that practice pastoralism; As a result, the ecosystem is vulnerable to mismanagement in terms of overstocking, leading to overgrazing and subsequent land degradation. The grazing communities and who currently benefit from this ecosystem are likely to be slightly affected by the expected new status of the lake after gazettement. The communities practicing subsistence fishing may also be mildly affected by the process.

### **11. Participatory implementation**

This project recognizes various actors that will be key to the implementation of the proposed activities. These stakeholder range from national Government to the grassroots (communities). The key actors have been pre-listed prior to project implementation to ensure transparency and full involvement. The activities will be implemented as proposed in the project approach.

### **12. Criteria for eligibility of affected persons**

This project will seek to ensure representation of all the communities living around the lake and downstream. The target beneficiaries will range from livestock keepers, farmers, quarry merchants, WRUAs, CFAs, and business people among others. There will be a deliberate inclusion of several community fora and Associations existing around the lake including Friends of Lake Ol Bolossat Association, Save Lake Ol' Bolossat Initiative and Lake Ol' Bolossat Conservation Network, Ol Bolossat CFA and Lake Ol Bolossat WRUA among others.

Selection of the project beneficiaries will be based on a predetermined criteria to ensure both representation of gender and all the communities including the under-represented ones.

### **13. Free, Prior, and Informed Consent**

This project aims at supporting completion of gazettement of Lake Ol Bolossat and enhancing its management through co-management arrangement Community Forum and County Government



of Nyandarua. Prior to development of this project, EAWLS had implemented another project in the area where a joint action plan was developed. The action plan recommended among other things review of the management plan which is one of the deliverables of this project. This means that the proposed project was developed in consultation with the stakeholders on the ground. The stakeholders were consulted at the conceptual stage and their inputs were incorporated in the document. Some of the stakeholders who were consulted include; local CBOs like Nyahururu Bird Club, the Kenya Wild Life Service, NEMA, National land commission, Wetland International among others. These stakeholders expressed their approval of the project by issuing support letters to us as attachments to this application.

EAWLS exercised utmost material disclosure to the stakeholders in development of the project hence the support letters were provided from a point of information.

#### **14. Measures to Avoid Adverse Impacts and Provide Culturally Appropriate Benefits**

Some of the activities that will be conducted in this project will include development of an Integrated Management Plan for the lake, and co-management agreements between the communities and the County Government of Nyandarua. The communities living around the lake will play an integral role in these two processes so as to ensure that their interests are reflected on both the management plan and in the management agreements. They will be represented in all the meetings and workshops that will be held towards development of these documents. Once these documents are ready, they will be subjected to a validation exercise involving the larger community to ensure that the community approves the documents before they are adopted. The consultant who will be leading the process of development of the management plan will also be required to involve the community during the data collection especially through focused group discussions to ensure that they get an opportunity to highlight their challenges and suggested culturally appropriate solutions which will be included in the management plan. Indigenous knowledge from the community will also be considered in the process.

This project also proposes to facilitate formation of a representative community Forum which will among other responsibilities safeguard the community interests in the process.

#### **15. Measures to assist the affected persons**

Although this project is not expected to result to significant adverse effects to the community, we are cognizant of the fact that the few fishermen and those who graze in the area may experience some disruption of their activities. Most of these challenges/effects will be mitigated through the Integrated Management Plan and Co-management agreements. These documents will ensure that the communities are not adversely affected by the new status of the lake.

#### **16. Grievance Mechanism**

EAWLS will ensure that there is a grievance redress mechanism in place to guarantee a smooth running of the project. EAWLS will make it clear from the inception of the project that the stakeholders have a right to raise any comment or complain relating to the project at any stage of implementation. Such grievances can be raised in the project meetings and workshops that will be conducted by EAWLS and its partners.

The project objectives will be made known to the stakeholders and the general public at the project inception stage and the various personnel who will be managing the project and their contacts will be made public. This is to enable anyone who may wish to raise their concerns directly and not in workshops to do so freely. EAWLS will endeavor to respond to the grievances within 14 days depending on the nature of the grievance raised.

In situations where the grievance raised involve two parties, mediation will be adopted as a means of redress. In circumstances where the grievance has to do with EAWLS, the organization will make public the email contacts for CEPF regional personnel through which such complains can be shared.

### **17. Implementation Arrangements**

This project will be implemented by EAWLS in collaboration and partnership with various stakeholders from national, county and grassroots levels. EAWLS will provide lead in the project implementation and coordinate all the activities at both national, county and community levels. For the activities related to the gazettement, EAWLS will work in close consultation with the lead agency NEMA and the ministry of Environment and Forestry.

On the community related activities, EAWLS will engage and sign a Memorandum of Understanding with Nyahururu Bird Club (NBC). NBC has been our long term partner especially in the implementation of the projects within and around Lake Ol Bolossat. NBC will act as the focal point for all community related activities. EAWLS will request NBC to provide contact person who will be recognised under the project as the Community Liaison Officer who will be expected to perform all the roles as outlined under the project implementation team section. NBC will act as the bridge between the community forum that will be formed under the project and EAWLS.

### **Project Management and Implementation Team**

Project will be implemented by a team of five (5) personnel. Their names, designation, roles and responsibilities have been outlined below:

#### **EAWLS Head of Programmes- Charles Mwangi**

He will be based in Nairobi. He will only travel in charge of the following tasks:

- Review of both Financial and technical reports for the project before submission
- Sign letters related to the project.

- Manage correspondence of with CEPF Team in the absence of the project manager.
- Participate and facilitate high level meetings organised under the project.

### **Project Manager – Jabes Okumu**

He will be based at the EAWLS head office and will be required to conduct regular field visits on a need to need basis. He will report to Head of Programmes and the CEPF Team.

1. Overall responsibility of implementing the project according to the approved project documents.
2. Prepare necessary information and agenda for consultative meetings and workshops organized by the project.
3. Provide technical expertise in publications and in the development of project publicity materials (brochures and policy briefs).
4. Strengthen the collaboration and linkages between EAWLS, implementing partners and with other stakeholders at the local, county and national levels.
5. Produce quarterly project work plans and budgets.
6. Prepare and submit project technical progress reports to CEPF based on the contract documents.
7. Manage and maintain the correspondence with CEPF Team.
8. Responsible for All the project equipment.
9. Maintain all the project document documents.
10. Manage budgets of the project based on the approved project activities by CEPF.
11. Undertake project monitoring on a quarterly basis and produce report.
12. Prepare Terms of References and contracts agreements for all project consultants.
13. Review and approves articles to be published on social media platforms, website, newspaper and newsletter.
14. Ensure strict adherence to all the provisions of the grant agreement and will communicate to donor in the event a change is envisaged.
15. Prepare all other documents as required by CEPF including CEPPF Civil Society Tracking Tool, CEPF Gender Tracking Tool and Process progress and Social Assessment Report on agreed basis.

### **Project Accountant – Dennis Kibera**

He will be based in Nairobi. Will travel to the field as and when there is a project activity requiring payments to be done. He will report to the Finance Manager.

1. Keep up-to-date project accounts records and prepare project financial reports for submission to the Project Manager and CEPF.
2. Responsible for all project purchases and payments as directed by the Project Manager and approved by the Finance Manager.
3. In close collaboration with the Project Manager, manage budgets of the project, based on the approved quarterly activities by CEPF.

### **1. Project Assistant – Gladys Rutto**

She will be based at the EAWLS Headquarters in Nairobi but will be required to travel to the field as and when need be: She will work under close supervision of the Project Manager.

1. In consultation with the Project Manager, organize project meetings, take minutes and circulate them to relevant parties.
2. Design and produce publicity materials of the project.
3. Prepare and submit financial requests to the project accountant for all the project activities subject to approval by the project manager.
4. Develop articles about the project to be shared on social media platforms.
5. Develop dissemination strategy for all awareness materials developed.
6. Will work with the community liaison to ensure flow of information from and to the community forum.
7. She will be in charge of the telephone communications for the project.

### **Community Liaison Officer – To be provided by NBC**

He will be based in Nyahururu, the project area. He will report to the Project Manager.

1. Mapping out and mobilising all the Community Based Organisations and community groups to meeting to aid formation of a single community forum.
2. Act as the community contact person for the project
3. Preparing and submitting work plans and budgets for community forum activities under the project to Project Manager.
4. Mobilize community members and prepare venues for community activities.
5. Monitor project implementation at community level on a day to day basis.
6. Prepare and submit quarterly progress reports to the Project Manager.