



nema

mamunga vira jirai wera/walio weta

## NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

Tel: (254-020) 6005522/3/6/7, 6001945, 6008767, 6008687  
Mbl: 0724-253398, 0723-363010, 0735-013046, 0735-010237  
Telkom Wireless: 020-2101370  
Fax: 254-020-6008997  
Hotline: 020-8077233, 020-6006041

P.O. Box 67839, 00200  
Popo Road, Nairobi, Kenya  
E-mail: [dgnema@nema.go.ke](mailto:dgnema@nema.go.ke)  
website: [www.nema.go.ke](http://www.nema.go.ke)

**NEMA/EIA/5/2/942**

**16<sup>th</sup> July, 2013**

Seaquarium Ltd  
P.O. Box 933 – 80400  
**NAIROBI**

### **ENVIRONMENTAL IMPACT ASSESSMENT STUDY REPORT FOR THE PROPOSED WHALE SHARK CONSERVATION PROJECT, WAA LOCATION, KWALE.**

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The National Environment Management Authority (NEMA), in consultation with the relevant lead agencies and stakeholders has reviewed the Environmental Impact Assessment (EIA) study report of the above mentioned development and have made the following observations:-

1. The proposed project will deny the whale Sharks their natural habitat by enclosing them in an artificial environment.
2. The Whale Sharks are internationally recognized biological resources and are incredibly important for maintaining a healthy marine ecosystem.
3. The proponent did not enter into an agreement with the Beach Management Unit as stipulated in the Fisheries Act (cap 378), Beach Management Units Regulations, 2007.
4. The Sharks are registered as globally vulnerable species and that listing is given when there is best available evidence to indicate high risk of extinction. Therefore, enclosing the Sharks is not the most appropriate way to promote its conservation. Whale Sharks may be studied or observed by tourists without necessarily having to be enclosed.
5. Conservation would be well realized by leaving the White sharks in the wild, free from disturbance.
6. The project will be in contravention of the provisions of the Country's Animal Cruelty Act of 1962.

In view of the above grounds and in light of the provisions of the Environmental Management and Coordination Act, 1999, the Authority is of the view that the proposed project will neither enhance conservation of the vulnerable species nor promote sustainable development.

Consequently, the Authority is unable to issue an Environmental Impact Assessment Licence under the provisions of the Act.



**PROF. GEOFFREY WAHUNGU**  
**DIRECTOR GENERAL**

Copy to: Principal Secretary  
Ministry of Environment, Water and Natural Resources.  
NHIF Building  
**NAIROBI**

The Director  
Kenya Wildlife Service  
P.O. Box 40241 – 00100  
**NAIROBI**

The Principal Secretary  
Ministry of Agriculture, Livestock and Fisheries.  
**NAIROBI**

The Director General  
Kenya Maritime Authority  
P.O. Box 95076 – 80104  
**NAIROBI**

County Director of Environment  
**Kwale County**

The Governor  
**County Government of Kwale**

Collected by  
Joel Kaluski  
ID 5175919  
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