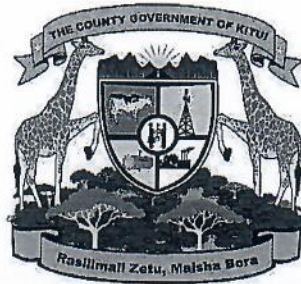


COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY

THIRD ASSEMBLY – (THIRD SESSION)

COMMITTEE ON ENVIRONMENT, ENERGY AND MINERAL INVESTMENTS
DEVELOPMENT

REPORT ON INSPECTION OF SAND HARVESTING SITES IN KITUI
COUNTY

Clerks Chambers,
County Assembly Buildings,
Kitui, Kenya.

February, 2024

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ABBREVIATIONS

- CECM – County Executive Committee Member
- ECDE – Early Childhood Development Education
- EIA – Environment Impact Assessment
- EMCA – Environmental Management and Coordination Act
- KENHA – Kenya National Highways Authority
- NEMA – National Environmental Authority
- TARDA – Tana and Athi River Development Authority

ANNEXURES

ANNEX I – Signed Members list

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1.0 PREFACE

Mr. Speaker,

On behalf of the members of the Committee on Environment, Energy and Mineral Investments Development, and pursuant to the provisions of Standing Order No. 179 (6) and 190(5), I beg to present before the house, the committee's report on inspection of Sand harvesting Sites in Kitui County.

1.1 **Committee Membership**

The Committee on Environment, Energy and Mineral Investments Development is currently constituted of the following members;

1. Hon. Daniel Kimanzi Muange	Chairperson
2. Hon. Rose Kasyoka Kathoka	Vice- Chairperson
3. Hon. Jeremiah Musee Mutua	Member
4. Hon. David Masaku Munyau	Member
5. Hon. Bernard Mwangangi Munyasya	Member
6. Hon. Dominic Isumail Mwamisi	Member
7. Hon. Anthony Musyimi Musyoka	Member
8. Hon. Cornelius Kiteme Muthami	Member
9. Hon. Fastina Mwendu Solomon	Member
10.Hon. Charity Mwangangi	Member
11. Hon. Deborah Katungwa Mutuku	Member

1.2 **Committee's Mandate**

Mr. Speaker,

The County Assembly Committees are an extension of the Assembly established under the Kitui County Assembly Standing Orders and in accordance with Section 14(1) of the County Government Act, 2012. The Assembly Committees perform functions that the Assembly is not well fitted to consider in the plenary. The

Committee draws its mandate from Standing Order No. 190 (5), the Sectoral Committees are charged with the distinct responsibilities which include;

To;

- i. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- ii. study the program and policy objectives of departments and the effectiveness of the implementation;
- iii. study and review all county legislations referred to it;
- iv. study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- v. investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- vi. to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments); and
- vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.3 Acknowledgement

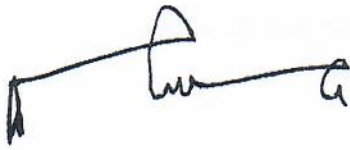
Mr. Speaker,

I would like to express my special appreciation to the offices of the Speaker and the Clerk of the County Assembly for the support extended during this exercise. I also wish to thank the members of the committee for their utmost co-operation and dedication which enabled the successive completion of this exercise. I also

wish to thank the secretariat for their effort which ensured that the activities were successful.

Mr. Speaker,

On behalf of the Committee, I now have the honour and pleasure to present the committee's report on inspection of sand harvesting sites in Kitui County.



Signed: _____

Date: 17/02/2024

Hon. Daniel Kimanzi Muange

**Chairperson, Committee on Environment, Energy and Mineral Investments
Development**

2.0 INTRODUCTION

Mr. Speaker,

Sand as a mineral resource, is the second most extracted and used resource after water and this is attributed to its several uses in the Construction, glass and many other industries.

Sand is harvested from different sources such as quarries and pits, from the sea, with the best sand for construction being found on the riverbeds. Annually, an estimated 50 billion tonnes of sand are harvested worldwide, underscoring its strategic significance.

Mr. Speaker,

However, despite its importance, sand harvesting remains unregulated worldwide, including within many Counties in Kenya where only a few like Makueni County have come up with proper legislation that regulate sand harvesting.

The absence of regulation imposes significant strain on river ecosystems, precipitating erosion, biodiversity loss, and vulnerability to storm surges. Moreover, uncontrolled sand harvesting results to immense loss of revenue which could be used to supplement the County budget to realise more development interventions.

Mr. Speaker,

In Kitui County, sand harvesting was banned in 2018 by the former Governor to facilitate the formulation of regulatory statutes. However, despite the ban, the lucrative trade persisted illicitly, benefiting only a select few to the detriment of the county and its residents.

Mr. Speaker,

There has been a public outcry that a section of brokers has been engaging on selling sand without the involvement of the County government and in the spirit of the above concerns, this Committee deemed it necessary to conduct on-site visits to sand harvesting locations within Kitui County, aiming to understand firsthand the challenges and experiences associated with such activities. The Committee proceeded to undertake the on-site inspection exercise as from 8th to 13th May, 2023.

Mr. Speaker,

It is imperative to note that due to time and resource restrictions, it was not feasibly possible to visit all sand harvesting sites in the County. Instead, the Committee visited eight sites as a sample to represent the other sites since most of the activities characterise the prevailing conditions across the County and thus the resulting recommendations in this report are applicable to all sand harvesting areas within Kitui County.

Mr. Speaker,

The committee visited the following areas/sites during this vital exercise:

1. Kiromboko Sand Harvesting site along River Tana,
2. Kwa Masesi and Ndumoni Sand Harvesting Site along Tiva River (Kwa-Vonza/Yatta and Kyangwithya West Wards)
3. Kyusyani sand harvesting site along Tiva River
4. Kanginga Riversite in Kiomo/ Kyethani Ward
5. Kivou Sand Harvesting site along Kivou River
6. Itumba sand harvesting sites in Kitui south
7. Masaa sand harvesting sites in Kitui south

3.0 COMMITTEE FINDINGS

3.1 Kiromboko Sand Harvesting Site

Mr. Speaker,

The Committee conducted an inspection at the Kiromboko sand harvesting site located in Kiomo - Kyethani Ward, along the Tana River, aiming to identify the prevailing challenges hindering operational efficiency at the site.

There was no activity at the site as a result of the sand harvesting ban and persistent conflicts among various stakeholders. The Committee findings from the visit are as below: -

- i. The distance from the site to the tarmac is quite far and the road is in a dilapidated state resulting to time wastage and higher transportation costs.
- ii. The County is continually losing on time value of money from the sand proceeds. This is because there is a resource which can be instantly converted to revenue yet it remains unutilized.
- iii. Enough sand deposits have regenerated since the sand harvesting ban in the area. This indicates the potential for sustainable harvesting practices once regulatory measures are established.

3.2 Kwa Masesi/Ndumoni Sand Harvesting Sites

Mr. Speaker,

The Committee conducted an inspection at the Tiva River in the Ndumoni/Kwa Masesi area of Kyangwithya West, aiming to assess the ongoing sand harvesting activities. It was established that a case had been filed at the Environment and Lands Court in Machakos, seeking the cessation of sand harvesting at the river. Despite a ruling being issued to halt sand harvesting pending the determination of the suit, activities continue as usual, resulting in severe degradation of the Tiva

River. The riverbed has suffered extensive damage, with sections of the river drying up.

During the exercise, the Committee met a number of locals including sand loaders and from the interactions and observations established the following;

- i. Sand harvesting in the areas commenced in 2004 as a means for locals to sustain themselves.
- ii. A self-help group comprising approximately 200 members was formed, which applied for and received a sand harvesting permit. They also underwent training on sand harvesting conducted by environmental officers.
- iii. In 2015 and 2016, the self-help group invested approximately Kshs. 100,000 in an environmental impact assessment report, a prerequisite for continuing sand harvesting activities.
- iv. Through proceeds from sand harvesting, the locals have undertaken various community development initiatives, including the construction of three Early Childhood Development Education (ECDE) classrooms, provision of weekly stipends for the elderly, and road maintenance. One ECDE classroom has transitioned into a primary classroom, and the establishment of Maviani Primary School has commenced.
- v. The locals rely on sand harvesting as their primary source of income to meet daily needs.
- vi. The absence of sanitary structures poses significant health and environmental risks.
- vii. The structural integrity of the Tiva bridge is severely compromised due to overexploitation of sand in the area. The supporting beams are on the verge of collapsing, posing a catastrophic risk if the bridge was to fall.

3.3 Kyusyani Sand Harvesting Site

Mr. Speaker,

The Committee conducted an assessment of the sand harvesting activities at the Tiva River in the Kyusyani area of Yatta Kwa-Vonza Ward. Through interactions and observations, the following findings were established:

- i. A significant portion of the community relies on sand harvesting for their livelihood.
- ii. Sand harvesting at the Kyusyani site is done in an orderly manner. The community formed the Tiva River Sand harvesting Sacco made up of loaders who oversee the collection process.
- iii. Loaders are required to pay a membership fee of Kshs. 200 to join the sand harvesting Sacco.
- iv. Revenue officers from the County government no longer visit the site to collect revenue, as was previously the practice.
- v. A Sacco representative stationed at the collection point collects community levies.
- vi. Lorries are charged Kshs. 8,000 per load, with Kshs. 3,000 remitted to the community and Kshs. 5,000 allocated to the loaders.
- vii. There are no sanitation facilities such as toilets at the site. posing health and environmental concerns.

3.4 Kanginga Sand Harvesting Site

Mr. Speaker,

The Committee conducted an inspection of the sand harvesting activities at Kanginga River in Kiomo/Kyethani Ward. Through interactions and observations, the following findings were established;

- i. Despite an active ban on sand harvesting in the area, business goes on as usual.

- ii. There is extensive sand extraction at Kanginga River, with the majority of the harvested sand being transported outside the County and very little consumed locally.
- iii. The livelihoods of loaders at the site are heavily reliant on the sand harvesting business.
- iv. While a County government revenue officer is designated to oversee revenue collection at the exit point, with each lorry paying Kshs. 2,000, the officer was conspicuously absent during the on-site visit.
- v. On the day of inspection, a lorry was observed loading sand without the requisite approval documents or proof of payment.
- vi. A community self-help group consisting of 150 members had been formed. However, following the imposition of the ban, the group disbanded due to the chaotic and violent nature of operations.
- vii. The environmental impact of sand harvesting was evident, with significant degradation observed. River banks were eroded, and large ditches were left along the river, posing danger to both human and animal life.
- viii. The riverbed was almost bare as a result of sand overexploitation.

3.5 Kivou Sand Harvesting Sites

Mr. Speaker,

The Committee visited Kivou site along Kivou River to inspect the sand harvesting activities in the area and from the interactions and observations established the following; The river banks have been severely degraded, resulting in the depletion of sand and the subsequent drying up of the river. This has led to a scarcity of water for irrigation and human consumption.

- i. Sand harvesting activities at the site are controlled by an organized group.
- ii. The site serves at least ten (10) lorries per day. With each lorry paying Kshs. 6,000 which is distributed as follows;

- Twelve (12) loaders – Kshs. 2,400
- Savings – Kshs. 500
- Collectors per lorry – Kshs. 500
- Private access road – Kshs. 100
- Payment to members – Kshs. 2,500

Mr. Speaker,

The Committee established that the most active site along Kivou River is Kyanundu/Ndalani site, capable of serving at least fifty (50) trucks per day. This site is well-organized, with locals establishing their aggregation yard to expedite loading and prevent congestion of lorries.

3.6 Itumba /Masaa sand harvesting sites in Mutomo/Kibwea Ward

The Committee conducted an inspection of Itumba sand harvesting site to assess the ongoing activities in the area and from the interactions and observations established the following;

- i. An organized group, registered in 2010, effectively controls the sand harvesting activities in the area. Notably, the group has demonstrated corporate social responsibility initiatives by providing bursaries, distributing seedlings, and constructing a dam
- ii. Sand harvesting operations strictly adhere to daytime schedules from 6am to 6pm.
- iii. The site boasts a sanitary structure located at Mwengea.
- iv. No revenue generated from the sale of sand at this site is remitted to the County.
- v. Some sand harvesting sites show signs of depletion due to overexploitation.
- vi. That significant reserves of unexploited sand exist in south Kitui. However, transportation restrictions prevent their utilization in the side of Makueni

County, which has banned the import of sand from the outside. Proper structures are needed to harness revenue from these abundant deposits in the southern region.

4.0 OTHER GENERAL OBSERVATIONS

Mr. Speaker,

In addition to the specific findings at various sand harvesting sites, the Committee noted the following general observations:

- i. The Ministry lacks a proper mechanism to ensure orderliness at sand harvesting sites.
- ii. Sand harvesting activities in most of the sites across the County are predominantly managed by secretive organized groups whose identities are concealed.
- iii. The concerned Ministry lacks an effective method to accurately determine/guarantee the number of tones carried from the sites in a day.
- iv. Rivers have suffered degradation, with eroded banks and open ditches posing significant risks to both human and animal life.
- v. Many individuals residing near sand harvesting sites rely on the sand business as their primary means of livelihood.
- vi. There is no standardized and transparent revenue distribution/sharing formula for sand trade proceeds across the County. The distribution varies from one site to another. Additionally, each site imposes its own charges for lorries, leading to inconsistency and lack of fairness in the pricing structure.
- vii. There are no controlled timelines for harvesting and transporting sand in the County and this has resulted in operations being conducted both during the day and at night in some areas.

- viii. The sand trade has attracted juveniles into the workforce as loaders, leading to school dropouts.
- ix. The County lacks clear guidelines regarding the community benefits derived from sand trade. Only a few organized groups make efforts to contribute positively to society.

5.0 COMMITTEE RECOMMENDATIONS.

Mr. Speaker,

While sand harvesting plays a crucial role in sustaining livelihoods by providing job opportunities, income, and boosting the local economy, it is imperative that such activities are conducted in a responsible and sustainable manner. Therefore, in light of this, the Committee presents the following recommendations:

i. Enactment of clear and comprehensive legislation:

The County should expedite the process of drafting, enacting, and implementing clear and comprehensive legislation to regulate sand harvesting activities. This legislation should address all aspects of sand harvesting, including scooping, usage, revenue distribution, and environmental conservation.

Furthermore, these statutes should be specifically tailored for the sand harvesting sector and simplified for ordinary residents to understand and adhere to.

ii. Implementation of environmental conservation measures:

The County should put in place measures to mitigate the environmental impacts of sand harvesting, such as erosion control, reforestation programs, and restoration of degraded riverbanks by planting riparian vegetation along water edges and riverbank to shield river banks from erosion and such will help control the access of our rivers from undesignated areas.

iii. Standardized revenue distribution and corporate social responsibility:

The County should establish a transparent and standardized revenue distribution/sharing formula for sand trade proceeds across all sand harvesting sites. This formula should ensure equitable distribution of revenue among stakeholders, including local communities, sand harvesters, and the county government.

Additionally, sand harvesting operators should be encouraged to engage in corporate social responsibility initiatives, such as supporting local development projects, providing educational scholarships, and promoting environmental conservation efforts.

iv. Community engagement and awareness:

The County should conduct comprehensive awareness campaigns within communities neighbouring sand harvesting sites regarding the importance of responsible sand harvesting practices and environmental conservation. This could involve conducting sensitization programs, workshops, and community meetings to educate stakeholders about the potential impacts of unregulated sand harvesting and the benefits of sustainable practices. The communities should also be educated on responsible sand trade practices to mitigate issues like substance abuse and early pregnancies.

v. Infrastructure and regulatory control:

The County should explore partnerships with Kenya National Highways Authority (KENHA) to establish weigh bridges along routes and install tonnage control barriers in our link roads. There is need to strengthen enforcement mechanisms to ensure compliance with the legislations to be enacted. This includes increased monitoring of sand harvesting sites, imposition of penalties for non-compliance, and regular audits to assess adherence to regulatory frameworks.

vi. Partnerships for sustainable practices:

The County should collaborate with organizations like Tana and Athi Rivers Development Authority (TARDA) or any other body or individuals to sponsor or conduct “River/Stream Model” studies. These studies will identify aggradation zones along watercourses, guiding appropriate harvesting quantities to prevent erosion and maintain river stability.

vii. Sanitation measures in sand harvesting areas:

The County through the department of public health and sanitation should ensure provision of adequate sanitary facilities in sand harvesting areas to prevent water and environmental pollution, thereby mitigating health risks to both workers and local communities.

viii. Implementation of surface sand dams:

The County should construct surface sand dams along rivers and streams to prevent erosion and degradation, ultimately preserving water resources and regulating sand deposition.

ix. Investment in local infrastructure:

That some of the proceeds from sand trade should be ploughed back to the local communities for periodic maintenance of roads in these areas since most of them are in a dilapidated state.

x. Diversification of sources of income:

The County should encourage alternative income-generating activities for communities along sand harvesting areas to reduce dependency on sand harvesting. Overreliance on sand trade can result to overexploitation which can end up completely destroying our rivers in the near future.

xi. Coordination and collaboration:

There is a need for enhanced coordination and collaboration among government agencies, local communities, sand harvesting operators, and other stakeholders involved in sand trade value chain. This could involve establishing multi-stakeholder platforms, task forces, or committees to facilitate dialogue, cooperation, and coordination in addressing the challenges associated with sand harvesting.

xii. The Committee strongly recommends immediately halt of sand harvesting in Tiva River to allow for natural sand replenishment in the area since it is

currently overexploited, and to protect the bridge from collapsing. Urgent action is required to repair or reinforce the bridge to avert potential disaster.

Mr. Speaker,

By implementing these recommendations, Kitui County can effectively regulate sand harvesting activities, promote sustainable resource management practices, and ensure the equitable distribution of benefits among stakeholders while safeguarding the environment for future generations.

6.0 CONCLUSION

Mr. Speaker,

In conclusion, the on-site visit was a success in respect to the committee planned outcome. It is important for the County to create awareness on environmental protection and conservation and to come up with a legal framework to protect the environment and natural resources such as sand.

Mr. Speaker,


The Committee firmly believes and advocates that the County must remain steadfast in its noble duty to safeguard the environment and implement development projects aimed at enhancing climate change resilience. This commitment extends beyond the sand harvesting sector to encompass all other vital sectors.

ANNEX I

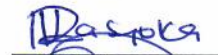
ADOPTION OF THE REPORT BY THE COMMITTEE ON ENVIRONMENT, ENERGY AND MINERAL INVESTMENTS DEVELOPMENT ON INSPECTION OF SAND HARVESTING SITES IN KITUI COUNTY.

We, the Honourable Members of the Committee on Environment, Energy and Minerals Investments Development do hereby affix our signatures to this report to affirm its accuracy, validity and authenticity; -

1. Hon. Daniel Kimanzi Muange Chairperson



2. Hon. Rose Kasyoka Kathoka Vice Chairperson



3. Hon. Jeremiah Musee Mutua Member



4. Hon. David Masaku Munyau “



5. Hon. Dominic Isumail Mwamisi “



6. Hon. Bernard Mwangangi Munyasya “



7. Hon. Anthony Musyimi Musyoka “



8. Hon. Cornelius Muthami “



9. Hon. Fastina Mwendu Solomon “



10. Hon. Deborah Katungwa Mutuku “



11. Hon. Charity Mwangangi “



ANNEX II

COUNTY ASSEMBLY OF KITUI

THIRD ASSEMBLY (THIRD SESSION)

MINUTES OF THE ENVIRONMENT, ENERGY AND MINERAL INVESTMENT DEVELOPMENT COMMITTEE MEETING HELD ON 17TH FEBRUARY, 2024 AT DILLANO PARK HOTEL, MWINGI STARTING AT 5.45 P.M.

Members Present

1. Hon. Daniel Kimanzi Muange	Chairperson
2. Hon. Rose Kasyoka Kathoka	Vice- Chairperson
3. Hon. Jeremiah Musee Mutua	Member
4. Hon. Dominic Isumail Mwamisi	Member
5. Hon. Anthony Musyimi Musyoka	Member
6. Hon. Charity Mwangangi	Member
7. Hon. Deborah Katungwa Mutuku	Member

In Attendance

1. Chris Mwangangi - Clerk Assistant (Taking Minutes)

MIN: (EEMI) 01/2024: PRAYERS.

The Proceedings of Committee Meeting Commenced at 5.45 P.M with a prayer by the Chairperson.

MIN: (EEMI) 02/2024: COMMUNICATION FROM THE CHAIR

The Chairperson thanked and welcomed the Members for the effort they had shown in delivery of their mandate. He explained to the members that consideration and compilation of the draft reports on inspection of Sand harvesting Sites in Kitui County, and study visit to Kajiado and Makueni counties

on sustainable sand harvesting had been done to completion. He further explained to the Members that task before them was to read, amend (where necessary) and adopt the reports for onward transmission for tabling before the House in line with the provisions of Standing Order 179(4) and (6).

MIN:(EEMI) 03/2024: ADOPTION OF THE COMMITTEE REPORTS ON INSPECTION OF SAND HARVESTING SITES IN KITUI COUNTY AND STUDY VISIT TO KAJIADO AND MAKUENI COUNTIES ON SUSTAINABLE SAND HARVESTING.

The Members were taken through the draft reports, deliberated and adopted the same as the final copies for onward transmission to the Offices of the Clerk and Speaker for approval.

MIN:(EEMI) 04/2024: ADJOURNMENT

There being no other business, the meeting was adjourned at 6.45 PM



**CHRIS MWANGANGI
FOR: CLERK OF ASSEMBLY
COUNTY ASSEMBLY OF KITUI.**

CONFIRMED BY:



DATE... 17/02/2024

**HON. DANIEL KIMANZI MUANGE
CHAIRPERSON, COMMITTEE ON ENVIRONMENT, ENERGY AND MINERAL INVESTMENTS
DEVELOPMENT
COUNTY ASSEMBLY OF KITUI.**