I draw your attention to your CCB Standards, Second Edition, December 2008. In particular, "Section G5. Legal Status and Property Rights", where it is stated that:

"Concept:
The project must be based on a solid legal framework (e.g., appropriate contracts are in place) and the project must satisfy applicable planning and regulatory requirements".

"Indicators:
Based on information about current property rights provided in G1, the project proponents must:
1. Submit a list of all relevant national and local laws and regulations in the host country and all applicable international treaties and agreements. Provide assurance that the project will comply with these and, where relevant, demonstrate how compliance is achieved."

The Project Design Document (PDD) states:

"G5. Legal Status and Property Rights
1. Compliance with Laws National Forest Laws. Because Forest Again project is occurring within national forest, has support from the Kenya Forest Service, and matches the mission and goals of the Kenya Forest Service (including the use of carbon offsets to reach goals), no land laws will be broken. Included in supporting documents is a formal letter of support from Head, Western Conservancy (S.K. Mibey) of the Kenya Forest Service for activities related to Forest Again.

In addition, the 2005 Kenya Forest Act explicitly specifies conservation and sustainable use of Kenya's national forests through capacity building of Community Forest Associations (CFAs). Forest Again is specifically designed to collaborate with and include CFA's in all aspects of the project from seedling production to general capacity building.

Of particular concern is the statement "no land laws will be broken".

I draw your attention to the Environmental Management and Coordination Act (EMCA) of 1999, a copy of which I have attached. Schedule 2 of EMCA lists projects which MUST undergo an Environmental Impact Assessment (EIA), and obtain an EIA License, before the project can proceed. Included in the list of projects requiring an EIA are the following:

"7. Forestry related activities including-
(a) timber harvesting;
(b) clearance of forest areas;
(c) reforestation and afforestation"

The Kakamega Forest project is clearly a " reforestation and afforestation" project, falling within those projects for which an EIA must be prepared and an EIA License obtained from the National Environment Management
Authority (NEMA) of Kenya. Regulations specific to EIA preparation have been issued by the Kenyan Ministry of Environment - see the Environmental (Impact Assessment and Audit) Regulations of 2003 (not attached hereto but can be download from the Kenya Law website - www.kenyalaw.org).

Hence, from text as stated in the PDD, I believe that it fails to meet the indicator on "Submit a list of all relevant national and local laws and regulations in the host country and all applicable international treaties and agreements. Provide assurance that the project will comply with these and, where relevant, demonstrate how compliance is achieved." Section G5 of the PDD makes no reference to EMCA, the EIA/EA Regulations, the need to obtain an EIA License, and evidence that such an EIA License has been obtained. As such, the project is subject to inspection by NEMA, and its owners and operators subject to prosecution for failure to obtain prepare and submit an EIA and obtain the requisite EIA License.