

Due Diligence Report–Social Safeguards

May 2017

NEP: Regional Urban Development Project (RUDP)
Development of Landfill Site and Construction of
Municipal Building Subprojects in Jhalari-Pipaladi
Municipality

Prepared by Project Coordination Office (PCO), Department of Urban Development Building and Construction (DUDBC), Ministry of Urban Development (MOUD), Government of Nepal for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 01 March 2017)

Currency Unit	=	Nepalese Rupee (NPR)
NRp1.00	=	\$ 0.00937
\$1.00	=	NPR 106.75000

ABBREVIATIONS

ADB	=	Asian Development Bank
BPL	=	Below Poverty Level
CBO	=	community-based organizations
CDC	=	compensation determination committee
CDO	=	chief district officer
CFC	=	compensation fixation committee
CPR	=	community property resource
DDC	=	district development committee
DOR	=	Department of Roads
DSC	=	design and supervision consultant
DUDBC	=	Department of Urban Development and Building Construction
GON	=	Government of Nepal
GRC	=	grievance redress committee
IP	=	indigenous people
IR	=	involuntary resettlement
LA	=	land acquisition
LA Act	=	Land Acquisition Act
MOPPW	=	Ministry of Physical Planning and Works
NGO	=	non-government organizations
NRs	=	Nepalese Rupees
PCO	=	project coordination office
PD	=	project director
PH	=	physically handicapped
PIU	=	project implementation unit
PCO	=	project coordination office
PMSC	=	project management and support consultant
PLI	=	poverty level income
PPTA	=	project preparatory technical assistance
PSA	=	poverty and social assessment
RP	=	resettlement plan
RPIU	=	regional project implementation unit
R&R	=	resettlement and rehabilitation
TA	=	technical assistance
ToR	=	terms of reference
WHH	=	women headed households
VDC	=	village development committee

WEIGHTS AND MEASURES

sq.m	=	square meter
cum	=	cubic meter
km	=	kilometer
mm	=	millimeter

Ropani	=	Size of land parcel; 1 ropani= 16 anna (0.509ha)-508.72 sq.m
Anna	=	Size of land parcel; 1 anna= 4 paisa (0.0509ha)
Paisa	=	Size of land parcel; 1 paisa= 4 dam = 31.80 sq.m
Dam	=	Size of land parcel; 1 dam= 1.99 sq.m
Bigha	=	Size of land parcel; 1 bigha= 20 katha (0.678ha)
Crore	=	10 million (= 100lakh)
Dhur	=	Size of land parcel; 1dhur= 0.0017ha
Katha	=	Size of land parcel; 1 katha= 20 paisa (0.0339ha)
Kucchi	=	Temporary structure e.g. a rural hut made of wood, bamboo or stone with mud mortat and a thatched roof
Lakh, lac	=	100,000
Pukka	=	Structure (house/ building) with permanent roofing made of RCC/ RBC
Semi-pukka	=	House or building made of stone with mud mortar and clay, timber, slate or corrugated iron roofing

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7. Indigenous People Impact Screening

I. INTRODUCTION

1. The Government of Nepal has requested financial assistance from the Asian Development Bank (ADB) for designing a Regional Urban Development Project (RUDP) in line with the government as well as ADB urban sector related policies and operational plans. The RUDP aims to improve living standards and quality of urban services in Biratnagar, Birgunj, Nepalgunj, Siddharthangar; and Far Western Region (FWR) towns of Attariya, Bheemdatt, Dhangadhi, and Jhalari-Pipaladi through planning, infrastructure investments and institutional strengthening. The project will provide for urban improvements in roads, drainage, wastewater management and solid waste management. In addition, for Attariya and Jhalari-Pipaladi, the project will construct municipal offices.

2. This due diligence report (DDR) has been prepared for the landfill site and construction of municipal building subprojects in Jhalari-Pipaladi municipality to assess the likely social impacts of the subprojects as per the applicable government policies/procedures and ADB Safeguard Policies as observed during the site visits as well as the information received from the implementing agency, the Department of Urban Development and Building Construction (DUDBC), and the municipality.

3. The main objective of the DDR is to assess the current land use patterns and likely social impacts due to implementation of the proposed subprojects with respect to land acquisition, compensation and involuntary resettlement, common properties (if any) and in terms of displacement, loss of incomes, and impact on social cohesion. During the due diligence process, the likely involuntary resettlement and indigenous people impacts were assessed based on the information and documents provided by the project coordination office (PCO) in DUDBC, the regional project implementation unit (RPIU) of DUDBC and the municipality of Jhalari-Pipaladi. Interviews and discussions with municipal officials and community stakeholders were carried out along with site verifications and observations.

II. DESCRIPTION OF SUBPROJECTS

A. Solid Waste Management

4. A functioning solid waste collection and disposal system is lacking in the municipality; mainly, there are no organized solid waste treatment and disposal sites. It is therefore proposed to install integrated waste processing sites (IWPS), comprising facilities for waste separation, composting of organic waste, recycling facilities and disposal sites for waste material that cannot be reused. However, the fully functional requirements for integrated solid waste management (ISWM) system may be difficult to implement in Jhalari-Pipaladi municipality during the first phase of the project. Gradual improvement in waste management with associated public awareness and education is suggested for the planned transformation from open dumps to controlled dump to sanitary landfills.

1. Sanitary Landfill/ Waste Disposal Site

5. A number of potential solid waste disposal sites either in private lands or community forests were assessed. However, based on field visits and consultation meetings, the land area away from the community and managed by community forest user group has been identified. The identified site is located in Jhalari-Pipaladi Municipality, about 500 m north from East-West

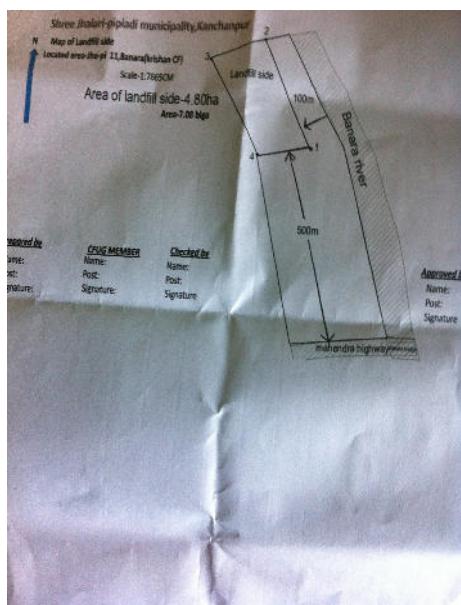
highway (**Figure 1 and 2**). About 4.77 ha (7.21 bigha) land is required for the proposed landfill site. The site has been proposed as landfill site for about 40 years.

Figure 1: Location of Landfill Site



6. The exact project footprint will be finalized during detailed design phase. According to project preparatory technical assistance (PPTA) SWM expert, the design may accommodate the waste processing and composting sites plus the faecal sludge treatment plant. A leachate treatment system and ground water monitoring well and weather station are to be included with provision of buffer area and service road. The actual landfilling will be done in cells and in a phased manner. Daily soil cover will be done to minimize nuisance. The site will be prepared prior to landfilling using clay liners and necessary geo-membrane and geotextiles as necessary with proper provision of stormwater drains and cut off drains. The access road needs to be upgraded, including a few hundred meters new road development. The proposed landfill site is technically feasible regarding location, area, access road and distance from river.

Figure 2: Boundary Sketch of Landfill Site



B. Municipal Buildings Construction

7. Construction of municipal building is proposed under this subproject. The existing Jhalari VDC building site with an area of 12,455 square meters (1.24 ha) has been proposed for the new municipal building.

III. SCOPE OF LIKELY IMPACTS OF THE SUBPROJECTS

A. Involuntary Resettlement

8. The likely impacts of involuntary resettlement with respect to physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas for the proposed sites are presented below.

9. **Integrated Waste Processing Sites (IWPS).** The proposed location of landfills in Jhalari-Pipaladi is located in Srikrishna Community Forest¹. The area of the community forest is 308 ha with about 600 user members of both IPs and none IP backgrounds. The forest area is mixed type and mainly dominated by non-timber tree species with various sizes. It is reported that the forest is not recognized as having ancestral or traditional values and source of livelihood for particular groups of the local people. An area of 7.21 *bigha* (4.77 ha) land will be required for construction of different project facilities under the IWPS. The location proposed for IWPS is an open area without vegetation. Consultations with community forest users, municipal staffs and site observation confirm that this particular area of the forest has no any activities of cultivation and extraction of non-timber forest products (NTFP). It is confirmed that there wouldn't be impacts on livelihood strategy to the forest users.

10. The proposed location is situated at the corner of the forest adjacent to the CF boundary. The site will have dedicated access road travelling through outer boarder of the community forest. It is anticipated that the construction of the access road will further facilitate easy access to community forest areas rather than imposing restriction to common resources. Discussion with municipality staff and PPTA technical expert and site observation confirm that there will be no any restriction to access the forest resources and other private and public lands during construction and operation of the subproject.

11. **Access road for IWMP site.** Exact alignment of the access road to proposed landfill site is yet to be confirmed. The initial concept design indicates that the access roads to Jhalari-Pipaladi landfill site traverse the community forest and river bank area. The exact impacts on forests due to construction of access road will be assessed during EIA study to be conducted for the subproject as per the Environment Protection Rules 2054. The road alignment has been proposed without affecting the existing settlement of a group of squatters (about 16 households)

1. The Forest Act 1993 has made it clear that all the community-based forests including community forests, collaborative forests, leasehold forests and religious forests are owned by the government, which is handed over to communities for the conservation, management and sustainable use of forest and its products

who have been living and cultivating on or adjacent to the river bank (**Figure 1**). It is expected that the construction of the access road will not disturb but will be beneficial providing road access to the squatter settlement.

12. No private land acquisition is required for this subproject as all the required lands are community forest lands. As result of this acquisition, no settlement will be adversely affected and neither physical displacement nor economic displacement occurs, and hence no involuntary resettlement impacts are anticipated due to land acquisition. Therefore resettlement plan is not required for this subproject.

13. Though involuntary resettlement impacts are not anticipated and resettlement plan is not required, interagency transfer of land use rights based on the Procedure for Providing Forest Areas for Other Purposes 2063 (2007) needs to be followed. The due diligence team reviewed the status of steps and procedures to be followed to acquire community forest lands for construction of landfill site. The current situation is as follows:

Table 1: Current Situation

Steps	Procedures/ Activities	Responsibility	Current Status
1 st	Start official correspondence and consultations with the concerned CFUGs to secure consent of the communities	Municipality	Municipality started to correspond and consultation with CFUG
2 nd	Identify and demarcate the community forest lands (area) required for the projects	Municipality/ Project in presence of CFUG	Demarcation of boundary in map has been for the proposed IWPS (Figure 2 and Annex 4)
3 rd	Document the details of forests conducting inventory of the proposed forest areas	Municipality/ Project in presence of CFUG	Progress depends on step 2 nd above
4 th	<ol style="list-style-type: none"> 1. Get official approval from CFUG executive committee as well as General Assembly 2. Apply to DOF to get consent from DFO attaching all supporting documents (justification of projects showing no other options available, approval letter of CFUG, inventory report etc.) 3. Get recommendation letter from NPC confirming that the proposed RUDP projects are of national priority 	<p>CFUG with facilitation by Municipality/ Project</p> <p>Municipality/ Project & CFUG</p> <p>PCO/ Project director and Municipalities</p>	Project description has been prepared and will be submitted to DOF with CFUG's general assembly minutes
5 th	If 4 th step results positive outcomes, immediately start commissioning EIA ^{2/} or IEE studies (as per the requirements of schedule 1 and 2 of Environment Protection Rules 2054 whichever applicable for solid waste management/landfill site projects) to prepare EIA/IEE study report	Municipality/ Project	Progress depends on the achievement of steps 2, 3 & 4 above

² According to the Environment Protection Rules 2054, waste management activities to the undertaken with the objective of providing services to a population of more than 10,000 require EIA study whereas less than ten thousands required IEE .

Steps	Procedures/ Activities	Responsibility	Current Status
6 th	Submit an application to MOFSC through DOF for getting cabinet approval attaching all supporting documents resulted from Steps 4 and 5.	Municipality/ Project	Progress depends on the achievement of steps 2, 3, 4 & 5 above
7 th	Get cabinet approval, sign Forest lease agreement with concerned Director of Regional Forest Directorate as prescribed in Schedule-21, preparing a Forest Lease format prescribed in Schedule-19 and paying the annual fee mentioned in Schedule-20 of the Forest Rules(2051)	Project director/ PCO/ Municipality	Progress depends on the achievement of steps 2, 3, 4 & 5 above
8 th	Start project construction	Municipality/ Project	Progress depends on the achievement of steps 2, 3, 4 & 5 above

CFUG = Community Forest User Group, DFO = District Forest Office, DOF = Department of Forest, EIA = environmental impact assessment, IEE = initial environmental examination, IWPS = integrated waste processing site, MOFSC = Ministry of Forest and Soil Conservation, NPC = National Planning Commission, PCO = project coordination office.

14. **Municipal building.** The land for the proposed Jhalari-Pipaladi municipal building is owned by the municipality and some portion of the land is being used for agricultural activities by a none-IP household on annual/seasonal contractual basis. The contract was for seasonal crop basis under the condition of annual renewal with expiry of 31 December 2016 and the contract has not been renewed. The municipality agreed to provide offset lands within the vicinity of the area for residential purpose and provide life skill training to restore the potential income loss. Since technical detailed design yet to be prepared, the exact footprint for the proposed building is unknown. Therefore, further examination on likely IR impacts required to be assessed during detail design once the exact footprint for the proposed building is finalized.

15. Municipal buildings and other small interventions are expected to improve service delivery of the municipality, and will not have negative impacts. Consultation with municipal officials and local people revealed that use of the lands for the municipal building will not result any loss of residential land, or loss of shelter and loss of assets, access to assets, income sources, or means of livelihoods of the local people. The executive officer of the municipality also mentioned that any damage or loss of crops or any other temporary impacts if occur due to the subproject will be compensated at replacement value on the basis of mutual agreement.

B. Indigenous Peoples

16. According to the ADB's Safeguard policy the indigenous peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as an ancestral domain or asset. The term indigenous peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the characteristics such as self-identification as members of distinct indigenous cultural group, geographically distinct habitats or ancestral territories; distinct customary cultural, economic, social, or political institutions and a distinct language.

17. The indigenous people in the subproject municipality share the similar economic and political system with the mainstream society. The indigenous people are not significantly different from the non-indigenous households and other local families living in the project areas

in terms of livelihood patterns, and access to economic, health and educational opportunities. The indigenous people in general do not display any significant social or economic traits that would distinguish them from non-indigenous people communities, except in their cultural identity and national identification as indigenous people or Janajati/Adhibasi (in Nepali language). According to the PPTA socioeconomic study (2015), the composition of indigenous people households is 20.69% in Jhalari-Pipaladi municipality. The user of the community forest where the IWPS is being planned comprises 600 user member households of both IPs and none IP backgrounds. The caste and ethnic composition of the project municipalities has been presented in **Table 2**.

Table 2: Distribution HHs in Jhaladi Pipladi Municipality by Caste/ Ethnicity

Caste /Ethnicity	Jhalari-Pipaladi	
	No of Households	%
Hill Dalit	952	11.86
Hill Janajati	161	2.01
Terai Janajati	1,499	18.68
Hill B/C	5,380	67.04
Tarai B/C	3	0.04
Muslim	8	0.10
Others	22	0.27
Total	8,025	100.00

Source: Socioeconomic Study of the RUDP-FWR Municipalities, 2015.

18. The field observation reveals that all the settlements/clusters in the municipality are heterogeneous in terms of caste/ethnicity and no specific territory of indigenous people has been observed and reported. The lands owned or occupied by indigenous people in the project municipalities are not considered of ancestral/tribal value. Individual ownership of lands has been in practice among indigenous people for many generations. The municipality policy and rules reflect that all are treated equally and there is no discrimination on receiving municipal services based on ethnicity and caste. However, the government is implementing special programs targeting indigenous people for their development.

19. The provisions of the proposed SWM facilities will have overall beneficial effects by bringing a solution to the waste management problems clearly visible now (i.e. no sufficient collection of waste, unsuitable waste disposal leading to contamination of land and water and to public health problems). Besides, it is expected that the project will have no impact on their cultural identity, survival and cultural resources. With municipal facility improvements, subprojects are expected to result in improved health and quality of lives of both indigenous people and non-indigenous people. In addition, the project will create short-term employment opportunities in infrastructure construction and maintenance where indigenous groups should be given first priority for employment. No physical displacement and economic displacement of indigenous people is anticipated as a result of implementation of the subprojects. The project design has included activities, which will address requirements in behavioral changes to be habitual with improved waste collection and management system. The gender equality and social inclusive (GESI) action plan and performance-based socioeconomic development program includes specific actions favorable to indigenous people. Therefore, indigenous people plan is not required for this subproject.

IV. SITE OBSERVATION AND CONSULTATIONS

PPTA social safeguard consultant visited the subproject sites on 3-6 September; 24-29 October and 23-27 December, 2016 and conducted site observations, and held discussions with municipality officials and local communities. The proposed site for the landfill was visited and also discussed with local people including community forest user members regarding construction of the proposed IWPS. It was reported that municipality staff has conducted several rounds of consultations with the CF Users and it was mutually agreed that municipality put first priority to provide community development activities at the settlements of the users. It was also agreed that priority will be given to local user for employment opportunities during construction and operation of the subprojects.

20. The local people and community forest users were supportive to provide the required land for landfill. It was suggested that the legal procedures to be followed to transfer community forest lands for this public use. It was noted that the executive officer of the municipality has sent an official letter to CFUG and was waiting for official response at the time of preparing this document.

21. ADB's pre-fact finding mission accompanied by PCO, RPIU and PPTA environmental and social safeguard specialists during 7–11 November 2016 conducted a field visit to assess key safeguard issues and associated risk during project preparation and implementation. During the site visit it was observed that the proposed land was in the forest and CFUG members were supportive to the project and construction of the landfill in the community forest area. They also agreed to expedite the process of further endorsement. The mission observed that in an entry point to the forest area there is a small settlement of informal settlers with small houses and cattle sheds. It was informed that the access road could be designed avoiding this settlement and there won't be an impact on these houses. It was noted that no private land is needed for the approach road and landfill. The proposed site in the forest is open space and may not have an impact on livelihood.

V. CONCLUSION AND RECOMMENDATIONS

22. Based on the documentation provided in this DDR, the subproject will have no involuntary resettlement impacts (both permanent or temporary). The SWM subproject is being constructed on community forest lands for which forest lease agreement will be done with the regional forest directorate as prescribed in Schedule-21, preparing a forest Lease format prescribed in Schedule-19 and paying the annual fee mentioned in Schedule–20 of the Forest Rules, 2051. The subproject does not involve any major social safeguard issues. Similarly, the land for the proposed Jhalari-Pipaladi municipal building is owned by the local government and no involuntary impacts are expected. Consultation with municipal officials and local people revealed that use of the lands for municipal building will not result in any loss of residential land, or loss of shelter and loss of assets, access to assets, income sources, or means of livelihoods of the local people. Thus, it seems that the subprojects do not appear to involve reputational risk to the Asian Development Bank on social safeguards and it is recommended for funding under the proposed project. However, following recommendations are suggested:


- (i) Follow the prescribed procedures and steps to acquire the community forest lands as per MOFSC's Procedure for Providing Forest Areas for Other Purposes 2063 (2007).

- (ii) The DPR of the proposed IWPS should be prepared in such a way that the subproject does not disturb but provides access and other benefits to the squatter settlement after construction of the subproject, including its access road.
- (iii) The municipality/PISU, RPIU, PCO should extend and expand the community consultation and disclosure process during detailed design and during the construction period to ensure that the local communities, including community forest users are fully aware of project activities at all stages of construction. The surrounding communities and neighborhood (tole) groups should be consulted and made aware of proposed civil works and project activities prior to construction. It is also proposed that such community meetings and discussions should be documented and continued in the coming phases of project execution.

23. The DDR has been prepared considering the land use patterns and ownership status as of field visits on 3-6 September; 24-29 October and 23-27 December, 2016. Any changes in this regards between this date and actual construction shall be substantiated by preparing an updated report.

ANNEX 1: LETTER TO CFUG REQUESTING CF LANDS FOR LANDFILL SITE PROJECT

फोन नं. ०९९५४००९०
फ्याक्स नं. ०९९५४००९०

 **कैलशीपिपलाडी नगरपालिका कार्यालय**
कैलशी, कैलथनपुर

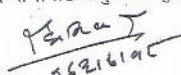
मिति : २०७३।७।२८

प.सं.-२०७३/०६४आ.प्र.
च.नं. :- ४८१६


विषय : सहमति सम्बन्धमा ।

श्री कृष्ण सामुदायिक वन उपभोक्ता समिति
कैलशीपिपलाडी त.पा. ११ कन्चनपुर ।

प्रस्तुत विषयमा Regional Urban Development Project (ADB) को सहयोगमा यस नगरपालिकाको landfill site निर्माणको लागि तहामा सामुदायिक वनको परामर्शमा करिब ७.५ विगाहा जग्गामा landfill site निर्माणका लागि प्रारम्भिक कार्य अगाडि बढि रहेको परिप्रेक्ष्यमा यिँ छि साधारण सभाबाट अनुमोदन हुने गरि हाल landfill site निर्माणका लागि सहमति उपलब्ध गराई दिन हुन अनुरोध छ ।


(रघुनाथ अवस्थी)
कार्यकारी अधिकृत
कार्यकारी अधिकृत

ANNEX 2: LETTER TO RPIU CONFIRMING THE LANDFILL SITE SUBPROJECT BY MUNICIPAL COUNCIL MEETING


भुलारीपिपलाडी नगरपालिका कार्यालय
 भुलारी, कैलाली

फोन नं. ०९९५४००१०
 फ्याक्स नं. ०९९५४००१०

पत्रांक:-२०७३/०७४आ.प्र.
 पन्ना:- २३६

मिति :- २०७३।७।२६

विषय : निर्णय उतार पठाएको बारे ।

श्री क्षेत्रिय शहरी विकास आयोजना (Rural Urban Development project)
 आयोजना समन्वय ईकाइ
 धनगढी, कैलाली ।

प्रस्तुत विषयमा क्षेत्रिय शहरी विकास आयोजना (Regional Urban Development Project) अन्तर्गत
 भुलारीपिपलाडी नगरपालिका क्षेत्रको फोहरमैला व्यवस्थापनका गर्न फोहरमैला व्यवस्थापन केन्द्र (landfill site)
 स्थापनाका लागि माग भए बमोजिम तपशिलका कागजातहरु यसै पत्रसाथ संलग्न राखि पठाईको व्यहोरा अनुरोध
 छ ।

तपशिल :-

१. कृष्ण सामुदायिक वन उ.स.भुलारीपिपलाडी न.पा. ११ को फोहरमैला व्यवस्थापन केन्द्र (landfill site)
 निर्माणका लागि जग्गा उपलब्ध गराउन निर्णय पाना थान ३
 २. नगरपालिका सर्वदलित बोर्ड बैठकको निर्णय थान २

(रघुनाथ अवेस्थी)
 कार्यकारी अधिकृत

१२/७/२६

आज भोलि २०६२ साल कार्तिक महिना २२ गतेका दि.
मन्त्रालय/विभागी नगरपालिकाको प्रमुख एवं कार्यकारी
अधिकृत भन्ने रचनाय अवस्थाहरूको संशोधन/समा.
नयाँ/वर्धमानका प्राथमिक बलका प्रतिनिधिहरूको
उपस्थितिमा बैठक बसी नयाँ/वर्धमानको निर्णय
गरियो।

उपस्थिति

- १. प्रमुख श्री रचनाय अवस्था - प्रमुख एवं कार्यकारी अधिकृत
- २. उपप्रमुख श्री जय व. शिर - प्रतिनिधि नेपाली कांग्रेस
- ३. उपप्रमुख श्री रम व. महरा - प्रतिनिधि ने. क. पं. राम्रो
- ४. उपप्रमुख श्री लोकेन्द्र व. श्रेष्ठ - प्रतिनिधि ने. क. पं. माओवादी केन्द्र
- ५. उपप्रमुख श्री जय व. चन्द - प्रतिनिधि रा. स. पं. नेपाल
- ६. उपप्रमुख श्री जित व. मण्डारी - प्रतिनिधि रा. स. पं.
- ७. उपप्रमुख श्री राम व. कार्की - प्रतिनिधि राष्ट्रिय जनता पार्टी
- ८. उपप्रमुख श्री कमिला महरा - प्रतिनिधि ने. क. पं. राम्रो
- ९. उपप्रमुख श्री लक्ष्मण प्र. चौधरी - प्रतिनिधि धरहरा लक्ष्मण चौधरी
नेपाल (मन्त्रालय)
- १०. उपप्रमुख श्री राम व. महरा - प्रतिनिधि ने. क. पं. माओवादी
- ११. उपप्रमुख श्री - प्रतिनिधि ने. क. पं. माओवादी
- १२. उपप्रमुख श्री सत्य व. धागुडा - प्रतिनिधि नयाँ/वर्धमान नेपाल
- १३. उपप्रमुख श्री राजेन्द्र जैशी लैरंगपाल

निर्णय नं. १

पालु जमि. व. २०६२/०६६ को कोटि उपमहो. नं. २६२८०२३ नगरपालिका अनुदान मा नगरपालिका बजेट को लागि साल भएको क ६० लाख इभल बजेट का सम्बन्धमा ~~सम्बन्ध~~ जानकारी गराइने र त्यसको आर्थिक स्वार्थ रैन/निष्पत्ति अनुसार स्वार्थ प्रति अगाडि बढाउने निर्णय गरियो।

निर्णय नं. २

मलावी पिपलाडी नगरपालिका बाट पठाई गरिने वि. सुविधा विषय सम्बन्धमा नगरपालिका आर्थिक स्वार्थ आर्थिक विधि २०६२/६/२० गते मंगलवार सम्पन्न गरी निर्णय गरियो।

निर्णय नं. ३

क्षेत्रीय शहरी विकास कार्यक्रम (Regional Urban development project-RUDP) अन्तर्गत मलावी पिपलाडी नगरपालिका क्षेत्रको फोरमैला व्यवस्थापन गर्न गरी ~~क्षेत्र~~ फोरमैला व्यवस्थापन क्षेत्र (Landfill site) निर्माणका लागि स्थान ईन्ट्रि गर्न सक्ने मा इभल ईटा मलावी पिपलाडी नं. ७१ वडा नं. ११ मा रहेको कृषि सामुदायिक वन उ.स. क्षेत्रको स्थान नदी, पश्चिममा कृषि व. व. उत्तरमा कृषि व. र दक्षिणमा दक्षिण राजमार्ग क्षेत्रको जग्गामा फोरमैला व्यवस्थापन क्षेत्र निर्माणका लागि पछि पर्ने र उक्त क्षेत्रमा landfill site निर्माण गर्न उपयुक्त भएको र कृषि सामुदायिक वन उ.स.को प.स. २०६२/०६६ नं. ०६ प्रति २०६२/६/२२ गते पत्राचार निर्णय नगर सहित सहमति प्राप्त भएकोले उक्त स्थानमा फोरमैला व्यवस्थापन क्षेत्र (landfill site) निर्माण गर्न आवश्यकता नभइने उगाडि बढाउने निर्णय गरियो।

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ANNEX 3: LETTER FROM CFUG TO JHALARI-PIPALADI MUNICIPALITY INDICATING CONSENT FOR PROVIDING CF LANDS FOR SUBPROJECT



भुलारी-६, अमरपुर



प.सं:- 2062/068

घ.नं:- 06

दि ति 2062/5/22

विषय

श्री अन्नादिपुष्पादि नानादि अन्नादि
अन्नादि अन्नादि /

सूचना विभाग कोटिचि शहरी विकास
आयोजना (RUPP) अर्थात कुलारी पिपलाडी नगर
पालिकाको क्षेत्र भूमा उपस्थापन क्षेत्र (Land
Fill Site) निर्माणका लागि यहू प्रायुक्तिक
त उपस्थान सडकको भित्ति 2062/61/29 गते
देखी जग्गा उपलब्ध गराउने र स्थानीय
निर्माणको लागि पनि जान्ने यहू पत्रा हाथ लगा
लागेको उपलब्धको उपस्थान अनुमति छ।

$\frac{1000}{1000 \times 1000}$
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What is it?

Page No.:	
Date: / /	
आज मिति २०७२.०८.०८ गतेका दिन थलश्री कृष्ण	
सा.क.का अघाडा रानी करन सिंह सेर ज्यू को अष्टपक्षता	
मा वैष्णव कसी तपशिलको उपस्थितिमा तपशिल बमोजिमका	
निर्णयहरू, सर्वसम्मतिबाट पारित गरिए।	
अध्यक्ष :-	रानी करन सिंह सेर ज्यू
उपाध्यक्ष :-	रानी राजेन्द्र बहादुर सेर
सचिव :-	रानी दिल बहादुर साह
कोषाध्यक्ष :-	रानी कल्पना पन्त
स.सचिव :-	श्रीमा देवी धमाली
सदस्य :-	जित बहादुर सुनार
"	राम बहादुर काफ्ले
"	दिल बहादुर सेर
"	बहादुर साकी
"	कलावती सेर
"	विष्णु देवी सेर
"	नमसरा सुनार
"	शुशिला त्रि.सि.
"	जानकी रेग्मी
"	मिस्त्री राना
अन्य उपस्थिति	
श्री मान बा.सेर	मान बा.सेर
" जगदिश अमलकी	मान बा.सेर
" रेक बा.मोडारी	मान बा.सेर
" त्रिम दत्त भट्ट	
" दिव्य देव भट्ट	
" केसरी जोशी	
" मधु सेर	
" हरेन्द्र भण्डारी	
" दिव्यमत बा.सेर	
" सुरन राना	
" मोहन च.मोडारी	
" राम सिंह ओड	
" चक्र प्रसाद पन्त	

माथोपिपनी पन्ना	माथो
विश्वनाथ मण्डारी	विश्वनाथ
जय वीर रेग्मी	जय वीर
शुभाष छिन्ता	शुभाष
मनी नेपाली	मनी

आजका प्रस्तावहरू

प्रस्ताव नं. १. सरस्वती गा. नं. १ अन्तर्गत लार्ड काठ दिने सम्बन्धमा

प्रस्ताव नं. २. अति आवश्यक परेका उपभोक्ता लार्ड काठ दिने सम्बन्धमा

प्रस्ताव नं. ३. कलारीपिपनाडी नगरपालिका वडा पठाएको पत्रका सम्बन्धमा

निर्णयहरू

निर्णय नं. १. प्रस्ताव नं. १ माथी हलफलगाढा मिति २०७३/०८/०८ का दिनको निर्णय नं. १ अनुसार बेवारीसै बराबरगरी घस श्री कृष्ण सायुपापीक बन्को छाट गद्दीमा रहेको साल जातको ४ थान गौ लिया काठ क्रमांक ६२ X ६" = ०२.२० क्यूफिट, २२ X ८" = १२.२९ क्यूफिट, २६ X ८" = १९.२६ क्यूफिट र २२ X १०" = १२.२६ क्यूफिट गरी जम्मा ४८.८५ क्यूफिट काठ श्री सरस्वती माध्यमिक विद्यालय अन्तर्गत लार्ड घस श्री कृष्ण सायुपापीक काठ बाट हुवन्नी खर्चो मान निर्दिष्ट काठ पुरै निःशुल्क दिने निर्णय सर्वसम्मत बाट पारित गरियो।

निर्णय नं. २. प्रस्ताव नं. २ माथी घस श्री कृष्ण सायुपापीको कार्यालय छाट गद्दीमा रहेको बेवारीसै साल जातको काठ काटि अति आवश्यक परेका उपभोक्ता हल जसले अहिले सुम्न काठ पाएका हुन् तिनीहरूलाई पछि पछुनैकाहना जाडिने शरी अहिले आवश्यकता अनुसार दिने निर्णय सर्वसम्मत बाट पारित गरियो। साथै अन्य बरायती समस्याहरू जस्तै, हलो गुवा परेला (गोरुको मान) परालको ढुवो आदि हुनेको भए लार्डका उपभोक्ताको पनि समस्या समाधान गर्ने निर्णय सर्वसम्मत बाट पारित गरियो।

निर्णय नं. ३. प्रस्ताव नं. ३ माथी वृद्ध कलफले जट्टा हात्रो कलारी पिपनाडी नगरपालिका वडा प्रेमीय शहरी विकास आयोगमा अन्तर्गत फेडर मेल व्यवस्थापन केन्द्र (Kandhali Side) निर्माणकालागी जग्गा उपलब्ध गराई पाठभरी २०७३/०८/१८ गतेको अग्रोदय पत्र अनुसार पूर्वमा वनहरानवी पश्चिममा श्री कृष्ण सायुपापी अन्तर्गत सायुपापी वन र दक्षिणमा पूर्वपश्चिम महेन्द्र राजमार्ग यिने चार कि.मी.भित्र फाहर मेल व्यवस्थापन केन्द्र निर्माणका लागि सहमती उपलब्ध गराउने निर्णय सर्वसम्मत बाट पारित गरियो।

... ...	दिनांक १७/५/२०२३	Page No.: Date: 17/5/23
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निर्णय

- साथै कलारी पिपलाडी नगरपालिकाको फोहर मैला व्यवस्थापनका लागि फोहरमैला व्यवस्थापन केन्द्र निर्माणका लागि अग्ला उपर्युक्त ग्राइडन सहमति दिने गरेको निर्णयलाई परि कस्ने सहकारण सभाबाट अनुमोदन गर्ने निर्णय गरियो।

दिनांक १७/५/२०२३

ANNEX 4: BOUNDARY DEMARCATION LETTER FOR LANDFILL SITE

फोन नं. ०९९४४००९०
फ्याक्स नं. ०९९४४००९०


भखारीपिपलाडी नगरपालिका कार्यालय
भखारी, कैलाली

मिति : २०७३.१२.०१

प.सं. २०७३/०७४आ.प्र.
च.सं. २८१२

विषय :- सिमा नक्सांकन तथा क्षेत्रफल सम्बन्धमा ।

श्री जिल्ला वन कार्यालय
कन्चनपुर ।

प्रस्तुत विषयमा क्षेत्रिय शहरी विकास आयोजना (RUDP) राष्ट्रिय प्राथमिकता प्राप्त आयोजना अन्तर्गत यस नगरपालिकाको वडा नम्बर ११ मा कृष्ण सामुदायिक वन उपभोक्ता समुहको हाता भित्र यस नगरपालिकाको फोहरमैला व्यवस्थापनका लागि Landfill Site निर्माण गर्न सामुदायिक वन उपभोक्ता समितिको बैठकबाट सहमति समेत प्राप्त भएकै, उक्त क्षेत्रको पिपलाडी ईलाका वन कार्यालयका प्राविधिकहरुबाट सिमा नक्सांकन तथा क्षेत्रफल एकिकन गरि सोको प्रतिवेदन यसै पत्रसाथ संलग्न राखि पठाइएको छ । उक्त प्रतिवेदन प्रमाणित गरि आवश्यक सहयोग गरि दिन हुन अनुरोध छ ।

बोधार्थ :-
श्री क्षेत्रिय शहरी विकास आयोजना (RUDP)
आयोजना कार्यान्वयन ईकाई
धनगढी, कैलाली : जानकारीका लागि अनुरोध छ ।

(रघुनाथ अवस्थी)
कार्यकारी अधिकृत
कार्यकारी अधिकृत

ANNEX 5: LIST OF PEOPLE CONSULTED DURING SITE VISIT

S.N.	Name	Office/Address	Affiliation/Position /Profession
1.	Rabindra Bohora	DUDBC Divisional Office, Dhangadhi	Manager, RPIU-RUDP
2.	Raghu Nath Abasthi	Jhalari Pipladi Municipality	Executive Officer
3.	Tekendra Bhatta	Jhalari Pipladi Municipality	Assistant Sub Engineer
4.	Karan Singh Ayer	Shrikrishna CFUG	Chairperson
5.	Dil Bahadur Saud	Shrikrishna CFUG	Secretary
6.	Kalpana Pant	Shrikrishna CFUG	Treasurer
7.	Nawaraj Pant	Shrikrishna CFUG	User Member(CFUG Account committee member)
8.	Dal Bahadur Ayer	Shrikrishna CFUG	Ex-vice-chairperson
9.	Bhimdata Bhatt	Shrikrishna CFUG	Under Secretary
10.	Prakash Singh Ayer	Shrikrishna CFUG	Founder CFUG Member
11.	Padam Nath Yogi-A	Shrikrishna CFUG	User Member
12.	Padam Nath Yogi-B	Shrikrishna CFUG	User Member
13.	Damber Sethi	Shrikrishna CFUG	User Member
14.	Dal Bahadur Singh	Shrikrishna CFUG	User Member
15.	Nara Bahdur Bista	Shrikrishna CFUG	User Member
16.	Krishna Datta Bahtta	Shrikrishna CFUG	User Member
17.	Tek Bahadur Bhandari	Ward no 11 Citizen Forum	Coordinator

ANNEX 6: INVOLUNTARY RESETTLEMENT SCREENING

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?		X		No private land acquisition is required for this subproject as all the required lands are community forest lands. However, Interagency transfer of land use right based on the Procedure for Providing Forest Areas for Other Purposes 2063 (2007) needs to be followed. The land for the proposed Jhalari-Pipaladi municipal building is owned by the local government.
2. Is the site for land acquisition known?	X			The site is located in Srikrishna Community Forest and land under ownership of government of Nepal.
3. Is the ownership status and current usage of land to be acquired known?	X			The land ownership rests with government and forest products being used and managed by the community forestry user groups. However, the proposed site is open space in the forest.
4. Will easement be utilized within an existing Right of Way (ROW)?			X	
5. Will there be loss of shelter and residential land due to land acquisition?		X		
6. Will there be loss of agricultural and other productive assets due to land acquisition?		X		
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?			X	The exact impacts on forests will be assessed during EIA and final detailed design of the subproject.
8. Will there be loss of businesses or enterprises due to land acquisition?		X		
9. Will there be loss of income sources and means of livelihoods due to land acquisition?		X		
Involuntary restrictions on land use or on access to legally designated parks and protected areas				

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
10. Will people lose access to natural resources, communal facilities and services?		x		
11. If land use is changed, will it have an adverse impact on social and economic activities?		x		The exact impacts on forests will be assessed during EIA study to be conducted for the subproject as per the Environment Protection Rules 2054
12. Will access to land and resources owned communally or by the state be restricted?		x		
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				

ANNEX 7: INDIGENOUS PEOPLE IMPACT SCREENING

Impact on the indigenous peoples (IPs)/ Ethnic Minority (EM)	Yes	No	Remarks or identified problems, if any
Are there any IPs or EM groups present in the project locations?		x	The field observation reveals that all the settlements/ clusters in the municipality are heterogeneous in terms of caste/ ethnicity and no specific territory of indigenous people has been observed and reported
Do they maintain distinctive customs or economic activities that may make them vulnerable to hardships?		x	The IPs share similar economic and political system with non-indigenous groups in terms of livelihood patterns, and access to health and educational opportunities
Will the project restrict their economic and social activity and make them particularly vulnerable in the context of the project?		x	No physical displacement and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) of indigenous people is anticipated as a result of implementation of the subprojects.
Will the project change their socio economic and cultural integrity?		x	With municipal facility improvements, subprojects are expected to result in improved health and quality of lives of both IPs and non-IPs
Will the project disrupt their community life?		x	Project will have no impact on IP's community life
Will the project positively affect their health, education, livelihood or social security status?	x		The provisions of the proposed solid waste management facilities will have overall beneficial effects to all households in the municipality irrespective of cast and ethnic backgrounds by bringing a solution to the waste management problems clearly visible now (no sufficient collection of waste, unsuitable waste disposal leading to contamination of land and water and to public health problems)
Will the project alter or undermine the recognition of their knowledge, preclude customary behaviours or undermine customary institutions?		x	Project will have no impact on IP's cultural identity, survival and cultural resources. The project design has included activities which will address requirements in behavioral changes to be habitual with improved waste collection and management system
In case no disruption of indigenous community life as a whole, will there be loss of housing, strip of land, crops, trees and other fixed assets owned or controlled by individual indigenous households?		x	No settlement will be adversely affected and neither physical displacement nor economic displacement occurs, and hence no involuntary resettlement impacts are anticipated due to the subprojects.