

# Environmental Assessment and Review Framework

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Project number: 51081-002  
August 2018  
DRAFT

## KGZ: Climate Change and Disaster-Resilient Water Resources Sector Project

Prepared by the Department of Water Resources and Melioration of the Ministry of Agriculture, Food Industry and Melioration and Ministry of Emergency Situations for the Asian Development Bank (ADB).

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## ABBREVIATIONS

ADB	– Asian Development Bank
ADF	– Asian Development Fund
AESI	– Assessment of environmental and social impact
CBO	– Community-based organization
CD	– Capacity or community development (depending on context)
DEE	– Department of Ecological Expertise (under the SAEPF)
DRR	– Disaster Risk Reduction
DWRM	– Department of Water Resources and Melioration of the Ministry of Agriculture, Food Industry, and Melioration
EA	– Environmental Assessment
EARF	– Environmental Assessment and Review Framework
EIA	– Environmental impact assessment
EIS	– Environmental Impact Statement
EMP	– Environmental Management Plan
EMMP	– Environmental Management and Monitoring Plan
FSDC	– Feasibility Study / Design Consulting services
GKR	– Government of the Kyrgyz Republic
GOST	– Commonwealth of Independent States Standards
GRG	– Grievance Redress Group
GRM	– Grievance Redress Mechanism
ICS	– Implementation Consulting Services
IEE	– Initial Environmental Examination
KR	– Kyrgyz Republic
LARP	– Land Acquisition and Resettlement Plan
MNR	– Ministry of Natural Resources

MOA	–	Ministry of Agriculture, Food Industry, and Melioration
MOES	–	Ministry of Emergency Situations
NPV	–	Net present value
NVP	–	Net value of agricultural production
OCR	–	Ordinary Capital Resources
OVOS	–	Russian acronym for “Assessment of Environmental Impacts”
PC	–	Public Consultation
PCM	–	Public Consultation Meeting
PER	–	Public Environmental Review
PIO	–	Project Implementation Office
PIU	–	Project Implementation Unit
PMO	–	Project Management Office
POW	–	Productivity of water
PSA	–	Poverty and Social Assessment
RSP	–	Representative Subprojects
RGKR	–	Resolution of the Government of the Kyrgyz Republic
SAEPF	–	State Agency for Environment Protection and Forestry
SEMP	–	Site-Specific Environmental Management Plan
SER	–	State Environmental Review
SIEE	–	Summary Initial Environmental Examination
SPS	–	Safeguard Policy Statement
TOR	–	Terms of Reference
UNECE	–	United Nations Economic Commission for Europe
USAID	–	United States Agency for International Development
WUA	–	Water User Association
WUG	–	Water User Group



## WEIGHTS AND MEASURES

kg	–	Kilogram
mm	–	Millimeter
m, m <sup>2</sup> , m <sup>3</sup>	–	Meter, square meters, cubic meters
km, km <sup>2</sup>	–	Kilometer, square kilometer
ha	–	Hectare
dB(A)	–	Noise measurements taken with an instrument set on the A weighting scale
mg/l	–	Milligrams per liter

## CURRENCY EQUIVALENTS

Currency Unit	–	(as at 5 July 2018)
\$1.00	=	68.1905 Som (KGS)

### Notes

(i) In this report, "\$" refers to US dollars.

## GLOSSARY

Impacts	– Positive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended (OECD 2002)
Integrated water resources management (IWRM)	– Coordinated development and management of water, land and related resources to maximize economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems (Global Water Partnership)
Irrigation system or scheme	– System comprising an area of irrigable land and its irrigation
Main or primary canal	– Canal that conveys water from main intake / headworks to offtakes
Main system	– Headworks plus main canal(s) in an irrigation system
On-farm water management (OFWM)	– (Improved) water management at the farm level e.g. by construction of field canals, water distribution management, field levelling, crop planning to match water supply, etc.
Outcome	– Likely or achieved short-term and medium-term effects of an intervention's outputs (OECD 2002)
Outputs	– Products, capital goods, and services that result from a development intervention; may also include changes relevant to the achievement of an intervention's outcomes resulting from the intervention (OECD 2002)
Risk	– Factors that affect or are likely to affect the successful achievement of an intervention's objective (OECD 2002)
River basin	– A catchment area with water naturally flowing in a common course (the area from which water drains to a river where it enters the sea, a terminal lake, or joins another river)
Secondary canal	– A canal into which water flows from a primary canal via a secondary intake
Secondary intake	– Opening in a primary canal through which water flows into a secondary canal; in modern systems, the gate or proportional divider used to control flow at this point
Water user association (WUA)	– An association of water users (normally within a system) formed to manage irrigation infrastructure at the main canal level, and water distribution along the main canal for different users - irrigation, hydro power, flour mills or other industrial water uses.
Watershed / catchment management	– Management of land and water within a watershed or catchment, often focusing on management to reduce water pollution or soil erosion





## CONTENTS

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>9</b>
A.	Purpose of the Document .....	9
B.	ADB & GKR Environmental Assessment Frameworks .....	9
<b>II.</b>	<b>THE PROJECT .....</b>	<b>10</b>
A.	Justification and Rationale .....	10
B.	Activities, Outcome, Costs, Financing, Schedule, Impact and Outputs.....	11
C.	Implementation Arrangements .....	12
D.	Physical Interventions Eligible for Project Financing .....	13
E.	Subproject Selection Criteria.....	14
F.	Cumulative Impacts .....	16
<b>III.</b>	<b>POLICY, LEGAL, AND ADMINISTRATIVE FRAMEWORK .....</b>	<b>17</b>
A.	Kyrgyzstan .....	17
B.	ADB .....	24
<b>IV.</b>	<b>INITIAL ENVIRONMENTAL EXAMINATION &amp; ENVIRONMENTAL MANAGEMENT PLANS.....</b>	<b>27</b>
A.	Inputs, Responsibilities, and Accountability .....	27
B.	IEE and EMP Contents .....	28
C.	Custody and ADB Review/Clearance of Subproject IEEs.....	30
<b>V.</b>	<b>ENVIRONMENTAL MANAGEMENT PLAN IMPLEMENTATION &amp; MONITORING.....</b>	<b>31</b>
A.	Pre-Construction .....	31
B.	During Construction & Operation .....	32
<b>VI.</b>	<b>REPORTING.....</b>	<b>33</b>
<b>VII.</b>	<b>PUBLIC CONSULTATION AND INFORMATION DISCLOSURE .....</b>	<b>34</b>
A.	Overview.....	34
B.	Public Consultation during IEE Preparation.....	34
C.	Local Availability of IEE.....	34
D.	Local Disclosure of IEE Findings.....	35
E.	Implementation-Phase PC Programmes .....	35
F.	Disclosure of Subproject IEEs on ADB Website .....	35
<b>VIII.</b>	<b>STAFFING REQUIREMENTS AND BUDGET .....</b>	<b>36</b>

**TABLES**

Table 1: Agreed ranking scores and indicator ranges..... 15  
Table 2: Indicative subproject scoring and ranking ..... 15  
Table 3: Major legislation on environmental protection..... 19  
Table 4: Activity-Responsibility Matrix, Subproject Preparation & Pre-Construction ..... 27  
Table 5: Activity-Responsibility Matrix, Construction, O&M, and Duration of Project ..... 28  
Table 6: Mitigation Plan Summary Template..... 29  
Table 7: Monitoring Plan Summary Template ..... 29

**APPENDICES**

Appendix 1: Screening Checklist for Candidate Subprojects  
Appendix 2: Standard Construction Contract Environmental Safeguard Clauses  
Appendix 3: Example Outline, Environmental Monitoring Report  
Appendix 4: Public Consultation Meeting Record Formats

## I. INTRODUCTION

### A. Purpose of the Document

1. This environmental assessment and review framework (EARF) document describes the procedures to be followed in the environmental assessment of subprojects prepared and implemented under the Climate Resilience and Disaster Risk Reduction in Water Resources Management Project (hereinafter the Project). The Project will incorporate the environmental safeguards required by ADB (2009) *Safeguard Policy Statement*, ADB (2012) *Environment Safeguards, A Good Practice Sourcebook*, GKR environmental laws and regulations, and any subsequent modifications and additions agreed by the Executing Agency (EA) and ADB. This EARF is disclosed on the ADB website as part of the Report and Recommendations of the President for the Project.

### B. ADB & GKR Environmental Assessment Frameworks

2. The procedures set forth in this document have been formulated to satisfy the environmental assessment frameworks of the Government of the Kyrgyz Republic (GKR) and the Asian Development Bank (ADB), as defined in their respective environmental policies, guidelines, laws, and regulations. These are documented in Section III.

## II. THE PROJECT

### A. Justification and Rationale

3. Kyrgyz Republic is a country at high risk of impact from the adverse effects of climate change and extreme weather events. The population is vulnerable, as approximately 30% of the population lives below the national poverty line and over 65% live in rural areas dependent on agriculture income. Disasters triggered by natural hazards such as floods and earthquakes are frequent and estimated to cost Kyrgyz Republic approximately 1%–1.5% of the GDP annually. The water resources sector is particularly vulnerable: notable recent water-related disaster events include droughts in northern districts (2009 and 2014), landslides (2003 and 2004), and flooding (2007 and 2012) in southwest districts.

4. Climate change is likely to increase the frequency and magnitude of extreme weather events. Drought and associated water stress may occur more frequently as temperatures increase, precipitation, and snowmelt patterns change adversely, and water availability may decline in the face of growing competing demands. Landslides (including mudflows) and floods may become more frequent due to melting permafrost and more intense precipitation events.

5. Irrigation is critical for sustained agricultural production in Kyrgyz Republic. However, following the collapse of the Soviet Union, Kyrgyz Republic's water resources infrastructure is decayed and inefficient and agricultural productivity is low, thereby offering insufficient protection and resilience to natural hazard events. In addition, the hydro-meteorological capacity for monitoring, analyzing, and forecasting weather events has suffered during the post-independence period due to lack of resources. The situation is likely to be further aggravated due to growing and competing water demand due to population and economic growth and increased demands among agriculture, domestic water supply, and industrial and energy sectors.

6. Consultations with government and civil society stakeholders have identified improvements to climate change and disaster resilience in the water resources sector as a priority area for climate change adaptation. To mitigate future climate and disaster impacts to the livelihoods of vulnerable communities:

- (i) water access should be made more resilient to future disruptions, variability, and change;
- (ii) resilience to extreme weather events such as floods and landslides should be improved; and
- (iii) institutional capacity for climate and disaster risk monitoring, management, and response should be strengthened.

7. To meet these challenges, ADB launched a transactional technical assistance to develop and prepare a proposed investment project to strengthen the resilience of the water resources sector to floods, landslides, and droughts in Kyrgyz Republic. The project was called "Climate Resilience and Disaster Risk Reduction in Water Resources Management".

## **B. Activities, Outcome, Costs, Financing, Schedule, Impact and Outputs**

8. The Project interventions are both structural (including civil works and equipment) and non-structural (including capacity building, planning, and training). The original scope comprised four outputs:

- (i) irrigation infrastructure modernized;
- (ii) agricultural and land management practices modernized;
- (iii) flood protection infrastructure modernized; and
- (iv) disaster risk and water resources data collection and analysis improved.

9. However, during the April 2018 review mission, MOES requested that the Project does not focus on civil works (output 3) and instead focuses on improved capacity building and equipment for disaster risk management.

10. The Project outcome is expected to be climate change and disaster resilience of infrastructure and water security improved.

11. The Project is financed through a concessional OCR loan and ADF DRR Funding (Grant). It has a 19 month preparation period and an estimated cost of \$30 million.

12. The sector modality is used for the Project in light of the large needs for the adaptation to climate change and disaster risk reduction in water resources management of the country. The Project develops a comprehensive approach that may be scaled up for additional locations. The key aspect of the Project will be to identify and prepare 'model' subprojects that will support the objectives and outcomes expected from a Sector Modality Project by progressively implementing replicable subprojects over an extended period.

13. The focus of the Project is on building climate resilience and enabling disaster risk reduction in the water resources sector to ease the burden on poor and vulnerable rural communities who are exposed to potentially significant impacts on water resource availability and damage to critical infrastructure (homes, roads, canals, land) from climate and natural hazards (particularly drought, flood, mudflows). It was outlined that a primary objective is to develop ways to address these key hazards, through the planning and design of 'model' subprojects.

14. The three core outputs are:

- I. Output 1: Irrigation infrastructure protected and modernized. The Project will modernize main (primary and secondary) canals, lower-level (intra-farm and on-farm) canals and associated infrastructure such as protective mudflow crossing structures, and cross-regulators and offtakes. A participatory planning, design, and management approach involving the DWRM, WUAs, and other key stakeholders will be mobilized to ensure equitable and sustainable outcomes. WUA and sub-WUA groups will be strengthened or established. Community-based contracting will be piloted for lower-level canal modernization in the core subproject, to be expanded to further subprojects if shown to be successful;
- II. Output 2: Irrigation system and agricultural land management enhanced. The Project will strengthen management, and operation and maintenance (O&M) of target irrigation systems. In conjunction with output 1, the participatory planning approach will develop and implement joint DWRM-WUA irrigation system management plans including practical drought and climate risk management, water delivery scheduling, cropping patterns, and

O&M financing and planning. WUA on-farm water management (OFWM) and agricultural management plans including irrigation scheduling, cropping patterns, and cultural methods will be developed, supported with capacity building including comparative field trials and farmer field days.

- III. Output 3: National disaster risk management capacity improved. The Project will support capacity building and modernize equipment for national disaster risk management in the water resources sector. Heavy machinery and associated equipment for preventative and rehabilitation works will be purchased and installed in the Northern and Southern Emergency Response Centers of the MOES. This will be accompanied by development of an asset management plan and capacity building on disaster risk management including project planning. Hydrological posts for Hydromet will be installed in 20 sites within the Project area, and the information systems for data collection, processing, and flood warning will be enhanced for improved efficiency and accuracy.

## **C. Implementation Arrangements**

### **1. Project Proponents**

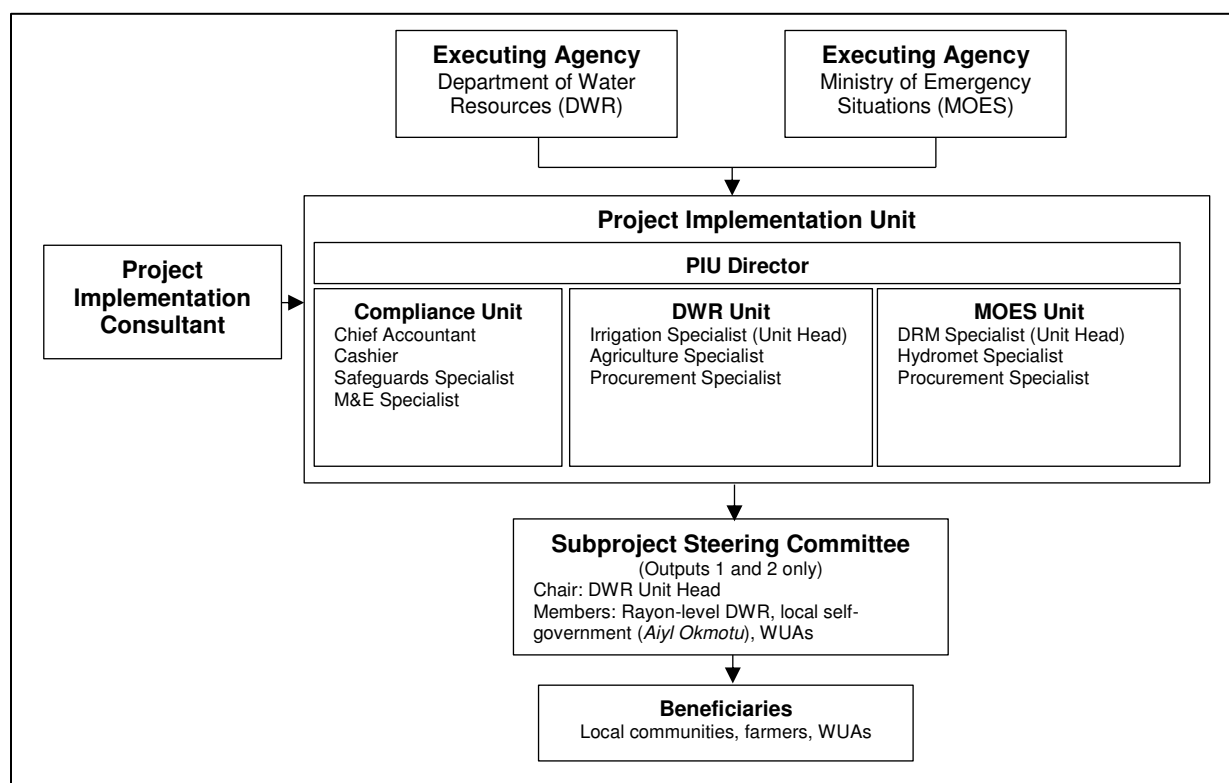
15. The Kyrgyz Republic will be the borrower and the Ministry of Agriculture, Food Industry, and Melioration (MOA) will be the executing agency. There will be two implementing agencies: Department of Water Resources and Melioration of the MOA, responsible for the interventions related to irrigation systems and agriculture (Project outputs 1 and 2); and Ministry of Emergency Situations responsible for interventions related to protective infrastructure, monitoring, and analysis (Project output 3).

### **2. Project Management**

16. A single Project management office (PMO) will be jointly established by the implementing agencies in Bishkek to manage and implement the Project, including detailed design, procurement, finance and accounting, monitoring, and reporting. A Project implementation consultant (PIC) will be recruited to support the PMO. Additional Project implementation offices (PIO) in remote field locations (either jointly, or individually, for implementing agencies) may be established to support construction supervision and community programs as per Project implementation requirements. Each PMO will monitor and evaluate progress, procurement, accounting, and report findings regularly to MOA/MOES and ADB.

17. The Project organization structure should be as follows:

**Figure 1: Project Organizational Structure**



### 3. ADB Review Missions

18. ADB will conduct review missions twice annually during the Project implementation to:

- assess implementation effectiveness and propose any necessary adjustments to the implementation arrangements;
- monitor implementation progress against expectations, identify constraints, and define actions to address them; and
- ensure compliance with ADB safeguards conditions set out in the grant agreement and financial framework agreement. In particular, EMP implementation will be scrutinized.

19. Nine months following grant effectiveness, ADB will field a comprehensive midterm review mission (MRM) to assess performance, identify problems, and reach formal agreement with GKR on any needed changes to the scope of work or implementation arrangements to address shortfalls. MOA, MOES, and ADB will jointly prepare full terms of reference for the MRM during the second year of implementation. Prior to MRM, MOA and MOES will each submit a detailed progress report on their respective components, including documentation of safeguards implementation.

### D. Physical Interventions Eligible for Project Financing

20. Physical interventions eligible for Project financing comprise:

- (i) Irrigation works on main irrigation canals
  - (a) Offtakes and cross-regulators – new, rehabilitated, and upgraded
  - (b) Main canal development – (re)excavation, lining, erosion protection, wash structures, etc; new, rehabilitated, and upgraded
- (ii) Irrigation works on higher-order canals - new, rehabilitated, and upgraded

21. In addition, subprojects will incorporate non-irrigation physical works necessary to:
- mitigate adverse impacts of the subproject on the environment;
  - mitigate adverse impacts of the environment on existing irrigation infrastructure or on new subproject works (e.g. protective mudflow crossing structures); and
  - provide domestic and livestock water access points along canals.

## **E. Subproject Selection Criteria**

22. Following exchanges and discussions between the Consultant, MOA and ADB, held between January and March 2018, a list of irrigation schemes to be considered for rehabilitation and upgrading under the Project has been prepared. The following shows how the selection procedure was performed.

### **1. Subproject Screening Criteria**

23. Ineligible subprojects, to be excluded from further consideration, are those that:
- (i) Are not necessary to improve irrigated agriculture sub-systems.
  - (ii) Are to be financed by GoKR or other donors;
  - (iii) Are in transboundary irrigation systems;
  - (iv) Are in pumped irrigation systems with total pumped lifts of more than 30m;
  - (v) Require land acquisition for construction of new canals. These involve either:
    - a. New irrigation systems or;
    - b. Expansion of existing irrigation systems into new irrigable service areas;
  - (vi) Are ADB category A subprojects.

### **2. Irrigated Agriculture Subproject Ranking Criteria**

24. The eligible subprojects are ranked according to three criteria:
- (i) Available water supply (expressed in liter per second and per hectare). Subprojects should be selected in irrigation systems with enough water to supply their full service area. That is, the available water supply should be adequate and the full service area should be potentially irrigable;
  - (ii) Potential Economic Viability (expressed in \$ per hectare). It is a function of capital cost and present and potential irrigated cropping intensity and crop yields;



- (iii) Potential Poverty Reduction (expressed in %). It is a function of existing poverty incidence and incremental financial benefits received by poor.
- (iv) Table 1 shows how the eligible subprojects are ranked, 0 being the lowest score and 4 the highest score for the ranking criteria. Then, Table 2 shows the scores and ranks obtained for each eligible subproject.

**Table 1: Agreed ranking scores and indicator ranges**

Score	Available Water Supply (lps ha <sup>-1</sup> )	Potential Economic Viability (\$ ha <sup>-1</sup> )	Potential Poverty Reduction (%)
4	> 2.0	zero - 500	> 60
3	1.5 – 2.0	500 – 1,000	45 – 60
2	1.0 – 2.0	1,000 – 1,500	30 – 45
1	0.5 – 1.0	1,500 – 2,000	15 – 30
0	< 0.5	> 2,000	< 15

**Table 2: Indicative subproject scoring and ranking**

Subproject	WS	S	EV	S	EB	PI	AV	S	ΣS	Rank
Jany-Jogorko	1.4	2	844	3	50	52	51	3	8	1
Uzgen	2.1	4	1,494	2	7	25	16	1	7	2
Pravaya-Vetka	1.8	3	1,182	2	10	32	21	1	6	3
Zernovoi Kok	1.4	2	1,988	1	18	40	29	1	4	4
Ylai-Talaa	0.6	1	1,429	2	4	30	17	1	4	5
Sapabayeva 2	0.7	1	1,027	2	3	20	12	0	3	6

Legend: AV = average of EB and PI, EB = economic benefit (%), EV = economic viability (\$ ha<sup>-1</sup>), PI = Poverty incidence (%), S= score (out of 4) and WS = water supply (l sec<sup>-1</sup> ha<sup>-1</sup>).

### 3. Conclusion Regarding Environment in the Selection Process

25. Environment was one of the six subproject screening criteria, as Category A subprojects were not eligible. In other words, were excluded of the list of possible subprojects all projects “likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented”.

26. As a low environmental impact was a prerequisite for the subproject selection, this criterion was not considered afterwards in the multicriteria analysis of the possible subprojects. However two social criteria were taken into consideration:

- Land acquisition for construction of new canals. This criterion was also used for screening the subprojects. Only projects without (or minimal) land acquisition were eligible.
- Poverty reduction. This criterion was used – among others – to score and rank the six eligible projects.

## **F. Cumulative Impacts**

27. The cumulative negative impact of all sub-projects under the Project will be low. This can be concluded from the fact that: (i) selection criteria for the eligible sub-projects included that there would be no significant potential environmental impact nor would sub-projects be located in an environmentally protected area (no Category A subproject); (ii) works will be predominantly of a small-scale and predominantly consist of the upgrading of existing structures; (iii) an assessment of the representative Pravaya-Vetka sub-project confirms minimal environmental impact, mainly related to the construction/replacement of mudflow crossing structures and rehabilitation of the main canal.

28. Positive environmental impacts will be larger. The planned investments will significantly improve the water resource management and natural disasters reduction within the irrigation systems. If the sub-projects take place in the same river basin, it will have cumulative effects on water availability for environmental river flows or other human uses.

### III. POLICY, LEGAL, AND ADMINISTRATIVE FRAMEWORK

#### A. Kyrgyzstan

##### 1. Legal System<sup>1</sup>

29. The legal system of Kyrgyzstan was developed within the framework of the Soviet law and has, in the post-independence period, been moving towards modern legal system. In many aspects it bears similarities to legal systems of the Russian Federation and other former Soviet republics, now members of the CIS.

30. The basic source of the rule of law in Kyrgyzstan is the legislation. The hierarchy of statutory acts is determined by the Law "On normative legal acts of the Kyrgyz Republic" of July 20, 2009 (as of July 7, 2014):

- The Constitution of the Kyrgyz Republic or law introducing alterations thereto,
- Constitutional laws,
- Codes,
- Laws,
- Decrees of the President of the Kyrgyz Republic,
- Resolutions of Jogorku Kenesh,
- Resolutions of the Government of the Kyrgyz Republic,
- Acts of the National Bank of the Kyrgyz Republic, of the Central Commission for elections and referenda,
- Normative legal acts of state authorities with delegated powers to legislate,
- Normative legal acts of representative bodies of local self-government authorities.

31. Article 48 of the Constitution states that everyone shall have the right to environment favorable for life and health, and everyone should care for the environment, flora and fauna.

32. The government of the Kyrgyz Republic has a right to delegate a part of their right-creative powers to subordinated bodies if it does not contradict the Constitution and laws of the Kyrgyz Republic.

33. In the case of discrepancy of the law or other normative legal act of the Kyrgyz Republic, then concluded international contracts in which the Kyrgyz Republic participates, or rules of generally accepted norms of international law established by these contracts and norms are applied.

34. The authority of a conventional law '*adat*' has been restored by the Law on Courts of Aksakals of July 5, 2002 in Kyrgyzstan. The law allows establishing courts of *aksakals* (elders) and defines their basic requirements to their composition and competence. However, the institution plays rather a limited and complimentary role to the courts of law.

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<sup>1</sup> Source : A Guide to the Legal System and Legal Research in the Kyrgyz Republic. Sania Battalova et al., 2017

35. Civil-law relations are regulated by the Civil Code of the Kyrgyz Republic. The Civil Code follows the Model Civil Code authorized by the Inter-Parliamentary Assembly of the state-participants of the CIS. The first part of the Civil Code came into force on May 8, 1996, and replaced the previous Civil Code of the Kyrgyz Soviet Socialist Republic dated July 30, 1964. The second part of the Civil Code came into force on January 5, 1998. Both parts are being amended or altered to meet evolving market economy and rule of law.

36. The New Civil Code of the Kyrgyz Republic consists of the following sections: general statements and regulations of civil-legal relationships; the law on property and other proprietary interests; obligatory rights including separate types of insurance; the law of intellectual property; inheritance law; application of norms of international and private law to civil and legal relationships.

37. Laws of the Kyrgyz Republic are published simultaneously in the Kyrgyz and Russian languages in the newspaper "Erkin-Too" and issued in the Collection of Laws of the Kyrgyz Republic, Sheets of *Jogorku Kenesh* of the Kyrgyz Republic, the Collection of Laws and Acts of the President of the Kyrgyz Republic. Laws and other statutory acts in the specified editions are officially published. Signed by the President of the Kyrgyz Republic, the law is subject to publication in the newspaper "Erkin-Too" within seven days. (According to the Law of the Kyrgyz Republic February 14, 1997 with amendments of June, 16 1998, August, 1 2003).

## 2. International Environmental Agreements

38. The Kyrgyz Republic is getting more actively involved in the world community activity aimed at restraining global environmental threats including the process of the unification efforts of states. The country has ratified the following international Conventions related to environmental management:

- (i) Basel Conventions on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal, 1996
- (ii) Convention of Biological Diversity (CBD), 1996
- (iii) Convention of Long Range Transboundary Air Pollution, 2000
- (iv) UN framework Convention on Climate change (UNFCCC), 2000
- (v) Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 2000
- (vi) Vienna Convention of the Protection of Ozone Layer, 2000.
- (vii) Montreal Protocol on Ozone Depleting Substances, 2000
- (viii) Stockholm Convention on Persistent Organic Pollutants, 2002
- (ix) UNECE Convention on Environmental Impact Assessment in a Transboundary Context, 2001
- (x) Ramsar Convention on Wetlands of International Importance especially as waterfowl Habitat, 2003
- (xi) The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Kyrgyzstan joined in 2001
- (xii) United Nations Convention to Combat Desertification in Those Countries Experiencing

- Serious Drought and/or Desertification, Particularly in Africa, acceded in 1999
- (xiii) Convention on International Trade in Endangered Species of Wild Fauna and Flora, acceded in 2006.
  - (xiv) The Cartagena Protocol on Biosafety, Kyrgyzstan joined in 2005
  - (xv) Convention Concerning the Protection of World Cultural and Natural Heritage, acceded in 1995.

39. Article 6 of the Kyrgyz Constitution stipulates that “International treaties to which the Kyrgyz Republic is a party that have entered into force under the established legal procedure and also the universally recognized principles and norms of international law shall be the constituent part of the legal system of the Kyrgyz Republic”.

### 3. National Legislation, Policies, and Regulations

#### a. Environmental Management

40. The legal basis for environmental assessments in the Kyrgyz Republic is formed by the Law on Environmental Protection (1999), Law on Ecological Expertise (State Environmental Review (1999), Instruction on Procedures of State Environmental Expertise for Pre-Project, Project and other Materials in Kyrgyz Republic (1997), and Instruction on Environmental Impact Assessment Performance Procedures in the Kyrgyz Republic (1997) and other normative documents. The Kyrgyz Republic acceded to the Aarhus Convention on Public Participation and the Espoo Convention on EIA in a Transboundary Context. The relevant environmental legislation of the Kyrgyz Republic is summarized in Table 3.

**Table 3: Major legislation on environmental protection**

Legislation Year	Passed (Amended)	Purpose / Content
Constitution of Kyrgyz Republic	2010	The land, its resources, airspace, waters, forests, flora and fauna, as well as other natural resources shall be the exclusive property of the Kyrgyz Republic; these shall be used for preserving a unified environmental system as the basis of life and activity of the people of Kyrgyzstan and shall enjoy special protection from the State.
Law on Environmental Protection	1999 (2002, 2003, 2004, 2005, 2009)	The general legal framework for comprehensive environmental protection and for the use of them, including environmental standards setting, legal regime of specially protected area, rules and procedures for the use, etc.
Law on Specially Protected Areas and Biosphere Territories in Kyrgyzstan	1999	It establishes legal requirement for the protection and use of all natural objects within the protected areas.

Legislation Year	Passed (Amended)	Purpose / Content
Law on the Protection of Ambient Air	1999 (2003, 2005)	Ambient air standard and air quality management
Law on waters	2005	Regulates the use and protection of waters
Forest Code	1999	Regulates the use and protection of forest resources
Law on Ecological Expertise (State Environmental Review)	1999 (2003, 2007)	About the use of public ecological expertise of EIA
Law on Wildlife	2002 (2003)	About protection of wildlife habitats
Law on fishing in water bodies in Kyrgyzstan	2008	Determine the preservation of fish resources and their habitats, regulation of fishing, organization and management of fishing and capture of aquatic invertebrates in water bodies
Law on Protection and Use of Flora	2001 (2003, 2007)	About protection, use, and reproduction of flora
Law on Mountain Areas in Kyrgyz Republic	2002 (2003)	About sustainable development of mountain areas, conservation and management of natural resources, historical, cultural and architectural heritage
Law on Waste of Production and Consumption	2001	About waste management.
Law on Rates for Pollution of the Environment (emission, pollutant discharge, and waste disposal)	2002	The law fixes the fees for pollution of the environment in the amount of 1.2 Kyrgyz Som per specific value (ton) of pollutant
KR Law “General Technical Regulation of Environmental Safety in Kyrgyzstan”	2005	Applied to protect environment, defines main parameters of technical regulation in the sphere of environmental safety; introduces general requirements to environmental safety during design and operation of economic facilities for process of production, storage, transportation and utilization of produce. These requirements are mandatory to all legal entities and individuals involved in the above-mentioned activities.
Methodological Guidelines to Identify Payments for Environment Pollution	2004 (2006)	This instruction is for implementation by the users of natural resources, territorial environment protection agencies and executive power of KR

Legislation Year	Passed (Amended)	Purpose / Content
KR Land Code	1999 (2000-2012)	The Code regulates land relationships in KR; grounds to emerge, exercise and terminate right to land and their registration, and aimed at introduction of land market relations for state, municipal and private property and rational land use and its protection.
KR Law on Water Resources	1994	The priority objective of water law is to regulate relations in the sphere of water resources use, protection, prevention of negative impact on water resources and water-related facilities, their improvement and improvement of water-distribution relations.
KR Law on Drinking Water	1999	Regulates drinking water availability and its quality.
KR Law On Industrial Safety of Hazardous Facilities	2001 (2009, 2012)	Defines legal, economic and social grounds to operate potentially dangerous facilities and aimed at emergencies prevention and preparedness of their operators to localize and liquidate their consequences.
KR Law General Technical Regulation "On Safe Operation and Utilization of Machinery and Equipment"	2008	Introduces technical regulation and special rules to identify potential technogenic threats; mandatory requirements to ensure safe operation and utilization of machinery and equipment
KR Law on the KR accession to the UNECE Convention on Access to Information, Public Participation and Access to Justice on Environmental Matters	2001	Provides for legal basis for public participation in decision-making related to environment.
KR Law on Protection of Population and Territories from Natural and Technogenic Disasters	2000	Objectives of this Law: 1) emergencies prevention; 2) reduce the size of loss and damage; 3) emergencies liquidation. The term "emergency" defines "hazardous natural or technogenic event, disaster or catastrophe which may result in casualties, damage to public health or environment, gross material loss and disruption of functions".

## **b. Public Consultation**

41. The Constitution of Kyrgyz Republic guarantees the right of the people to access information on activities of state and municipal authorities in the manner prescribed by the Constitution.<sup>2</sup> In addition, it confers citizens the right to receive information on the disbursement of funds from the state budget, as prescribed. The Law of the Kyrgyz Republic on access to information held by state bodies and local self-government bodies requires maximum openness of information, publicity and transparency of the activities of the state and local authorities.

42. The regulation on the procedure for environmental impact assessment in the Kyrgyz Republic of 13 February 2015 No.60 defines the public consultation requirements. Public consultation should occur at stage of the EIA and may be also initiated in parallel to the State Environmental Review (SER) as Public Environmental Review (PER). The PER duration depends on the complexity of the Project, but should not exceed 3 months after submission of all the EIA documents and making payment to the SER by the Project Proponent. A formal written notification of local authorities and public notification through the media are transmitted at least one month in advance. A quorum is needed to ensure the representativeness of the presidium.

## **c. Information Disclosure**

43. The Law of the Kyrgyz Republic on Access to Information of October 2006 aims to defend the right of access to information held by state bodies and local self-government bodies, and achieve the maximum informational openness, publicity and transparency in an activity of state bodies and local self-government bodies.

44. Information disclosure, consultation and participation (C&P) activities should be timely carried out in the process of preparing the EIA. C&P plan are prepared and implemented during the EIA process and Project implementation. The EIA report in Kyrgyz and Russian languages must be disclosed to the public on the MOA and MOES websites. It must be also disclosed to the affected communities. Consultation with the affected communities must be held throughout the Project cycle.

## **4. National Environmental Regulator and Proponents' Environmental Management Capacity**

### **a. State Agency for Environment Protection and Forestry (SAEPF)**

45. SAEPF is the principal agency involved in environment protection in the KR. SAEPF is responsible for the environment protection policy, regulation and coordination, expertise and issuance of licenses and permits. SAEPF has territorial agencies distributed over the country territory. Its functions are:

- (i) Administrative activity, coordination of subordinated structures – regional and territorial offices;
- (ii) Ecological policy drafting and its implementation;
- (iii) Services on ecological information;
- (iv) Drafting policy to develop forestry and gaming activity;

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<sup>2</sup> Article 33, Chapter II of the Constitution of Kyrgyz Republic.



- (v) Environmental monitoring;
- (vi) State environmental expertise;
- (vii) Issuance of ecological licenses;
- (viii) International cooperation.

**b. State Inspection on Technical and Ecological Safety**

46. This new state organ was established in January 2012. This Inspection incorporates inspection and oversight functions of some state organs and their agencies, with the most important among them:

- (i) functions of environmental control and oversight of the SAEPF;
- (ii) functions of State Inspection and Safety in Mining Industry of the former KR Ministry of Natural Resources (MNR);
- (iii) functions of Land Inspection and State Control in the land use and protection under the former MNR KR.

**c. Ministry of Agriculture, Food Industry, and Melioration (MOA)**

47. This ministry has the mandate for providing government policy in these sectors: agriculture, pastureland management, fisheries, water resources, and others that involve environment protection. However, it is understood that environmental considerations are subsumed by productivity and development goals<sup>3</sup>.

**d. Ministry of Emergency Situations (MOES)**

48. This Ministry is a special ministry in Kyrgyzstan dedicated to the response of natural disasters such as earthquakes or landslides or serious accidents. It covers responsibility for preventive measures to regularly improve disaster preparedness in the field of prevention and liquidation of emergencies. Depending on available resources, they conduct organizational and practical measures to reduce the underlying risk factors of disasters, improve disaster preparedness for effective response at all levels. Its subsidiary agency Kyrgyz Hydromet (KHM, or Hydromet) is responsible for ambient air and water quality monitoring. There is no organizational units or line staff specifically assigned to environmental planning, assessment, and management.

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<sup>3</sup> Source: "Kyrgyz Republic Analysis for Biodiversity" (USAID, 2013)

## **B. ADB**

### **1. Policies**

49. Safeguard Policy Statement (2009). SPS 2009 is ADB's current main safeguards policy document. It describes the common objectives and policy principles of ADB's safeguards, and outlines the delivery process for ADB's safeguard policy. It promotes sustainability through protection of people and the environment from the adverse impacts of projects, and by supporting the strengthening of country safeguard systems. It presents a consistent, consolidated framework for environment, resettlement, and indigenous people safeguards.

50. ADB Operations Manual, Safeguard Policy Statement, Section F1/BP [Bank policies] & Safeguard Review Procedures, Section F1/OP [operational procedures] (2013). These documents operationalize SPS 2009. The policy sets forth the scope of SPS 2009 applicability to ADB operations, and the procedures describes the safeguards process and outputs, including consultation and disclosure requirements, through the various stages of Project preparation.

51. Public Communications Policy (2011ca) guides ADB's efforts to be transparent and accountable to the people it serves, which it recognizes are essential to development effectiveness. The policy recognizes the right of people to seek, access, and impart information about ADB's operations, and it aims to enhance stakeholders' trust in and ability to engage with ADB, through proactive disclosure, presumption in favor of disclosure, recognition of the right to access and impart information and ideas, country ownership, limited exceptions, and the right to appeal.

### **2. Guidance**

52. Environmentally Responsible Procurement (2007) provides guidance to ADB staff, consultants, and executing agencies on ERP, defined as "a systematic approach to the purchase of goods and services that are thought to be less damaging to the environment than other goods and services that serve the same purpose," specifically, products that "reduce waste, improve energy efficiency, limit toxic by-products, contain recycled content or are reusable, and are produced with the least environmental impact...[and] services...that help improve the environment, are rendered with minimum environmental and social impacts, and use resources and energy efficiently.

53. Complaint Handling in Development Projects - Grievance Mechanisms: A Critical Component of Project Management (2010). This document presents definitions, concepts, rationale, and history relevant to the ADB project grievance redress mechanism.

54. Complaint Handling in Development Projects - Building Capacity for Grievance Redress Mechanisms (2010). This document presents a framework and practical suggestions for building the capacity of an organization to manage an effective grievance redress mechanism.

55. Environment Safeguards, A Good Practice Sourcebook (2012). This draft working document aims to add clarity, provide technical guidance, and recommend good practices in SPS (ADB 2009) implementation. It updates the Environmental Assessment Guidelines (ADB 2003).

56. Selected References for Good Practice In Environmental Safeguards Implementation (2014). This internal Central and West Asia Department (CWRD) document presents internet

hyperlinks to exemplary environmental safeguards documents (IEEs, EIAs, EARFs, etc) prepared for CWRD country projects.

### 3. Environmental Screening & Categories

57. ADB water resources projects and subprojects are screened using a rapid environmental assessment checklist for irrigation projects. This checklist captures the type, location, sensitivity, scale, nature, and magnitude of potential environmental impacts, and availability of cost-effective mitigation measures (see Appendix 1). Based on the checklist findings, the Project or subproject is assigned to one of the following ADB environmental categories:

- Category A - likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented. These impacts may affect an area larger than the sites or facilities subject to physical works. An environmental impact assessment (EIA), including an environmental management plan (EMP), is required.
- Category B - potential adverse environmental impacts are site-specific, few if any of them are irreversible, and in most cases mitigation measures can be designed more readily than for category A projects. An initial environmental examination (IEE), including an EMP, is required.
- Category C - A proposed project is likely to have minimal or no adverse environmental impacts. An EIA or IEE is not required, although environmental implications need to be reviewed.

58. The category of a project is determined by its most sensitive component (output). Core outputs 1, 2 and 3 of this Project define it as category B. Subprojects assigned to Category A are excluded from Project financing.

### 4. Government of Kyrgyzstan

59. The EA system in KR is based on two subsystems: (i) OVOS (the Russian acronym for “Assessment of Environmental Impacts”), and (ii) Ecological Expertise (State Environmental Review, SER). A screening procedure based on screening lists identifies whether a project is the subject to environmental assessment. In case it is required, a Consultant hired by the Project Proponent conducts the OVOS. After presentation of an Environmental Impact Statement (EIS) for public consultation, the EIS is revised based on the feedback from the public. Then the EIS report and a Statement of Environmental Consequences along with other supporting documentation is submitted to a State Expert Commission for the State Environmental Review (SER). The Project may be approved, rejected, or sent for re-examination.

60. Participants in the EIA process are:

- (i) the initiator of the Project;
- (ii) the executor of works on EIA;
- (iii) local state administrations and local self-government bodies;
- (iv) the authorized state body in the field of environmental protection and / or its territorial bodies;
- (v) the public (public organizations, population).

61. Appendix 1 of the law of 8 May 2009 on environmental protection provides the list of economic activities subject to mandatory environmental assessment. The subprojects of the present Project are likely to be subject to environmental assessment with respect to the following items:

5. Agriculture and forestry:

- 1) projects of intensification of agriculture;
- 3) water management projects for agricultural purposes;
- 4) land reclamation projects with a view to changing the type of land use;

16. Water supply systems in populated areas, irrigation and drainage systems.

62. It is understood that “rehabilitation/upgrading” projects are subject to environmental assessment in the same way as “creation” projects. Hence, according to the Regulation on EIA of the Kyrgyz Republic, the subprojects of the present Project can be classified as “facilities/sites subject to state environmental assessment as planned activity - design, construction, reconstruction, expansion (broadening), technical re-equipment, modernization ...” likely to have a negative impact on the environment.

63. As per Appendix 2 of the regulation on the procedure for environmental impact of 13 February 2015, the contents of the Environmental Impact Statement is as follows:

- (i) Requisites of the initiator of the Project and the executor of works on environmental impact assessment.
- (ii) Rationale for the need to organize the planned activities.
- (iii) Description of the characteristics of the proposed activity and possible alternatives.
- (iv) Analysis of the claimed technologies for compliance with the best available (available) technologies and technical specific standards.
- (v) Assessment of the existing state of the environment by components, including assessment of the historical, cultural value of the territory and its socio-economic status.
- (vi) Assessment of identified impacts.
- (vii) Forecast of changes in the environment and socio-economic conditions in the implementation of the planned activities.
- (viii) Basic decisions on measures to reduce, mitigate or prevent negative impacts, assess their effectiveness and implement opportunities.
- (ix) The results of the comparison of the expected environmental and related social and economic consequences of the alternatives under consideration, including the option to abandon the activities.
- (x) Proposals for the environmental monitoring program.
- (xi) Interaction with the public.
- (xii) Assessment of the admissibility of the proposed impact.

### IV. INITIAL ENVIRONMENTAL EXAMINATION & ENVIRONMENTAL MANAGEMENT PLANS

#### A. Inputs, Responsibilities, and Accountability

64. Responsibility for supervision of EARF implementation, including subproject IEE-EMP preparation, rests with the MOA PMO for Core Output 1 and 2 interventions and MOES PMO for Core Output 3 interventions. PMO environment safeguard officers, with support provided by an international consultant (ICS), will screen and classify potential subprojects and prepare IEE-EMPs for Category B subprojects. The PMOs will ensure that IEE findings are locally disclosed and that EMP measures are incorporated into civil works designs and contracts as needed. For Output 1, preparation of IEE-EMPS will be assigned to a Feasibility study / design consulting (FSDC) services firm.

65. The following matrices show the way responsibilities should be distributed according to the subproject implementation stage.

**Table 4: Activity-Responsibility Matrix, Subproject Preparation & Pre-Construction**

	Subproject preparation	Screening & categorization of candidate SPS	Plan, conduct and document IEE public consultation meetings for environmental Category-B SPS	Prepare IEE/EMP for environmental Category-B SPS	Pre-construction	Prepare, submit, environmental clearance application to SAEPF for each SP; track, respond to SAEPF queries	Incorporate physical mitigation & enhancement measures into SP designs per EMP	Incorporate environmental safeguard materials into tender documents	Review contractor Site Environmental Management Plans (SEMPs) during bid evaluations
Intl env specialist (FSDC)		★	★	★		●	●	●	●
Natl enviro safeguards officer (PMO)		★	★	★		★	●	●	★
Natl design engr (FSDC)		●	●	●			★		
Natl procurement specialist (FSDC)								★	
Natl procurement specialists (PMO)								★	
Team Leader (FSDC)		★	★	★		●	★	★	●
ADB project officer		ⓘ	ⓘ	ⓘ		ⓘ	ⓘ	ⓘ	ⓘ
PMO project director/manager		★	★	★		★	★	★	★
<b>R - Responsible</b>	★	Those who do the work to achieve the deliverable or task							
<b>A - Accountable</b>	★	Those who accept/approve/are responsible for the completion of the deliverable or task							
<b>C - Consult</b>	●	Those whose opinions are sought, typically subject matter experts; and with whom there is two-way communication							
<b>I - Inform</b>	ⓘ	Those who are kept up-to-date on progress, often only on completion of the task or deliverable; and with whom there is just one-way communication							

**Table 5: Activity-Responsibility Matrix, Construction, O&M, and Duration of Project**

	Construction	Construct physical mitigation & enhancement works per EMP	(i) Construction supervision of contractor implementation of SE-MPs to mitigate construction related impacts and (ii) liaison with GRM focal points in WUAs	Operation & maintenance	Establish/strengthen WUAs & WUGs in sustainable water, soil & agricultural pest management, resilience to climate change; strengthen IWRM planning capacity of MOA & basin entities	Duration of Project Implementation	Monthly monitoring reports to ADB over 18 month implementation period	Public consultation & communication programme	Provide continuity, support and MOA/GKR liaison for environmental safeguards, supervision of progress, monitoring and reporting
Intl env specialist (FSDC)			●				●	●	●
Natl enviro safeguards officer (PMO)	●	●		●			★	●	●
PIO construction supervisors	★	★					●	★	★
Contractors	★								
PIO technical officers				★					
PIO Directors	★	★		★			●	★	★
Team Leader (ICS)	ⓘ	ⓘ		ⓘ			ⓘ	ⓘ	ⓘ
ADB project officer	ⓘ	ⓘ		ⓘ			ⓘ	ⓘ	ⓘ
PMO project director/manager	★	★		★			★	★	★
R - Responsible	★	Those who do the work to achieve the deliverable or task							
A - Accountable	★	Those who accept/approve/are responsible for the completion of the deliverable or task							
C - Consult	●	Those whose opinions are sought, typically subject matter experts; and with whom there is two-way communication							
I - Inform	ⓘ	Those who are kept up-to-date on progress, often only on completion of the task or deliverable; and with whom there is just one-way communication							

## B. IEE and EMP Contents

66. **Requirements.** Subproject IEEs will be prepared to satisfy ADB and GKR requirements, including any relevant new policies, laws, and regulations promulgated subsequent to this EARF, and any modifications and additions to the EARF agreed by the Executing Agency and ADB. IEEs prepared to this standard are expected to be adequate for current GKR clearance application requirements.

67. **Environmental Management Plans.** IEEs will include Environmental Management Plans (EMPs) consisting of a (i) mitigation plan, (ii) monitoring plan, (iii) public consultation and information disclosure plan, and grievance redress mechanism. Each of these should address subproject pre-construction, construction, and operation phases (and, if relevant, decommissioning):

- **Mitigation plan** – documents the potential environmental impacts of each activity and the proposed mitigation measures for that impact; performance indicators; institutional responsibilities; and cost estimates (see example of template on Table 6). Mitigation measures that are physical works are required to be incorporated into subproject civil works designs. Any proposed environmental enhancement measures are included in the mitigation plan. Enhancement measures (i.e. measures that improve the baseline environment, manage or reduce adverse subproject impacts) that are physical works and are within the scope of Project financing, are required to be incorporated into subproject civil works designs.

**Table 6: Mitigation Plan Summary Template**

Project Stage	Project Activity	Potential Environmental Impacts	Proposed Mitigation Measures	Institutional Responsibilities	Cost Estimates (USD)
Construction Phase					
Operation and Maintenance Phase					

- **Monitoring plan** – identifies institutional responsibility for monitoring; approximate costs; detailed monitoring work plans with specific parameters, methods, locations, frequencies, analyses, critical values, and associated actions; and a reporting plan (see example of summary template on Table 7).

**Table 7: Monitoring Plan Summary Template**

Project Stage	Mitigation Measure	Parameters to be monitored	Location	Measurements	Frequency	Responsibilities	Cost (USD)
Construction Phase							
Operation and Maintenance Phase							

- **Public consultation and information disclosure plan** – documents the actions proponents will take during pre-construction, construction, operation (and, if relevant, decommissioning) to (i) inform communities about scheduling of potentially disruptive events, (ii) disclose results of environmental monitoring, and (iii) pre-disclose the workings of the grievance redress mechanism.<sup>4</sup>
- **Grievance redress mechanism** – arrangements to ensure that stakeholders know where and how to lodge complaints and to address and resolve complaints effectively and in a

<sup>4</sup> Environment Resource Management. (1999). Public consultation in the environmental assessment process: a strategic approach (Environmental Assessment Sourcebook Update No. 26). World Bank, p. 2.  
<http://www.ifc.org/wps/wcm/connect/54c46b8048855702bb44fb6a6515bb18/PublicConsultation.pdf>

timely manner.

68. **IEE scope and updating.** To the extent that a subproject's feasibility study lacks information (e.g. related to exact siting or construction activities), the EMP prepared at feasibility may also lack detail. In this case, the EMP must be updated to reflect the final design, before the IEE is reviewed and given clearance.

69. **Implementation phase review of Representative Subprojects (RSPs) IEE-EMP.** The Project environment team will review and revise the IEE-EMP of the RSPs to ensure its consistency with final RSP engineering feasibility studies and designs, and incorporate any changes to or additional information about the Project.

70. **EMP workplans.** Based on the RSPs EMP, Project management in collaboration with the environment specialists will develop their own detailed RSPs EMP workplan to ensure that all required RSP mitigation, monitoring, public consultation, and disclosure activities including reporting are carried out. Once established for the RSPs, the workplan can be revised and expanded to the other subprojects.

### **C. Custody and ADB Review/Clearance of Subproject IEEs**

71. As soon as possible after completion, draft IEEs will be placed on file with PMO/PIOs, whereupon PMO will promptly submit it to ADB for review and approval.

72. Local disclosure of IEE findings begins after ADB clearance has been received.

73. In cases where local disclosure starts and a request for ADB review is subsequently received, local disclosure will be suspended until the results of the ADB review are received by PMO. If review results warrant, the IEE-EMP and/or local disclosure information materials (e.g. local language brochure) will be appropriately modified prior to re-starting local disclosure.



## V. ENVIRONMENTAL MANAGEMENT PLAN IMPLEMENTATION & MONITORING

### A. Pre-Construction

#### 1. Application to the State Agency for Environment Protection and Forestry for Environmental Clearance

74. PMOs are responsible to prepare and submit an application for an environmental clearance certificate to the State Agency for Environment Protection and Forestry (SAEPF) for each subproject, and to obtain such clearance prior to the start of construction<sup>5</sup>. The SAEPF approval process includes public notification followed by a waiting period for public comment, if public consultation has not been carried out before the State Environmental Review. Applications are deemed automatically approved if SAEPF does not respond within a stipulated time period.

#### 2. Incorporation of EMP Mitigation & Enhancement Physical Works in Engineering Designs

75. PMOs are responsible to ensure that any EMP mitigation and enhancement physical works have been incorporated in subproject engineering designs, with design engineers (contracted to the feasibility study / design consulting services under Output 1) undertaking the necessary technical work.

#### 3. Incorporation of EMP Construction-Phase Mitigation Measures in Tendering & Contracting

76. For subprojects with IEE-EMP, the PMOs will ensure that:

- Subproject tender documents are properly assembled to
  - (i) include standard construction contract environmental safeguard clauses (see Appendix 2),
  - (ii) require bids to include a Site Specific Environmental Management Plan (SEMP) setting forth the bidder's approach to providing the required construction-phase mitigation and monitoring measures (during technical evaluation of submitted bids, the executing agency may request PMOs to task their environment staff and/or consultants to assist in evaluation of SEMP).
- Bidders, construction contractors, construction supervisors, and any other entities involved in subproject environmental safeguards have access to subproject IEEs.
- Tenders are prepared for implementation of any EMP measures not included in SEMP.
- Contracts and workplans for construction supervision include supervision of EMP implementation (whether undertaken within SEMP or implemented separately).

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<sup>5</sup> The IEE report and a Statement of Environmental Consequences along with other supporting documentation is submitted to a State Expert Commission for the State Environmental Review (SER).

- Project management monitoring and reporting systems track and report EMP implementation indicators

## **B. During Construction & Operation**

77. During subproject construction and operation, the PIO responsible for the subproject will undertake the following tasks:

- Supervise and monitor EMP/SEMP implementation.
- Include summaries of EMP/SEMP implementation supervision and monitoring in regular progress reports.
- Identify promptly deficiencies and adverse impacts observed during EMP/SEMP monitoring, and take action to address these.
- Prepare monthly environmental monitoring reports (EMR), documenting achievements and deficiencies in EMP/SEMP implementation, and submit to PMO (see example EMR outline, Appendix 3).
- Undertake EMP public consultation activities.

78. PMOs are responsible to ensure that that subproject PIOs perform their assigned tasks in environmental monitoring and reporting, and in the grievance redress mechanism (GRM).

## VI. REPORTING

79. **ADB-required IEEs.** As mentioned above, the PMOs, with feasibility study / design consulting services support under Output 1 and the support of an international consultant (Project implementation consultant) under Output 2, will prepare IEE-EMPs for each ADB Category B subproject. IEE-EMPs of ADB Category-B subprojects meeting any of the criteria set forth in Section IV. C will be submitted to ADB for review and approval.
80. **Environmental clearance applications submitted to SAEPP.** As mentioned above, an environmental clearance application will be submitted to SAEPP.
81. **Monthly environmental monitoring reports.** PMOs, assisted by the Project implementation consultant, will produce biannual environmental monitoring reports and submit them to ADB for disclosure on the ADB website. These reports should include summaries of environmental progress, achievements, and deficiencies related to EMP implementation, monitoring data collected, information on (non-) compliance notices issued to contractors, complaints received from stakeholders through GRM or other routes, and actions taken to rectify problems.
82. **ADB review mission reports.** ADB review missions will review and report on adherence to environmental covenants.
83. **Contractor recordkeeping and reporting.** Contractors will maintain records of emissions, spills, and complaints, and provide copies to the relevant PIO / PMO.
84. **Public consultation reporting.** Public consultation during IEE will be recorded in a public consultation record (see formats in Appendix 4) and included in the IEE as an appendix.
85. **GRM reporting.** During construction, stakeholder complaints, and actions taken to resolve them, will be recorded in log books kept by GRG chairpersons. Monthly environmental monitoring reports will review all active log books and summarize the GRM activity during the period.

## VII. PUBLIC CONSULTATION AND INFORMATION DISCLOSURE

### A. Overview

86. **ADB requirements.** ADB's environmental safeguard policies require public consultation meetings (PCM) at an early stage of the IEE process for environment Category B investments. Adequacy of PC and information disclosure is one of the criteria used to determine compliance with ADB safeguard policies. Requirements for Category B subprojects are documented here. Category A subprojects are excluded from Project financing.

87. **Category B.** PCM during the early stages of the IEE process and throughout project implementation will be undertaken, to address any environmental issues of concern to local communities, NGOs, governments, and other interested parties.

88. **Category C.** PCM are not required but may be held if warranted by the nature of the subproject, its environmental and social issues, or stakeholder interest.

89. **Objectives.** PCM seeks to (i) explore genuine local demand for the proposed works; (ii) foster participatory, comprehensive, and accurate preparation of the works, (iii) strengthen WUAs and WUGs, (iv) support commitment and participation of WUAs and WUGs in implementation, (v) contribute to effective and transparent communication between implementing agencies and WUAs/WUGS, and (vi) provide opportunities for both men and women to participate and contribute to planning of interventions beneficial to them.

### B. Public Consultation during IEE Preparation

90. At least one round of PCM will be held during the IEE study to present the subproject proposal to stakeholders and affected people and collect their comments, suggestions, and concerns. Typical IEE PCM in a proposed subproject will consist of two or more meetings with farmers from the head, middle, and tail areas of the irrigated area, and two or more meetings with women from the head, middle, and tail areas. Smaller subprojects may need fewer meetings, and larger ones more.

91. Sample questionnaires for men and women meetings and a sample reporting format are provided in Appendix 4. These can be modified as implementation progresses to incorporate lessons learned from earlier PCMs.

### C. Local Availability of IEE

92. PMO/PIOs will promptly provide a copy of the IEE, in printed or electronic form, to any subproject stakeholder, Project staff, or member of the public on request.

**D. Local Disclosure of IEE Findings**

93. IEE and social safeguards findings relevant to local stakeholders will be disclosed in a form, place, and languages accessible to them. A single combined environmental and social disclosure will be provided that includes:

- (i) What will be affected by the subproject?
- (ii) When will these effects occur?
- (iii) When and how will the effects be mitigated and/or compensated and how?
- (iv) How were concerns expressed by stakeholders and affected people in the IEE public consultation meetings addressed by the Project proponents? Have any concerns not been addressed, and if so, which ones and why?
- (v) Who is available to listen to concerns, answer questions, and receive complaints?

94. The PMOs will prepare a presentation of this information in English and in Russian translation, and, after reviewing it with representative local stakeholders (WUA and WUG members, elders, district governors, women, etc.), print and distribute brochures and/or handbills to be placed in public places.

**E. Implementation-Phase PC Programmes**

95. All EMPs should include appropriate implementation-phase Public Consultation. Implementation-stage PC is supervised by the relevant PMO and PIO as part of the implementation program. Its purpose is to advise stakeholders of Project implementation activities and of monitoring results.

**F. Disclosure of Subproject IEEs on ADB Website**

96. IEEs of the RSPs will be disclosed on the ADB website. Subproject IEEs prepared during Project implementation will also be disclosed.

## VIII. STAFFING REQUIREMENTS AND BUDGET

97. Environmental safeguards will be managed and implemented by the PMO and PIOs with support from the implementation consulting services (ICS) and feasibility study / design consulting services (FSDC):

- (i) The MOA PMO environment safeguards officer will be available to the Project on a half-time basis, and the MOES PMO environment safeguards officer on a one-third time basis. They will support and provide input to subproject screening, categorization, IEE-EMP preparation, public consultation meetings, disclosure, and to pre-construction and construction-phase EMP/SEMP implementation.
- (ii) A budget has been provided for PMO and PIO staff to undertake public consultation meetings and construction-phase monitoring visits.
- (iii) The FSDC will be responsible for environmental due diligence of MOA sub-projects. The design firm budget, including the cost of surveys, has been calculated as eight per cent of the civil work costs.
- (iv) The ICS will include an international environmental safeguards specialist for one person-month to provide training to the national PMO environmental safeguard officers, and to help set up systems.
- (v) PIO construction supervisors will monitor EMP implementation by contractors, and are the proponent representatives at the GRM entry level.
- (vi) Escalated grievances may be referred to DWR, district governors, and PMOs.
- (vii) No equipment purchases related to environmental activities are anticipated.

## SCREENING CHECKLIST FOR CANDIDATE SUBPROJECTS

**Instructions:**

- (i) The Project team completes this checklist for each potential subproject to support its classification as ADB environment category A, B, or C.
- (ii) The checklist focuses on environmental issues and concerns. Social screening instruments should be used to screen for social dimensions such as involuntary resettlement, indigenous peoples, poverty reduction, and gender.
- (iii) Complete checklist items for the “without mitigation” case to identify potential environmental impacts. Document potential mitigation measures in the “remarks” column.

**Subproject name:**

**Subproject location:**


*Village, district, lat, long*

Screening Questions	Yes	No	Remarks
<b>A. Subproject Siting</b> Is the Subproject area adjacent to or within any of the following environmentally sensitive areas? (attach additional sheets if needed for remarks)			
▪ Protected Area			
▪ Wetland			
▪ Mangrove			
▪ Estuarine			
▪ Buffer zone of protected area			
▪ Special area for protecting biodiversity			
<b>B. Potential Environmental Impacts</b> Will the subproject cause...			
▪ loss of precious ecological values (e.g. result of encroachment into forests/swamplands or historical/cultural buildings/areas, disruption of hydrology of natural waterways, regional flooding, and drainage hazards)?			
▪ conflicts in water supply rights and related social conflicts?			
▪ impediments to movements of people and animals?			
▪ potential ecological problems due to increased soil erosion and siltation, leading to decreased stream capacity?			

Screening Questions	Yes	No	Remarks
▪ Insufficient drainage leading to salinity intrusion?			
▪ over pumping of groundwater, leading to salinization and ground subsidence?			
▪ impairment of downstream water quality and therefore, impairment of downstream beneficial uses of water?			
▪ dislocation or involuntary resettlement of people?			
▪ disproportionate impacts on the poor, women and children, Indigenous Peoples or other vulnerable groups?			
▪ potential social conflicts arising from land tenure and land use issues?			
▪ soil erosion before compaction and lining of canals?			
▪ noise from construction equipment?			
▪ dust during construction?			
▪ waterlogging and soil salinization due to inadequate drainage and farm management?			
▪ leaching of soil nutrients and changes in soil characteristics due to excessive application of irrigation water?			
▪ reduction of downstream water supply during peak seasons?			
▪ soil pollution, polluted farm runoff and groundwater, and public health risks due to excessive application of fertilizers and pesticides?			
▪ soil erosion (furrow, surface)?			
▪ scouring of canals?			
▪ clogging of canals by sediments?			
▪ clogging of canals by weeds?			
▪ seawater intrusion into downstream freshwater systems?			
▪ introduction of increase in incidence of waterborne or water related diseases?			
▪ dangers to a safe and healthy working environment due to physical, chemical and biological hazards during project construction and operation?			



Screening Questions	Yes	No	Remarks
<ul style="list-style-type: none"> <li>▪ large population influx during project construction and operation that causes increased burden on social infrastructure and services (such as water supply and sanitation systems)?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ social conflicts if workers from other regions or countries are hired?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ risks to community health and safety due to the transport, storage, and use and/or disposal of materials such as explosives, fuel and other chemicals during construction and operation?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ community safety risks due to both accidental and natural hazards, especially where the structural elements or components of the project (e.g., irrigation dams) are accessible to members of the affected community or where their failure could result in injury to the community throughout project construction, operation and decommissioning?</li> </ul>			



## **STANDARD CONSTRUCTION CONTRACT ENVIRONMENTAL SAFEGUARD CLAUSES**

### **A. Environmental Protection and Control of Pollution**

#### **1. General**

98. The Contractor shall observe and comply with all National Laws, Government Regulations, Presidential Decrees, and Ministerial Regulations pertaining to environmental protection, pollution control, waste management, and biodiversity protection. In conducting his/her construction activities, the Contractor shall take all necessary precautions to minimise environmental disturbance to the project area and surroundings and to prevent the escape of polluting substances into streams, water courses, and ground water. The Contractor shall also utilise all necessary practicable methods and devices as are available to prevent and otherwise minimize atmospheric emissions or discharges of air contaminants.

99. Except where otherwise agreed or provided for by the Employer or expressly stipulated in Particular Specifications or Technical Specifications forming part of the Contract Documents, no separate payment will be made for complying with the provisions of this Clause and attendant sub-clauses; and all costs shall be deemed to be included in the prices for the Contractor's mobilisation for construction, and the various rates and lump sum items for the works included in the priced Bill of Quantities.

#### **2. Pollution of Water Courses and Streams**

100. The emission of polluting liquids or other waste into drains, water courses, or ground water shall not be permitted.

101. No concrete or cement washings from the works or drainage from the Contractor's concrete batching and mixing areas, asphalt (hot mix) plants, or other manufacturing or production facilities shall be allowed to discharge into streams or drains without passing through an adequate system of settling ponds.

102. Storage of fuels, fuelling and maintenance of plant and vehicles, etc. shall take place only on sites and under conditions that do not allow spilt fuels to be discharged to water bodies. Fuel storage and fuelling areas shall be equipped with adequate protective measures to confine and retain accidental spillages. No drainage from fuel store and plant maintenance depots shall be allowed to be discharged without passing through an adequate arrangement of oil traps and separators.

103. Washing of vehicles shall not be permitted in streams but only in specially designated and equipped areas.

104. Operations in quarries and borrow areas shall be carried out in such a way as to minimize any possible pollution from particulate matter entering the streams. Adequate sanitary waste control facilities shall be provided in site offices and workers camps, and sewage waste shall be collected regularly and disposed in accordance with relevant environmental legislation.

105. The Contractor shall accordingly be responsible for the installation, operation and maintenance of a comprehensive drainage system to all areas of the Works. The system shall be constructed such that no discharges of oil, cement, silt or other liquid or solid waste matter can enter the streams and water courses at the site; and it shall have all necessary solid waste and

sediment traps, settling ponds, oil separators, etc., required to ensure that pollution of streams watercourses and natural bodies of water does not occur. The Contractor shall be responsible for maintaining the system to the satisfaction of the Employer's Construction Supervisor and all costs of providing the system shall be deemed to be included in the various rates and lump sum items for the works included in the priced Bill of Quantities.

### **3. Air Pollution**

106. The Contractor shall take all necessary steps to minimize air pollution resulting from his/her operations.

107. Except where stipulated in these Specifications for the disposal of natural vegetation and organic materials from clearing operations, the burning of waste materials for disposal, particularly oil and petroleum wastes, rubber, plastics and similar materials will not be permitted.

108. During the performance of the work required under the Contract or of any operations appurtenant thereto, whether on the Project Site or elsewhere, the Contractor shall take all steps necessary, and shall furnish all labor, equipment, materials and means, required to reduce dust nuisance from the Works, and to prevent dust originating from his/her operations from damaging crops, orchards, cultivated fields, and dwellings; or causing a nuisance to persons. The Contractor shall be held liable for any damage resulting from dust originating from his operations including on Government roads, rights-of-way or elsewhere.

109. The emission of dust into the atmosphere shall not be permitted during the manufacture, handling and storage and handling of cement and of concrete aggregates, and the Contractor shall use such methods and equipment as are necessary for the prevention, or the collection and disposal, of dust during such operations. All truckloads of loose materials shall be covered during transportation

110. Concrete batching and mixing areas, asphalt (hot mix) plants, or other manufacturing or production facilities shall be sited at least 500m from the nearest habitation. Emission outlets shall be fitted with pollution control devices in compliance with relevant current Government emission control legislation.

111. The cost of spraying water on haul roads, access roads, government roads, aggregate stockpiles, etc.; or of any other methods of reducing the formation of dust; and the cost of furnishing and applying materials to maintain the works areas, adjacent areas, and roads, in a dustless condition, shall be deemed to be included in the various rates and lump sum items for the works included in the priced Bill of Quantities.

### **4. Noise Pollution**

112. The Contractor shall take all necessary precautions to minimize the amount of noise and vibrations coming from construction activities

113. The Contractor shall ensure that all plant and equipment is properly maintained in good operating condition, and that noisy construction activities shall be effectively sound reduced by means of silencers, mufflers, acoustic linings or shields, acoustic sheds or screens or other means, to avoid disturbance to any nearby noise sensitive receivers. All plant and equipment shall comply with relevant Government legislation covering sound emissions.

114. Quarry operations and blasting shall be undertaken so as to minimize blasting and disturbance during the night and, insofar as possible, noise, vibration and dust. Operation of trucks and heavy vehicles and machinery shall be restricted to the hours of 06:30 to 19:00.

115. All necessary measures shall be undertaken to protect schools, hospitals and other adjacent noise sensitive receptors, including the use of noise barriers.

## **5. Damage to Property, Crops, and Vegetation**

116. The Contractor shall limit the movement of his/her employees and equipment within the project area and on adjacent land, including access routes approved by the Employer's Construction Supervisor, so as to minimize damage to natural vegetation, crops and property, and shall endeavor to avoid any damage to land.

117. The Contractor shall strictly ensure employees and equipment do not enter any sensitive environmental areas that are demarcated as "no-entry" zones.

118. The Contractor shall preserve existing trees, plants and other vegetation that are to remain within or adjacent to the Works and shall use every precaution necessary to prevent damage or injury thereto. Trees or shrubs shall only be felled or removed where such impinge directly on the permanent works or necessary temporary works areas; and where such is approved by the Employer's Construction Supervisor.

119. On completion of the Works all areas disturbed by the Contractor's construction activities shall be restored by the Contractor to their original condition, or as may be acceptable to the Employer.

120. The Contractor shall be responsible directly to the Employer for any excessive or unnecessary damage to crops or lands arising from his/her operations, whether within the project area, on lands adjacent thereto, or adjacent to approved access roads: and deductions will be made from the payment due to the Contractor to cover the cost of such excessive or unnecessary damage, as determined by the Employer.

## **B. Reporting**

121. The Contractor shall maintain a record of all emissions and spills of liquid, solid and gaseous matter which occur at the site, whether into water courses, streams, on land, or into the air. This record shall be compiled daily and shall include details of date, time and nature of the event, along with details of the remedial and clean-up measures carried out.

122. Copies of these records shall be given to the Employer monthly.

123. The Contractor shall also maintain a record of any complaints made by any Governmental or Community Organization or by the public, regarding his/her operations. This record shall contain the date and time of receipt of the complaint, the name and address of the complainant and the action taken to remedy the situation. Copies of these records shall be given to the Employer monthly.

### **C. Environmental Management Plan**

124. The requirements of this clause and attendant sub-clauses on Environmental Protection and Pollution Control notwithstanding; the Contractor shall observe and comply with all relevant environmental protection and mitigation, monitoring, and reporting requirements in the Environmental Management Plan (EMP) as stipulated in the Particular Specification. In the event of any conflict between the foregoing sub-clauses and the environmental protection and mitigation measures and pollution control requirements of the EMP, the EMP shall take precedence.

125. The Contractor shall prepare and submit to the Employer's Construction Supervisor a Site Specific Environmental Management Plan (SEMP) demonstrating the manner in which the Contractor will comply with the requirements of the foregoing subclauses on Environmental Protection and Pollution Control, the EMP, and any particular environmental mitigation measures as stipulated in the Particular Specifications or Technical Specifications forming part of the Contract Documents.

126. The SEMP shall be submitted within 15 working days of the Contractor receiving the Notice to Proceed With the Works, and shall include the set of management plan listed as part of the EMP (e.g. waste management plan, dust management plan, noise management plan, surface water management plan, emergency management plan, health and safety management plan, or any other management plan as stated in the EMP). Training shall be provided to workers about the appropriate implementation of the SEMP. Construction or rehabilitation works at the sites cannot start until the SEMP is approved by the EA.

127. Where stipulated in the Particular Specifications or Technical Specifications forming part of the Contract Documents, and provision has been made in the Bill of Quantities; payment for the implementation of the SEMP will be made in accordance with the Unit Rates, Lump Sum or Provisional Sum Items included in the Priced Bill of Quantities.

## EXAMPLE OUTLINE, ENVIRONMENTAL MONITORING REPORT

**Abbreviations**  
**Executive Summary**  
**Table of Contents**

### I. INTRODUCTION

[Boilerplate that is the same for all EMRs of a particular Project. Describes the reason for the report; its relationship to other reports eg one in a series of biannual monitoring reports required by ADB; purpose of the report eg document results of monitoring activities carried out per IEE-EMP monitoring plan(s); report structure. Length about ½ page]

[Identify the dates of this reporting period.]

### II. PROJECT DESCRIPTION

[Boilerplate that is the same for all EMRs in a series. Project name, acronym, numbers; location, purpose, proponents, financing, summary of physical works, schedule – ½ page]

### III. PHYSICAL PROGRESS

[Summary of physical progress (i) to date and (ii) during the reporting period]

### IV. STATUS OF FOLLOW UP ACTION ITEMS FROM PREVIOUS EMR

[This section presents a table listing follow-up action items from the previous EMR, actions taken during the reported period, whether or not the issue has been resolved, and if not a description of what remains unresolved and the follow up plan]

List of action items from last section of previous EMR	Action taken during reported period		Issue resolved at end of reported period	
	Y/N	Description of actions taken	Y/N	Description of unresolved issue & follow up action items
Action item 1				
Action item 2				
Action item 3				
[Add'l lines as needed]				

### V. MONITORING

#### A. Planned And Undertaken During The Reported Period

[This section presents a text summary of any mitigation deficiencies / adverse impacts found by the monitoring and actions taken to address them, accompanied by a table - structured similarly to the IEE monitoring summary table – that provides details of the monitoring planned and actually undertaken during the reported period.]

Subproject		Mitigation measure	Monitored parameters	Location	Results of monitoring / measurements	When measured	By whom
No	Name						

**B. Monitoring Due during the Next Reporting Period**

[This section presents a table that lists the monitoring provisions of EMPs and EARF (if there is one) that apply to the next reporting period]

Subproject		Mitigation measure	Monitored parameters	Location	When to measure	By whom
No	Name					

**VII. PUBLIC CONSULTATION & INFORMATION DISCLOSURE**

**A. Planned And Undertaken During The Reported Period**

[This section presents a table showing the public consultation and disclosure events that were planned and actually occurred during the period, tagged to date, subproject location, participants, issues raised etc. as appropriate.]

**B. Consultation and Disclosure Due During the Next Reporting Period**

[This section presents a table that lists the consultation and disclosure provisions of EMPs and EARF (if there is one) that apply to the next reporting period.]

**VIII. GRIEVANCE REDRESS MECHANISM**

[This section provides information about grievances received during the period, actions taken on new and ongoing grievances, and unresolved issues at the end of the period.]

**IX. FINDINGS AND ACTION ITEMS**

[Summarize main points of monitoring, public consultation and information disclosure, GRM, corrective actions taken, actions items to be undertaken, and recommendations for adjustments to the reported activities (monitoring, public consultation and information disclosure, GRM, corrective actions.)]





**B. Format for Public Consultation Meeting Notes**

**Instructions:** Enter meeting information, one table per meeting. Add tables as needed.

<b>Table &lt;n&gt;: Meeting &lt;meeting number&gt; – SP &lt;SP name&gt; &lt;location within SP&gt;, &lt;men or women&gt;</b>	
<b>Meeting date &amp; time:</b>	<enter date and time>
<b>Place:</b>	<enter meeting place village, district, province, and GPS coordinates if available>
<b>Topics:</b>	See agenda and questionnaire, Table <m>
<b>Attending:</b>	<i>Proponents: &lt;list of consultants, ministry/department staff, district government representatives and staff&gt;Stakeholders: per sign-in sheet below, &lt;how many&gt; men - &lt;list men's occupations&gt;</i>
<b>Concerns raised by stakeholders</b>	
<summary phrase for concern #1>	1. <Description of concern as stated by stakeholder(s)>
<summary phrase for concern #2>	2. <Description of concern as stated by stakeholder(s)>
<summary phrase for concern #3>	3. <Description of concern as stated by stakeholder(s)>
	<Add as many rows as needed to list all concerns raised by stakeholders>
<b>Outcomes &amp; conclusions</b>	
<All stakeholder concerns, or Stakeholder concerns numbered (list of concern numbers)> will be accommodated by the Project. <If some concerns cannot be accommodated, complete the following section> Stakeholder concern <number> <describe Project response or inability to respond.>	
<b>Action items for proponents</b>	
<ol style="list-style-type: none"> <li>1. &lt;List proponent action item for concern #1&gt;</li> <li>2. &lt;List proponent action item for concern #2&gt;</li> <li>3. &lt;List proponent action item for concern #3&gt;</li> <li>4. &lt;List proponent actions for each concern&gt;</li> </ol>	
<b>Reported by:</b>	<name of proponent representative who facilitated the meeting and took or checked the final notes>