Due Diligence Report

Project number: 35173-013

January 2016

NEP: Third Small Towns' Water Supply and Sanitation Sector Project – Bardghat, Nawalparasi

Prepared by the Third Small Town Water Supply and Sanitation Sector Project, Ministry of Urban Development, Government of Nepal for the Asian Development Bank.

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Government of Nepal

Ministry of Urban Development Department of Water Supply and Sewerage



Project Management Office (PMO)

Panipokhari, Maharajgunj, Kathmandu, Nepal

Enhance Functionality in Small Towns Water Supply and Sanitation Sector Project (STWSSSP)

Resettlement Due Diligence Report

Bardghat Small Towns Water Supply and Sanitation Sector Project Nawalparasi

Kathmandu, January 2016

Submitted by:

Joint Venture in Between



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CURRENCY EQUIVALENTS

(As of 5 Nov 2014)

Currency Unit = NPR

NPR 1.00 = \$0.00996 \$1.00 = 97.95

WEIGHTS AND MEASURES

cum – cubic meter
Km – kilometer
m² – square meter
Mm – millimeter

m³ – micrograms per cubic meter

ABBREVIATIONS

ADB - Asian Development Bank

AP – Affected persons BPL – Below poverty line

CBS - Central Bureau of Statistics

CDC - Compensation determination committee

CDO – Chief District Officer

DDC – District Development Committee
DSC – Design and supervision consultants

DWSS - Department of Water Supply and Sewerage

EA – Executing agency GON – Government of Nepal

GRC – Grievance redress committee GRM – Grievance redress mechanism

IR – Involuntary resettlement

lps – Liters per second

MUD – Ministry of Urban Development NLSS – Nepal Living Standards Survey

PD - Project director

PMC – Project management consultant PMO – Project management office

PPTA - Project preparatory technical assistance

RF - Resettlement framework
RP - Resettlement plan
RS - Resettlement specialist
SSO - Social Safeguards Officer

SPS – Safeguard Policy Statement STWSSSP – Small Towns Water Supply and Sanitation Sector

Project

TA – Technical assistance
TDF – Town development fund
TOR – Terms of reference

WSSDO - Water Supply and Sanitation Division Office

WTP – Water treatment plant

WUSC – Water users and sanitation committeeVDC – Village Development Committee

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I. INTRODUCTION

A. Introduction

- 1. The Small Towns Water Supply and Sanitation Sector Project (STWSSSP) is a key initiative of Government of Nepal aiming at improved water supply and sanitation services in small towns and emerging urban areas of Nepal. The Enhance Functionality in Small Towns Water Supply and Sanitation Sector Project (STWSSSP) is designed to improve the performance and efficiency of the projects constructed during the first phase STWSSSP projects. There are 29 small town subprojects constructed in this phase. The Enhance Functionality in Small Towns Water Supply and Sanitation Sector Project (STWSSSP) aims to strengthen the overall efficiency and effectiveness of service delivery with a particular focus on technical and financial aspects, at both national and local levels. Its envisaged outputs include: (i) improved water supply and sanitation infrastructure; (ii) strengthened sector policy, regulatory and institutional capacity and service delivery; and (iii) improved project implementation. The Project will also strengthen Government of Nepal's efforts to meet its millennium development goals. The project is to be implemented in 6 months.
- 2. The Enhance Functionality in Small Towns Water Supply and Sanitation Sector Project (STWSSSP) uses a sector lending modality of ADB. A total of 29 towns are proposed to be covered under the project. Preparation for the The Enhance Functionality STWSSSP is underway and the funding is secured by the ADB as well as the GON. Department of Water Supply and Sewerage (DWSS) is the implementing agency whereas the Ministry of Urban Development is the executing agency. The project will assist in implementing a part of the 15-year Development Plan for Small Towns Water Supply and Sanitation Development in the country and 29 Small Towns will be covered by this project.

B. Proposed Subproject Components

3. This land acquisition and resettlement due diligence report is prepared for the proposed Bardaghat Small Towns Water Supply and Sanitation Sector subproject, under the The Enhance Functionality in Small Towns Water Supply and Sanitation Sector Project). The proposed service area of the water supply subproject includes ward no. 4 of Makar VDC Municipality. The total households of the wards of selected service area are 3,042 and total population is 15,299 excluding the institutional population in 2014.

4.

II. SUBPROJECT DESCRIPTION

A. Proposed components

The Bardghat sub-project has been conceptualized as a combination of surface water and groundwater pumping system. The necessary water to be supplied comes from both the surface source and groundwater sources (Tube-wells). There is a water treatment system as well in place. The system is operating with low efficiency because of the low efficiency of the WTP, inefficient intake structure, insufficient carrying capacity of transmission pipeline, as well as insufficient distribution pipeline system. Therefore these problems will be solved by the proposed project.

The details of the enhancement works are given below in Table 1.

Table 1: The details of the enhancement works

	,			-
S. No.	Name of Structure	Existing	Additional	Total
1	No. and capacity of	2(700cum)	None	2(700cum)
	Reservoirs:	,		, ,
2	Treatment Facilities	1(6 lps, PST)	Chlorination Unit	1(6 lps, PST)
		Chlorination Unit	(Rehabilitation)	Chlorination Unit
3	Pipeline Length:			
3.1	Transmission	2.7 km	0.5 km	3.1 Km
3.2	Distribution	54 km	4.4 km	58.4 Km
3.3	Total	56.7 Km	4.9 Km	61.6 Kms
4	Chlorination Unit with	None	1	1
	lab			
5	Surface Intake/Borehole	Surface Intake 2	SS Rehab	4
	Drilling	TW 2		

- 5. The technical components are designed with close coordination with safeguard team and WUSC executive members to avoid involuntary resettlement impacts. Among the components to be rehabilitated, all the components like Intake, WTP, reservoirs, transmission pipeline etc are already existing in place. The new Chlorination unit with lab is to be constructed within the existing OHT premises. Therefore no additional land is required for the construction of proposed works.
- 6. A due diligence process was conducted for proposed project sites and alignments in line with the Resettlement Framework prepared for the Third STWSSSP and ADB SPS 2009. This report describes the findings and provides copies of relevant legal documents, resolutions, minutes of meetings and photographs. Upon project implementation, the Social Safeguards Officer at PMO will be required to undertake a review of this due diligence, prepare a confirmation letter or report documenting any modifications for the subprojects in Bardhaghat Water Users Committee and submit to ADB; and receive a 'no objection' confirmation from ADB prior to start of construction.

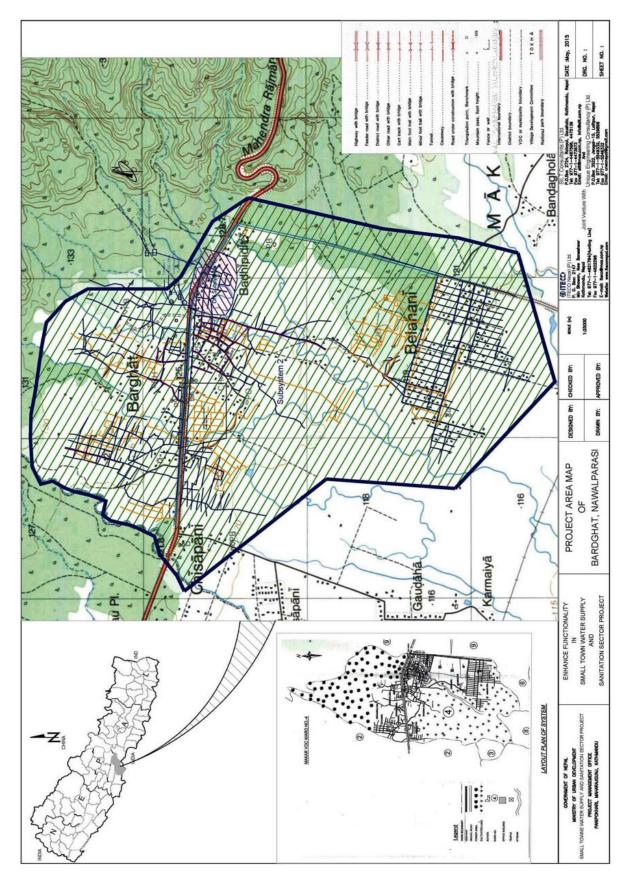


Figure 1: Map of Bardhaghat Water Supply Subproject

III. FIELD WORK: SURVEYS AND PUBLIC CONSULTATION

A. Field Visit

7. Field visit to all proposed sites (i.e. sites with existing facilities proposed for continued use/rehabilitation, as well as new works including transmission main alignments, distribution pipeline alignment); and consultations with stakeholders were conducted to confirm land ownership and use, and the need for surveys and further consultations. It was confirmed that there is no need of land acquisition for this project.

B. Public Consultation

- 8. Consultations were undertaken with key stakeholders in line with ADB's requirements pertaining to environment and social considerations. Tools used for consultation were stakeholder meetings and Focus Group Discussions (FGD). Key concerns of the people related to the project and inclusion of poor in the drinking water supply scheme, willingness to pay, upfront cash collection, people's participation in project implementaion were discussed.
- 9. During field visits to all proposed sites and pipeline alignments, potential impacts and mitigation measures were assessed and discussed with stakeholders. The consultations helped in identifying the felt needs/concerns and priorities of the stakeholders. The field visits/reconnaissance surveys also helped ascertain that no further surveys and inventories are required.

Table 2: Summary of consultations

Date	Location	No. of Participant s	Participants	Topics Discussed	Issues Raised
2071/0 4/21	Water Users and Sanitation Committee Office	Male = 9 Total = 9	WUSC executive members, project safeguard team	Upgarding the water supply system, land requirement, environmental impacts	Ways and works to improve the supply system
2072/6 /6	Water Users and Sanitation Committee Office	Male = 26 Female= 15 Total = 41	WUSC executive members, project safeguard team, community users	Land acquisition resettlement Environmental Impacts while implementing the proposed, "Enhance Functionality" in Small Town Water Supply and Sanitation Sector Project	Possible land for new works, Resettlement issues, environmental issues, Willingness for individual connections to water supply; Upgrading of existing reservoirs, treatment plant & water source. Water quality; Subsidy to the poor;

IV. RESETTLEMENT IMPACTS

A. SCOPE OF LAND REQUIREMENTS

- 10. The sub-project components for rehabilitation are proposed in the existing WUSC private land and government land. Existing facilities proposed for integration (continued use/rehabilitation within existing premises) include the DTWs, their associated reservoirs, treatment plants and transmission lines. The tube-well pumping and surface water system rehabilitation is proposed within the WUSC owned land. The transmission pipeline rehabilitation will be laid along the forest area parallel or on the existing transmission line alignment and therefore there is no need of land acquisition. The distribution pipeline will follow road's RoW (government land) for laying. The existing water supply system in Bardhaghat Municipality will be integrated with the proposed enhancement works.
- 11. No relocation impacts or impacts on structures are anticipated at any of the identified sites or alignments for water supply improvement proposals in Bardghat Project. Temporary impacts of network laying and house connections are limited to potential access disruptions for shops and residences. Land ownership documents for different sites with existing facilities, and a no objection letter and minutes of meeting/resolution to provide land for water supply facilities from the land owners are annexed to this due diligence report.
- 12. About 4.9 km long distribution network is proposed along public road within rights of way. No road closures will be required during construction; contractor to undertake construction on one side of the road first and on completion of the same, start work on the other side to minimize impact on traffic. The contractor will be required to provide signal at appropriate locations indicating available alternate access routes to minimize traffic disruptions. The contractor will have to ensure access to shops and residences using simple wooden walkways where required and limit the excavation to a length of 500 m at a time to minimize disruption. Construction contracts will include the above provisions.
- 13. Provision of 4,446 house connections for the year 2030, will be made by WUSC according to the demand. They are not included in the cost estimation, therefore it will not cause any environmental or social impacts. However there will be temporary disruptions in access to residences during connection distribution process. The contractor will be required to maintain access to the public mobility if required during construction period. Table 3 gives details of IR impacts of each proposed subproject component.

Table 3: Proposed sub-project components Bardhaghat Municipality Water Supply Sub-project and their involuntary resettlement impact status

Overview of Impacts	Area (sq.m)	Land Ownership	IR Impacts	IP Impacts	Proposed mitigation measures
Rehabilitation works					
Tube well mainteance		Existing	No significant impact	None	
Rehabilitation/Construction of new works in intake intake		Existing	Landslide and erosion	None	Construction of check dam, gabion and bioengineering works
		Existing	Impact on vegetation	None	Removal of vegetation
Protection and maintenance		Existing	Diversion of spring	None	Construction of check dam and gabion
Landslide stabilization work		Existing	Landslide and erosion	None	Construction of check dam, gabion and bioengineering works
Pipe line change		Existing	Impact on vegetation	None	Removal of vegetation
Leakage improvement		Existing	Not significant impact	None	
Plain sedimentation tank		Existing	No any significant impact	None	
Installation of chlorination unit		Existing	Excessive use may be detrimental	None	Avoide excessive use
		Existing	Leakage through storage	None	Maintain proper storage to avoide leakage
Maintenance of reservoir		Existing	No significant impact	None	
Network rehabilitation activities/ Additional		Existing	Traffic disturbence	None	Arrangement for traffic diversion with traffic
distribution network		Existing	Air pollution due to operation of power generator	None	Dust reduction and emission should be controled
		Existing	HHs water distribution	None	Intermittend supply

V. SOCIO-ECONOMIC PROFILE

- 14. The project was completed under STWSSP 1 in 2008. Bardhaghat is the fastest growing town in eastern Nepal, where in-migration trend is very high due to the prevailing security situation in neighboring hill districts of Ilam, Taplejung, Panchthar and Terthum. Also there are high opportunities of employment and business opportunities in Bardhaghat. Market area of Anarmani (Bardhaghat and Birta Bazar) is compact. The neighboring VDCs of Arjundhara, Charpane etc. are also developing at a rapid pace.
- 15. This is evident from the statistical figure of Anarmani VDC. The 1999 population of Bardhaghat Bazaar (Anarmani VDC) is 27320 with 17816 households (own house) and 9504 (rented house). Of the total hose owning population of 17816 the number of those bom in the VDC itself comprises of 4577. Those from inside the district number 7045 and those from other parts of the country are 4907, There is significant number of immigrants from India: 1184.
- 16. The major sources of income in the service area are business, agriculture and remittance. The dependency on nonagricultural activity in the VDC is around 75 %. There are several industries in the area. The major industry is agro-based. Tea is a significant one. Tea estates and small tea packaging are operating in the area. Rice mills, oil mills are important industries. This is the main transport centre of the area. Garages and repair shops for motor vehicles abound the main road area. Other industries under operation are construction, service industry including computer and IT. There is a significant part of the population depending upon transport service.
- 17. The major ethnic castes in the proposed project area are Brahman, Chhetri, GiriTamang, Limbu, Kami, Damai, Sarki, Newar, Gurung, Rai etc. Similarly, there are also minority ethnic groups such as Rajbansi, Choudhary, Satar, Meche and Muslim etc. residing in the proposed service area
- 18. There is a sub Health Post in the VDC with 8 staff, a Village clinic, a vaccination clinic, and number of women Health volunteers and trained midwife. Besides a Mary Stopes Centre and Nepal Family Planning Association Clinic are providing service. There is a good water supply system in the main bazaar area. Of the 3260 households 1181 have connection from the town supply. 1939 HH have only tubewell for drinking water. 140 have dug wells. Even those HH, which have connection to the town supply, have tube well.

VI. INFORMATION DESSIMINATION

19. The DDR is publicly available in Water Users and Sanitation Committee office, District Water Supply and Sanitation Division Office, Project Management and Implementation Support Team, Project Implementation Unit. Further, the DDR is translated in local i.e. Nepali language and made available in WUSC and project regional/district office. The report is also made available to any requester including PAF and related stakeholder.

VII. GRIEVANCE REDRESS

20. The WUSC assigns one executive member as focal person to handle grievances of the Project Affected Persons (PAF) who are not satisfied with the procedure of the preparation of DDR and project implementation. The deputed member with representative of supervision consultant and contractor will settle the grievances. The WUSC in facilitation of project staffs will check the level of follow-up on these grievances and share observations. If the AP is not satisfied by the resolution the team, it will forward to executive committee of WUSC. The WUSC committee will ensure the grievances are addressed and AP is satisfied. Again if AP is not satisfied the resolution made by WUSC executive committee, it will forwarded chief district officer.

VIII. CONCLUSIONS

21. The subproject has insignificance impact on land and livelihood of PAF. It doesn't require dislocating any private and public structures. There is no land acquisition and therefore it doesn't have any significant impact in livelihood of PAF. Similarly compensation cost is not required for the implementation of this sub project.but the water fetching time is reduced. It doesn't require dislocating any private and public structures and hence falls under the B category of ADB guidelines and this DDR is prepared.

Appendix I: IR & IP Screening Checklist

INVOLUNTARY RESETTLEMENT AND INDIGENOUS PEOPLE SCREENING CHECKLISTS

A. Introduction

1. Each project/subproject/component needs to be screen for any involuntary resettlement impacts and indigenous people impacts which will occur or already occurred. This screening determines the necessary action to be done by the project team.

B. Information on project/subproject/component:

a. District/ Administrative Name: Nawalparasi

b. Location: Bardghat Municipality

c. Civil work dates (proposed): February 15, 2016 to August 15, 2017

d. Technical Description: It is an enhancement project and only rehabilitation type

of works will be carried out. Intake, reservoir, WTP, pipeline and other facilities will be rehabilitated. New chlorination shed with lab will be constructed in the existing WTP complex. No other **n**ew works are

proposed.

Country	Nepal	
Subproject Name	Bardghat Small Town Water Supply and Sanitation Project	

C. Screening Questions for Involuntary Resettlement Impact

,	A. Probable Involuntary Resettlement Effects	Yes	No	Not known	Remarks
Inv	oluntary Acquisition of Land		i i		
1.	Will the project include any physical construction work?	٧			Intake, RVT, WTP, pipeline and chlorination shed with lab
2.	Does the proposed activity include upgrading or rehabilitation of existing physical facilities?	٧			
3.	Will there be land acquisition?		1		There will be no land acquisition because the land possessed by WUSCis sufficient for Intake and Chlorination Shed with Lab.
4.	Is the site for land acquisition known?				N/A
5.	Is the ownership status and current usage of land tobe acquired known?				N/A
6.	Will easement be utilized within an existing Right o	f√			The pipe laying will be carried out

10

	Way (ROW)?				possible private la	right of in order nd loss a possible a	to av	void the minimize
7.	Will there be loss of shelter and residential land due to land acquisition?			-15.	N/A			
8.	Will there be loss of agricultural and other productive assets due to land acquisition?				N/A			
9.	Will there be losses of crops, trees, and fixed assets due to land acquisition?				N/A			
10.	Will there be loss of businesses or enterprises due to land acquisition?				N/A			
11.	Will there be loss of income sources and means of livelihoods due to land acquisition?				N/A			
ln۱	oluntary restrictions on land use or on access to	legally d	lesigna	ted parks	and prot	ected are	as	
	Will people lose access to natural resources, communal facilities and services?		V		There is n	o any desi cted area i	ignated	
13.	If land use is changed, will it have an adverse impact on social and economic activities?				.N/A			
14.	Will access to land andresources owned communally or by the state be restricted?				N/A			2
Inf	ormation on Displaced Persons:							
	Any estimate of the likely number of persons t Subproject?	hat will	be disp	olaced by	the	[√] No	[]
Ye	s							
	If yes, approximately how many? None	_						
P	re any of them poor, female-heads of households	, or vuln	erable	to povert	y risks?	[√] No	[]	Yes
	Are any displaced persons from indigenous or et groups?	hnic mii	nority			[√] No	[]	Yes

2. Indigenous Peoples Impact Screening Checklist

(KEY CONCERNS (Please provide elaborationson the Remarks column)	YES	NO	NOT KNOWN	Remarks
	igenous Peoples Identification			13300033333	
1.	Are there socio-cultural groups present in or use the subproject area who may be considered as "tribes" (hill tribes, schedules tribes, tribal peoples), z"minorities" (ethnic or national minorities), or "indigenous communities" in the subproject area?		V		The service area of the subproject is heterogeneous in terms of ethnicity/caste & culture, and no specific territory of indigenous people or socio-cultural groups has been observed. Most indigenous people in subproject areas are economically and politically integrated into the mainstream society, and considering the nature and scale of the subproject, impacts on indigenous peoples are insignificant.
2.	Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the subproject area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?		1		nio grinio ana.
3.	Do such groups self-identify as being part of a distinct social and cultural group?		1		
4.	Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?		1		
5.	Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?		1		
6.	Do such groups speak a distinct language or dialect?	1			The ethnic groups in the service area speak their own distinct language among their members, but Nepali is spoken as common language.
7.	Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?	1			Dalits and Janajati groups have been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against to some extent.
8.	Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?	1			

٠.	Identification of Potential Impacts KEY CONCERNS			NOT	
(Please provide elaborationson the Remarks column)	YES	NO	KNOWN	Remarks
9.	Will the subproject directly or indirectly benefit or target Indigenous Peoples?	V			The subproject directly benefits the Indigenous/Janajati because all the beneficiaries will get water supply service irrespective oftheir ethnicity/caste and economic status.
10.	Will the subproject directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)		V		
11.	Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)		V		
12.	Will the subproject be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?		1		
	dentification of Special Requirements the subproject activities include				
13.	Commercial development of the cultural resources and knowledge of Indigenous Peoples?		1		
14.	Physical displacement from traditional or customary lands?		1		
15.	Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?		V		
16.	Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?		1		
17.	Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?		1		

D. Anticipated subproject impacts on Indigenous Peoples

Subproject component/ activity/ output	Anticipated positive effect	Anticipated negative effect	
1. Intake, RVT, WTP, and chlorination shed with lab	Regular water supply through efficient water supply system	None	
2.Pipeline Works (Excavation, pipe laying and backfilling)	Regular water supply through improved distribution network.	None	

Appendix II: Minutes of Meeting

English Translation of Minute of Meeting - Phase II

Bardghat Small Town Water Supply Sanitation and User's Committee organized a public hearing workshop on 2072/6/6. Participation was made from all concerned stakeholders. After discussion in the public hearing it was observed that there will be no negative impacts on the environment, no necessity of land acquisition and no need of resettlement while implementing the proposed "Enhance Functionality" in Small Town Water Supply and Sanitation Sector Project. As such it was decided to inform this conclusion to the concerned authorities.

वर्ष्णट स्वार्नेपार्ने तथा स्वयस्यकारे उपमेता स्वरस्य कर्ष्ट्राट - ४ तवलपराष्ट्री

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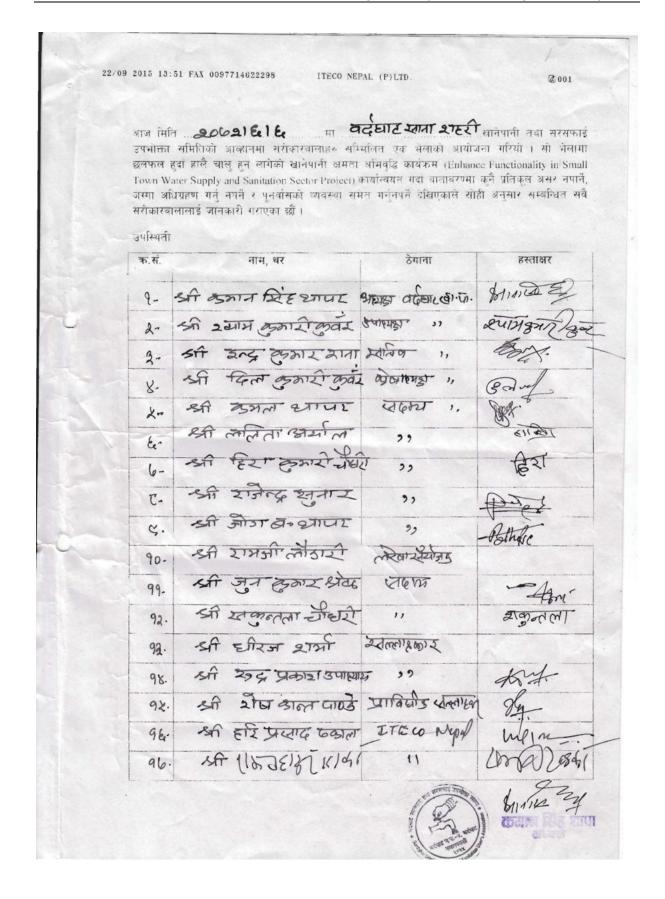
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Appendix III: Photographs



Photo No. 1



Photo No. 2



Photo No. 3



Photo No. 4



Photo No. 5



Photo No. 6