

Land Acquisition and Resettlement Plan

Project Number: 42184-027
July 2018

Proposed Loan for Additional Financing Mongolia: Southeast Gobi Urban and Border Town Development Project

Prepared by Ministry of Construction and Urban Development for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 20 July 2018)

Currency Unit	–	togrog (MNT)
MNT1.00	=	\$0.000406
\$1.00	=	MNT2,463.00

ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	affected person/people
LAR	–	land acquisition and resettlement
LARP	–	land acquisition and resettlement plan
LACUDD	–	Land Affairs, Construction and Urban Development Department
PUSO	–	public utility service organization

NOTE

In this report, "\$" refers to United States dollars.

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23rd July, 2018 No 9/1275
танай _____ -ы № _____ -т

Subject: Endorsement Letter

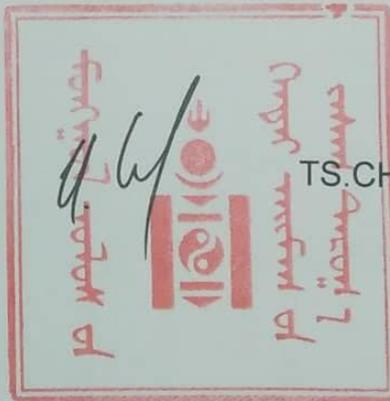
Reference: MON Second Additional Financing for Southeast Gobi Urban and Border Town Development Project - Land Acquisition and Resettlement Plan

We would like to submit the Land Acquisition and Resettlement Plan (July 2018) (LARP) for the Second Additional Financing for Southeast Gobi Urban and Border Town Development Project. (Project)

The LARP has been prepared in accordance with ADB's Safeguard Policy Statement (2009) (SPS) and applicable Mongolian laws and regulations.

We hereby confirm the content of the LARP and makes commitment that it will be implemented and budget for land acquisition and resettlement will be allocated on time.

Best Regards,



TS. CHOGSOMJAV



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Баталгаа хүргүүлэх тухай

Зүүн Өмнөд говийн хот байгуулалт, хилийн ойролцоох суурин газруудын хөгжлийн төслийн Нэмэлтийн нэмэлт санхүүжилтийн бэлтгэл төслийн Газар чөлөөлөлт, нүүлгэн шилжүүлэлтийн төлөвлөгөөг /2018 оны 07 дугаар сар/ хүргүүлж байна.

Энэхүү төлөвлөгөөг Азийн хөгжлийн банкны Нийгмийн хамгааллын бодлогын баримт бичиг /2009/ болон Монгол Улсын хууль тогтоомжийн дагуу бэлтгэсэн болно.

Бид Газар чөлөөлөлт, нүүлгэн шилжүүлэлтийн төлөвлөгөөний агуулгыг үүгээр баталгаажуулж байгаа бөгөөд төлөвлөгөөг хэрэгжүүлэн нөхөн олговрыг хугацаанд нь олгох болно.

Хавсралт 4 хуудастай

ХҮНДЭТГЭСЭН,

ЗАСАГ ДАРГЫН
ОРЛОГЧ

Ц.ЧОГСОМЖАВ



Land Acquisition and Resettlement Plan

**SC 109894 MON: Support to the Preparation of Second
Additional Financing for Southeast Gobi Urban and Border Town
Development Project in Mongolia**

5 July 2018

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Abbreviations

ADB	Asian Development Bank
AP	Affected Person / People
LAR	Land Acquisition and Resettlement
LARP	Land Acquisition and Resettlement Plan
LACUDD	Land Affairs, Construction and Urban Development Department
PUSO	public utility service organizations

I. Project Background

1. The proposed project involves a second tranche of additional financing and administration to further support and augment the outcomes of the existing Southeast Gobi Urban and Border Town Development Project (SGUBTDP) and its first additional financing. The second additional financing and administration of the existing Grant and Loan funding¹ will primarily scale up and extend the socio-economic benefits of the project through improving the quality and reliability of wastewater management services in five additional prominent and fast growing *aimag* (province) centers in other regions of the country, in: *Bulgan, Dundgovi, Khentii, Khuvsgul* and *Sukhbaatar*. The additional financing will also continue to strengthen system sustainability through the provision of technical assistance to enhance wastewater management capabilities of the *aimag* public utility service organizations in both the current² and additional project *aimag* centers.

2. **Current wastewater management in the project *aimag* centers.** All project cities have a sewerage network which serves the core area. In view of their relatively young age, the sewer systems are said by the public utility service organizations³ (PUSOs) to be in generally good condition, and not in need of replacement. Furthermore, with the relatively low sewage flow rates both now and in the short- to medium-term, there is no need for replacements or capacity augmentation to accommodate increases in flow rates. All the proposed project *aimags* have existing wastewater treatment plants (WWTP) which employ waste stabilization (oxidation) ponds as the main biological treatment method. The pond systems are preceded in some cases (*Dundgovi and Khentii*) by preliminary (screening and grit removal) and primary (sedimentation) treatment processes. However, in these cases, the preliminary treatment units are no longer fully operational. In all cases the treatment systems: (i) are generally in a poor state of repair; (ii) represent a technology choice that is not suitable for Mongolian climatic conditions; and (iii) are not providing a consistent level of treatment which satisfies Mongolian wastewater discharge standards. In addition, there is now strong growth in these *aimag* centers, with government supporting an aggressive program of apartment construction.⁴ This will lead to significant increases in wastewater flows over the forthcoming decade as new apartment blocks are occupied, exceeding the capacity of most of the existing treatment plants.

3. **Project scope.** The additional financing will assist the government in scaling up and expanding on the scope of the ongoing project that is performing well. In response to a request from the government, the project will: (i) extend the geographical scope of the project to include the construction of new WWTPs in the additional *aimag centers* of *Baruun Urt, Bulgan, Chinggis City, Mandalgovi* and *Murun*; (ii) make provision for faecal sludge collection equipment and faecal sludge treatment in all project *aimags*; and (iii) build on the institutional reform and capacity building already carried out under SGUBTDP and extend this to *Baruun Urt, Bulgan, Chinggis City, Mandalgovi* and *Murun*. Consequently, the focus of project outcome extends to achieving government standards for wastewater discharges, reuse of sewage effluent, and thus improving local environmental quality. The project will contribute to a more balanced national urban system and strengthened urban-rural relationships through contribution to the development of second-tier cities in the country. It will also improve environmental conditions and reduce environmental pollution in and around the project cities. The project will support improvement of the cities' wastewater management through construction of new WWTPs and implementation of an innovative system for ger area sanitation and wastewater management in all project *aimags*⁵. The project will support project management, capacity development, and training.

¹ Which now includes the first additional financing of US\$ 19.48 million provided through an ADF loan approved in April 2016: RRP: *Proposed Loans and Technical Assistance Grant for Additional Financing Mongolia: Southeast Gobi Urban and Border Town Development Project*, Manila.

² The SGUBTDP is currently supporting wastewater management improvements in *Arkhangai, Dornogovi, Omnogovi* and *Uvurkhangai*

³ Agencies responsible for management and operation of water and wastewater services on behalf of the *aimag* governments.

⁴ Through the government's "100,000 houses" program.

⁵ Approach based on the TA9100-MON: Faecal Sludge Management Project for Ger Areas supported by the Gates Foundation

II. Project Components and Scope of LAR Impacts

A. Bulgan Aimag

4. **Project Scope.** The existing wastewater treatment plant in Bulgan aimag is located 3 km from the aimag center at the 4th bag (sub-district) territory. There are no settlement areas near the treatment plant. Within the project scope, new wastewater treatment plant will be built adjacent to the existing plant, and the existing pump station will be expanded.

5. **Screening of IR Impacts and Consultations.** Consultation meetings took place in December 2017 and January 2018 to introduce ADB SPS policy principles and Mongolian land regulation on LAR with representatives of Bulgan Meej LLC.

6. The PUSO responsible for management and operation of water and wastewater services is Bulgan Meej LLC.

- a. **New wastewater treatment plant** will be constructed to the north and adjacent to the existing treatment plant. The entire surrounding has no settlements. The land plot for the new and old treatment plant is divided into territory of Bulgan and Orkhon Soums (district). The area is called "Domiin Zevseg" and is intended to be allocated for industrial zone in the future. There shall be no impacts due to the treatment plant project. Two land ordinances issued in 2015 were invalidated due to the issuance of new ordinances on 26 December 2017 (Annex 1) by Governor of Bulgan soum with reference number A/183 to allocate land for possession of 24759m² land and by Governor of Orkhon soum with reference number A/268 to allocate 76166m² land to Bulgan Meej LLC for 15 years respectively
- b. **Buffer-zone** has not been formally defined yet and it will be set up by the end of June 2018 by Aimag Representatives Hural's Meeting. In any case, within the 500m, there is no settlement or structure at all. (See Annex 1).
- c. **Extension of pump station.** Land for the current pump station is 700m². The land is the property of the PUSO (Bulgan Meej LLC). If necessary, additional land shall be allocated for the extension from neighboring vacant public land. Two electric poles that belong to Bulgan-Meej LLC shall be relocated. There is no other LAR impact.
- d. **Electricity, heating and water supply.** Power supply for the treatment plant shall be provided from the nearest 1000kw power line pole. There is no obstacle in the way. Heating will be provided through building fired boiler and furnace inside the fence. Water supply is estimated to be portable and will be taken from a well.

7. **Scope of LAR Impacts.** There are no LAR involuntary impacts.



New WWTP



Expansion of Pump station



Two electric poles within the compound

B. Dundgovi Aimag

8. **Subproject Scope.** Based on the detailed design drawing, capacity of the waste water treatment plant to be constructed in Saintsagaan soum/Mandalgovi city within the scope of the project is 3,000 m³ which is the same with other aimags.

9. The PUSO responsible for management and operation of water and wastewater services is Dundgovi US company.

10. **Screening of IR Impacts and Consultations.** In collaboration with Dundgovi Us Suvag Local Government-Owned Enterprise (LGOE) director and engineers, the project team worked twice in Mandalgovi soum, Dundgovi aimag on 27-28 December 2017 and 21 January 2018 in order to identify any potential impacts due to land acquisition resettlement that may occur. Consultation meetings took place and the project team introduced ADB SPS policy principles and Mongolian land regulation on LAR with Dundgovi-US LLC director and other related staff.

11. In accordance with the ordinance No.A/02 of the aimag Governor dated 21 January 2018, it was decided to allocate 23.1 hectares of land located in the area of 3rd bag, Saintsagaan soum (front side of the current treatment facility) to the Governor's Office of the aimag for possession for 30 years (See Annex 2). The land was designated for treatment facility and it was agreed to set up its buffer zone within 150m from each side.

- a. **Construction of new wastewater treatment plant.** There is no settlement or any properties in this area. There will not be any LAR impacts and this area was not

leased or given for possession before. The new site was selected in view of the city not having yet developed a Master plan in the eastern part of the city, close to the existing plant, where no land allocation has been carried out. The total area is 2.3 he..

- b. **Heating and water supply of the wastewater treatment plant.** Heating is planned to be provided through building a fired boiler and furnace inside the allocated land. Water supply will come through an extension from the existing water supply network with an extension to the south of around 3 km.
- c. Sewage pipes with length of 2.1 km will be constructed from newly constructed lifting pump station at the existing treatment plant to the new treatment plant. The pipeline construction will be carried out through land which is already possessed by Dundgovi Us company and public on which no leases have been issued.
- d. Power supply will be provided by the electricity transmission point that belongs to the current treatment plant. There is no LAR issue in the right of way.

12. **Scope of LAR Impacts.** There are no LAR impacts.



Current WWTP and lifting pump station



Area proposed for new WWTP

C. Khentii Aimag

13. **Subproject Scope.** The subproject will involve the construction of a new wastewater treatment plant, extension of the existing pump station and other facilities.

14. The PUSO responsible for management and operation of water and wastewater services is Khentii-Us LLC.

15. **Screening of IR Impacts.** In collaboration with Khentii Us LLC, the project team worked twice in Mandalgovi soum, Dundgovi aimag in December 2017 and January 2018 in order to identify any potential impacts due to land acquisition resettlement that may occur.

a. **New Wastewater Treatment Plant.** The new wastewater treatment plant is designed to be constructed on the north-western side of the existing waste water treatment plant. Total of 150,671 m² land was allocated for the treatment plant with the duration of 47-years according to the Governor's Ordinance #A/83 dated March 1s, 2018. (**Annex 9**).

b. **Buffer zone.** The buffer zone has been defined to be 100 meter at the 2nd meeting of the 7th Citizens' Representatives' meeting that was held on February 7, 2018.

c. **Pump Station.** The area is 200 m². It will be located at the territory of 4th *bag* of Kherlen Soum. The land is possessed by the Khentii-U LLC.

d. **Power Supply and heating supply** required for treatment plant operation will be supplied from the existing network.

e. **Water Supply** will be from deep well within the area planned for the WWTP

16. **Scope of LAR Impacts.** There are 2 companies who will be affected by the subproject.

a. **New Wastewater Treatment Plant.** On the left side of the current WWTP, some portion of the land possessed by a private company, CekTex Group LLC overlaps with the proposed WWTP. The company, CekTex Group LLC is in possession of 16,003 m² which is on the left side of the proposed WWTP. There are no structures or assets on said land.

b. **Buffer Zone.** A portion of the land possessed by a private company, JPL LLC (stone crushing and construction business), will be affected. The business operation is seasonal. JPL LLC invested on a 40m deep drilled engineering well. A woman guard is working for the company. She and her family live in the *gers* within the company compound. .

17. **Consultations.** On 15 January and 13 February 2018, the consultations have been carried out with the companies affected by the WWTP and buffer zone. Both companies expressed support for the Project and they are willing to relocate to new sites that will be allocated to them by the Government.

- For the CekTex Group LLC company, it has been agreed that a new land will be allocated to the company.
- For the JPL LLC, a new land will be allocated to the company and the proposed site has been identified and it is acceptable to the company. The JPL also requested 6 million MNT as compensation for the 40 meter deep well. As recorded in the minutes, the company has all the documents to support the costs of the deep well. With regard to the woman guard and her family, the company assured the Government that they will take care of their relocation and well-being once the replacement land is allocated to them. The Project is aware that the families working for the company are poor and one of the

family member is blind. It was reported that they have not been paid by the company for a year. The woman guard lives on her pension but she is also raising pigs to sell to generate income. The 2 families were met and they expressed support for the project. They are willing to move and they hope there will be electricity provided in the new location. The Project will monitor the situation of the two families during project implementation.

18. Annex 3 shows the letters exchanges between the governor and companies in relation to the allocation of new land and compensation payment, minutes of meeting, and letter of support of the 2 companies.



Current location



Proposed location



Expansion of the pump station will be carried out within its boundary.



Stone crusher facility



Stone crusher facility



These two families need further support from the Aimag administration and project unit needs to take control over the actions.



D. Khuvsgul Aimag

19. **Subproject Scope.** According to the Terms of Reference No 3Д/2015-07/20 for development of design for wastewater treatment plant expansion and renewal of Murum Soum, Khuvsgul by the State Secretary of the Ministry of Construction and Urban Development dated May 25, 2015, the design drawings for the following works have been developed for Murun soum: (1) construction of new wastewater treatment plant; (2) design for the expansion of wastewater transmission (pump) station; (3) heating and water supply installations associated with the wastewater treatment plant; and (4) development of power supply extensions to serve the new treatment plant

20. **Operation and Management.** The PUSO responsible for management and operation is Khuvsgul Us LLC. Khuvsgul Us LLC was previously named as USNAAK. Also, there were two other PUSOs (Huvsgul Heating and Huvsgul Heating) which were issued separate land ordinances but they are now merged with and under the management and operation of one company, Khuvsgul Us LLC. Annex 4 refers to the 21 business entities⁶, land possession certificates issued to the 3 companies prior to the merger, and transfer of land possession rights from the 2 companies to Khuvsgul US LLC.

21. **Screening of IR Impacts and Consultations.** In collaboration with Khuvsgul Us Suvag LLC engineers and other related officials, on 21December 2017 and 24-25 January 2018, the team visited Murun soum, Khuvsgul aimag in order to identify any potential IR impacts. During that time, the team introduced the ADB SPS policy principles and Mongolian land regulation on LAR with Khuvsgul Us LLC director and other related staff.

22. **Scope of LAR Impacts.** There are no LAR impacts.

⁶ USNAAK had office building, other buildings, sewage transmission pumping station, water discharge network, WWTP, water pinging station, water resource; Huvsgul Heating LLC had heating stations in 7 locations; and Khuvsgul-Us Chandmani LLC had water reservoirs in 4 locations and 2 deep wells.

- a. **Construction of new wastewater treatment plant.** Construction will be carried out within the boundary of newly allocated land for the construction site which is adjacent to the existing treatment plant. The new land has not been allocated to anyone before.
- b. **Buffer Zone.** In accordance with the resolution #158 of the Aimag Citizen's Representatives Hural dated 25 December 2017, protection zone is within 300m while buffer zone is within 150m.

With the exception of two incomplete and unused state buildings, there are no other settlements within the 300 m protection zone. The land has not been allocated to anyone before. The two state buildings were declared us unsafe to use.

- c. **Expansion of wastewater transmission pump station.** Expansion of the central pump station will be constructed within its current boundary fence and within the existing building. Accordingly, there will be no impact. During the construction, there will be no temporary impact as well.

Heating and water supply of the wastewater treatment plant. Heating and drinking water will be supplied from the existing water supply system and heating plant. Heating and water will be introduced through pipelines located in northern and western areas of the proposed plant: 2 pipelines for heating, and 2 for hot and cold water supply. The pipes will go through existing rights of way and across government-owned land.

- d. **Power supply.** This is planned to have sources with "A" supply (coming from the north through ger area) from the existing pump station which is 1140 meters from the new wastewater treatment plant; and "B" supply which will renew the current power lines of ger area and is 1080m from 13th power pole to the wastewater treatment plant. Two households' fences located 10m within the protection zone for "A" supply will be affected. However, by mutual agreement the ROW was moved and any impact avoided. Therefore, there will be no LAR impacts.



Current WWTP site



Construction site for new treatment facility



Incomplete building within buffer zone



Wastewater transmission pump station's expansion



E. Sukhbaatar Aimag

23. **Project Scope.** The existing wastewater treatment plant was built in 1971 and it is located 2.5 km east from the aimag center. The new waste water treatment plant is planned to be located 1 km south of the existing treatment plant. The aimag has the Aimag Development Master Plan until 2032. In order to separate the future settlement area from the new wastewater treatment plant, it is planned to build the new treatment plant further from the aimag center than the existing plant.

- a. **New treatment plant.** The new treatment plant will be located 3.5 km from the aimag center. There is no settlement in this area and the impact of land acquisition and resettlement is not expected. The land has not been allocated to other entities before. The total area is 6.8 hectares. **Buffer zone** has been set to 500 m. There are no settlements in this area. See Annex 6.
- b. **Electricity, heating and water supply.** The power supply shall be provided from two sources. Steam boiler shall be built inside the fence of treatment plant in order to resolve the heating needs. Water supply is estimated to be portable and will be taken from a well on the site. There is no land acquisition required for carrying out these works.



Current WWTP



Proposed location is 3.5 km from the aimag center.



III. Laws, Policy Framework and Entitlements

23. The objectives, legal and policy framework has been set out in accordance with ADB SPS to ensure that all affected entities receive the appropriate assistance, compensation and access to project planning in a timely manner to enable them to maintain a level of well-being, which is at least equivalent to or better than what it would have been without the project. To achieve this, the affected entities must be fully informed, closely consulted, compensated for their losses, assisted to gain possession or ownership of replacement land and property, in order to re-establish their living conditions and enterprises.

24. All provisions adopted here are based on the applicable Mongolian Laws and the 2009 Safeguard Policy Statement (SPS). Applicable Mongolian Laws are the Constitution of Mongolia, Law on Land, Law on Allocation of Land to Mongolian Citizens for Ownership, and Civil Code.

25. All affected entities are eligible for entitlements, as stipulated in ADB's Safeguard Policy Statement, including owners, possessors, users, legal occupants, non-titled occupants and lessees. The affected land and properties will be compensated based on the principle of replacement cost.

26. For this project, every effort was made to avoid if not minimize LAR impacts. For example, the buffer zone was reduced while land required are located in vacant/unused land. There is however, one site that could not be avoided. There is no impact on business since the company will be given sufficient time to relocate all structures on new land. As presented in Section II, there are two companies who will be affected. Based on the impacts, the following entitlements will apply as presented in the entitlement matrix.

27. In terms of cut-off date, an eligibility cut-off date is to be set when the project is officially notified, the project area is delineated or the census of the affected population is taken, to prevent influx of non-eligible persons and land speculation. For this Project, the sites have been identified and the company has been notified officially (through letters and meetings).

Type of Impacts	Eligible person/entity	Entitlements
Impact on Leased Land (Land Possession)	Two private companies: Cextex Group LLC JPL LCC Company	The Government will allocate replacement land for the two companies. For JPL LCC Company, it will ensure proper relocation of the woman guard and her family in the new land to be allocated to them by the Government. Any costs and support needed by the households will be borne by the company ⁷ .
Affected Deep Well	JPL LCC Company	Cash compensation at Replacement cost. No deduction or depreciation will be applied.
Unforeseen Impacts	To be determined	To be identified during project implementation; measures will be formulated as appropriate according to ADB policy and reported to ADB prior to implementation.
Affected Structures	Structure Owners (To be determined)	In the event that affected structures are identified during project implementation, compensation will be at replacement cost which based on prevailing market rates for comparable types of structures, cost of labor and transportation. There will be no deduction of depreciation and no deduction for salvageable materials.

IV. Grievance Redress Mechanism

28. Each staff from PUSO will appoint a grievance officer to accept and document any grievances, requests, or complaints from an affected person or entity related from land acquisition (restricted use of land, temporary or permanent impacts caused by the Project).

29. A sample Grievance Action Form (GAF) will be used as reference and guide in the preparation of a more detailed form during implementation to cover the various aspects of land acquisition addressed by the LARP and used in the grievance redress process to log and follow

⁷ Assurance by JPL LCC company to assist the households and ensure that they will not be adversely affected is in the minute of meeting.

up any grievance. The sample form is presented in Annex 7. The GAF, a copy of which will be provided to AP, will at minimum contain the following:

- Basic information about affected entities (name, address, contact number)
- Date of last disclosure meeting
- Category of grievance filed (legal, technical/engineering, social, financial)
- Detailed description of grievance
- Type of action taken

30. Each PUSO will establish a complaint registry system, and will maintain records of all grievances and status of resolution. The PUSO will make every effort to solve the issues of the APs at the early stage with the help of the members of the Land Agency and government officials. The GRM process is presented below

- Step 1: An aggrieved AP shall submit grievances to the PUSO grievance officer, who will log a complaint in the GAF. Then he/she will contact relevant member of the PMU and Land Agency and other concerned agencies. The grievance will be presented, addressed and resolved within 1 week. The PUSO grievance officer will record its deliberations and inform the concerned parties within the same week of its findings and recommendations and present these to the PMU and LACCUD for action.
- Step 2: If the grievance is not resolved within 2 weeks from its lodging, the grievance will be submitted to the related divisions/offices of the related soum and its resolution is recommended to the Aimag Governor for approval and action within 1 more week.
- Step 3: If the preceding stakeholders cannot resolve the grievance, it is referred to the courts.

31. With specific regard to land disputes, in accordance with the Land Law (Article 60, "Settlement of Land Related Disputes"), these will be settled by the relevant Khoroo Governor. Where this is unsuccessful, the dispute shall be settled by a higher level authority, or in court. Alternatively, residents may also go directly to the District Land Officer.

32. If an AP is still not satisfied and believes they have been harmed due to non-compliance with ADB policy and they have made good faith efforts to solve their problems by working with the ADB Project Team, they may submit a complaint in accordance with ADB's Accountability Mechanism. The information on how to make a complaint can be found at internet site www.adb.org/site/accountability-mechanism/main.

V. Implementation Arrangements

33. The Ministry of Construction and Urban Development (MCUD) will be the executing and implementing agency for additional financing project, supported by the existing PMU, which will extend its responsibilities for the current project.

34. At the *aimag* level, project supervision will be assisted through PUSO support unit comprising staff assigned to the project part-time from PUSO. Project management and implementation support will be provided to the PMU through consultants hired under the loan project. The project management and implementation support consultant will assist the PMU and PUSO support units in project management, procurement, supervision and safeguards implementation and monitoring.

VI. Implementation Schedule and Monitoring

35. The project implementation period will be from July 2018 to December 2021. If there will be changes in the design during implementation and will result to new or changes in LAR impacts, this LARP will be updated and submitted to ADB for review and concurrence prior to any land acquisition and resettlement activities.

36. Prior to commencement of civil works, the PMU will report the progress of LARP implementation. Specifically, the timely allocation of land to the two affected companies and compensation at replacement cost for the fixed asset (deep well).

37. Civil works will not commence unless all compensation and relocation activities have been completed.

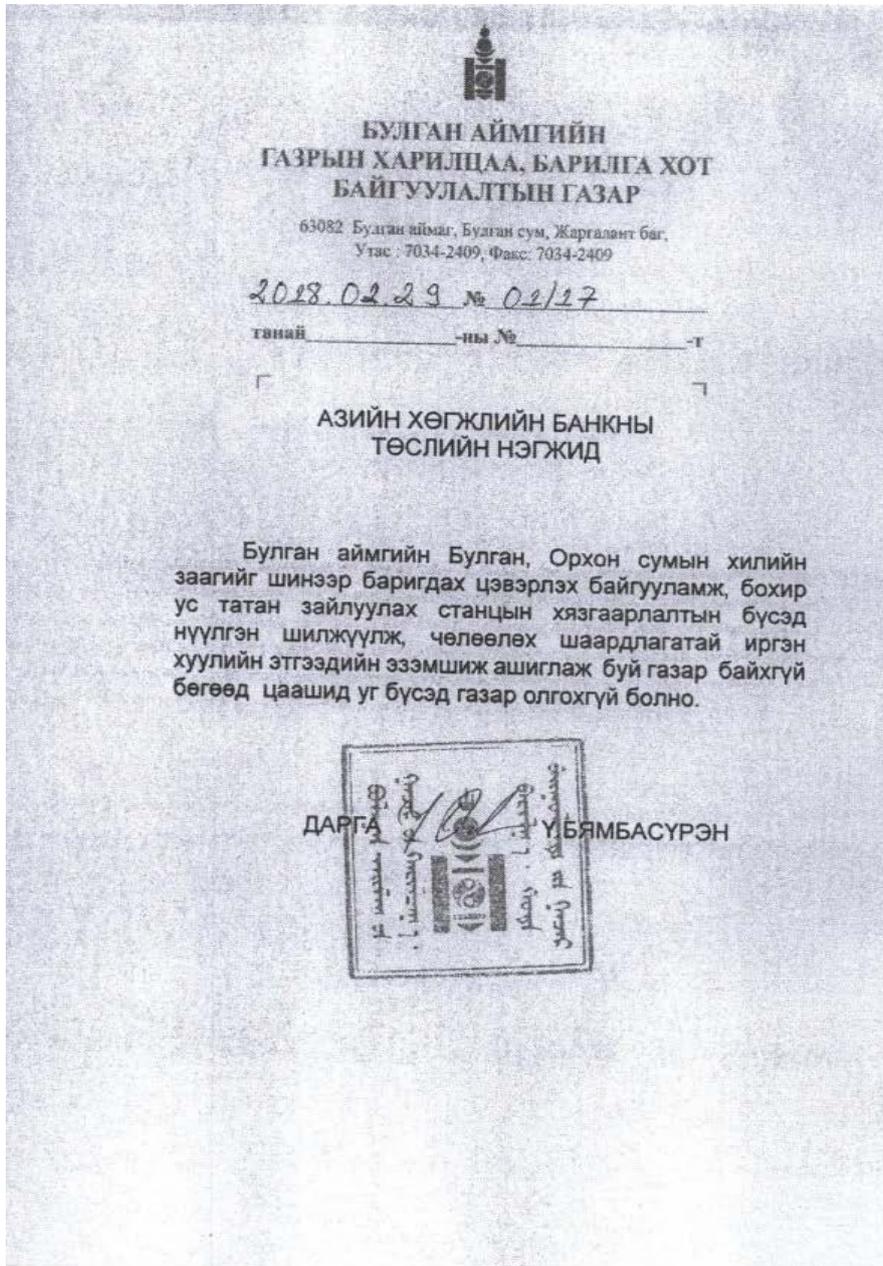
38. The PMU will monitor LARP implementation. A section on RP implementation will be included in the semi-annual progress reports of the project. The information will include the consultations undertaken, grievances received, status, and resolution; allocation of new land and compensation payment at replacement cost; and assistance provided by the JPL LLC company to the guard woman and her family.

VII. RP Cost Estimates

39. The RP Cost is estimated at 6 Million MNT for the affected deep well. The amount of compensation will be verified and validated during implementation to ensure that it is at replacement cost at the time of payment. Administration costs will be covered under the Government counterpart fund and consulting services.

Annexes

Annex1: Letter sent by the LACUDD of Bulgan aimag



**LAND MANAGEMENT, CONSTRUCTION AND URBAN
DEVELOPMENT DEPARTMENT
OF BULGAN AIMAG**
68082 Bulgan aimag, Bulgan soum
Tel/Fax: 7034-2409

Date: 29 January 2018
Ref No: 2/27
To: ADB

This is to inform you that the boundary of Bulgan and Orkhon soums of Bulgan aimag is proposed as buffer zone of the new WWTP and there is no land owned/ possessed by persons and business entities to be acquired. Furthermore, no land will be allocated in this zone.

DIRECTOR [signed and sealed] U. BYAMBASUREN



**БУЛГАН АЙМАГ ОРХОН СУМЫН
ЗАСАГ ДАРГЫН ЗАХИРАМЖ**

2017 оны 12 сарын 26 өдөр

Дугаар А/123

Мандал

Газрын хэмжээг өөрчлөх

Монгол улсын Засаг захиргаа нутаг дэвсгэрийн нэгж, түүний удирдлагын тухай хуулийн 29 дүгээр зүйлийн 29.1.3."д", Газрын тухай хуулийн 33 дугаар зүйлийн 33.1.1 дэхь заалт, Кадастрын зураглал ба газрын кадастрын тухай хуулийн 16 дугаар зүйлийн 16.13 дахь заалтуудыг тус тус үндэслэн ЗАХИРАМЖЛАХ нь:

1. Монгол улсын 2013 оны төсвийн тухай хуулийн хавсралтын 21.1.57-д тусгагдсан "Газрын кадастрын мэдээллийн сан"-г солбилцооны нэгдсэн тогтолцоонд шилжүүлэх ажлын хүрээнд "Газрын мэдээллийн сангийн өгөгдөлийг засварлах, Геодезийн солбилцол, өндөр, тусгагийн нэгдсэн тогтолцоонд шилжүүлэх, турших, нэгж талбарын хувийн хэргийг шинэчлэн бүрдүүлэх" ажил хэрэгжсэнтэй холбогдуулан хавсралтанд дурьдагдсан Булган Мээж ТӨХК-д газрыг эзэмшүүлсүгэй.

2. Газрын харилцааны хууль, тогтоомжийн дагуу газраа зориулалтын дагуу зүй зохистой ашиглах хамгаалах, нөхөн сэргээхийг газар эзэмшигч иргэд, аж ахуйн нэгж, байгууллагуудад үүрэг болгосугай.

3. Газар эзэмшигчтэй гэрээ байгуулан гэрчилгээжүүлж, улсын бүртгэлд бүртгэж ашиглалтанд хяналт тавьж ажиллахыг Газрын даамал /Д.Нямаа/-д даалгасугай.

ЗАСАГ ДАРГА

С.БАТ-ЭРДЭНЭ

2801163

ORDINANCE OF THE GOVERNOR
OF ORKHON SOUM, BULGAN AIMAG

December 26, 2017

Ref # A/183

Mandal

Sub: Change land size

On the basis of, Articles 29,1,3 (d) of the Law on Territorial and Administrative Units and Their Governance, Article 33.1.1 of the Land Law, Article 16.13 of the Cadastral mapping and land cadastry , IT IS ORDERED:

1. In relation to the maintenance of land information data, geodesy coordinate, altitude and transferring them into united system, piloting, renewing the unit land profile within the scope of converting all land cadastral data information into united system according to the Annex 21.1.57 of the Budget law of Mongolia 2013, to allocate land to the Bulgan-Meej State owned enterprise as stated in the Annex,
2. To direct land possessors and business entities to properly use, protect and rehabilitate the land as stated in land related laws.
3. To direct Land manager (D. Nyamaa) to contract with land possessor, issue the certificate, register the land in the state registration and control its usage

GOVERNOR (signed and sealed) S. BAT-ERDENE



БУЛГАН АЙМАГ
БУЛГАН СУМЫН ЗАСАГ ДАРГЫН
ЗАХИРАМЖ

2017 оны 12 сарын 26 өдөр

Дугаар А/268

Булган

Газрын хэмжээ өөрчлөх тухай

Газрын тухай хуулийн 21 дүгээр зүйлийн 21.4.3, Кадастрын зураглал ба газрын кадастрын тухай хуулийн 16 дугаар зүйлийн 16.13 дах заалтыг тус тус үндэслэн ЗАХИРАМЖЛАХ нь:

1. Булган сумын 4 дүгээр баг Домын дэвсэг 24 дүгээр гудамжны 2401 тоотод байршилтай цэвэрлэх байгууламжийн зориулалтаар Булган аймгийн Дулаан ус хангамж НАА-н Булган Мээж ХХК-д кадастрын зураглалын дагуу 24759 м2 болгон өөрчилж 15 жилийн хугацаатайгаар эзэмшүүлсүгэй.

2. Энэхүү захирамж гарсантай холбогдуулан сумын Засаг даргын 2015 оны 03 дугаар сарын 13-ны өдрийн А/35 дугаар захирамжийг хүчингүй болгосугай.

3. Газар эзэмших эрхийн гэрчилгээг шинэчлэн олгож, улсын бүртгэлд бүртгэн ашиглалтын байдалд хяналт тавин ажиллахыг газрын даамал /Б.Цолмон/-д, Газрын тухай хуулийн дагуу зөв зохистой эзэмшиж ашиглахыг Булган аймгийн Дулаан ус хангамж НАА-н Булган Мээж ХХК-ний захиралд үүрэг болгосугай.

ЗАСАГ ДАРГА



Д.НАРАНБАЯР

ORDINANCE OF THE GOVERNOR
OF BULGAN SOUM, BULGAN AIMAG

December 26, 2017 Ref # A/268 Bulgan

Sub: Change land size

On the basis of, Article 24.4.3 of the Land Law, Article 16.13 of the Cadastral mapping and land cadastry , IT IS ORDERED:

1. To change the land size to 24759m², located in #2401, 24th street of Domiim Zevseg, 4th bag, Bulgan soum, to the Bulgan-Meej State owned enterprise as stated in the cadastral mapping for 15 years.
2. To invalidate the Soum Governor's Ordinance A/35 dated 13 March 2013 in connection with this Ordinance.
3. To direct Land manager (B. Tsolmon) to re-issue the land certificate, register the land in the state registration and control its usage and Director of Bulgan-Meej State owned enterprise to properly use, protect and rehabilitate the land as stated in land related laws.

GOVERNOR (signed and sealed) D. NARANBAYAR

Annex 2: Letter sent by the LACUDD of Dundgovi aimag


**ДУНДГОВЬ АЙМГИЙН
ГАЗРЫН ХАРИЛЦАА, БАРИЛГА, ХОТ
БАЙГУУЛАЛТЫН ГАЗАР**
48090 Сайнцагаан сум, Дундговь аймаг,
Утас/Факс : 7059-2555

2018. 01. 21 № 1/30
танай _____ -ны № _____ -т

**АЗИЙН ХӨГЖЛИЙН БАНКНЫ
ТӨСЛИЙН НЭГЖИД**

Тус аймгийн Засаг даргын 2018 оны 01 дүгээр сарын 02-ны өдрийн А/02 дугаар захирамжаар Сайнцагаан сумын 3 дугаар багийн нутаг дэвсгэрт /одоо байгаа цэвэрлэх байгууламжийн урд талд/ байршилтай 231000 м.кв /23,1 га/ газрыг аймгийн ЗДТГ-т цэвэрлэх байгууламжийн зориулалтаар болон хамгаалалтын зурвасыг тал бүр тийшээ 150 м-ээр тогтоон 30 жилийн хугацаатай эзэмшүүлсэн. Уг цэвэрлэх байгууламжийн эзэмшлийн газар нь бусдын өмчлөл, эзэмшил, ашиглалтын газартай давхцаагүй, газар чөлөөлөлт, нүүлгэн шилжүүлэлт байхгүй болохыг үүгээр баталгаажуулж байна.

ДАРГА _____ Э ЧАГНААДОРЖ



D/ Alban bichig/ toot 15/2018.01.21
12 0070

**LAND MANAGEMENT, CONSTRUCTION AND URBAN
DEVELOPMENT DEPARTMENT
OF DUNDGOVI AIMAG**

48050 Sainshand soum, Dundgovi aimag
Tel/Fax: 7059-2555

Date: 21 January 2018
Ref No: 1/30
To: PIU, ADB

In accordance with the ordinance No.A/02 of the aimag Governor dated 2 January 2018, it was decided to allocate 231000 m² (23.1 hectare) land located in the area of 3rd bag, Saintsagaan soum (front side of the current treatment facility) to the Governor's Office of the aimag for possession for 30 years. The land was designated for treatment facility and it was agreed to set up its protection zone in 150m from each side.

We hereby inform that the land designated for the treatment facility is not overlapped with land owned, possessed or used by others and there is no land acquisition and resettlement associated matter for the land.

DIRECTOR [signed and sealed] E. CHAGNAADORJ

Dundgovi aimag's Governor's ordinance to allocate the land for possession



МОНГОЛ УЛС ДУНДГОВЬ АЙМГИЙН ЗАСАГ ДАРГЫН ЗАХИРАМЖ

2018 оны 01 сарын 02 өдөр

Дугаар 1/02

Мандлговь

Газар эзэмшүүлэх тухай

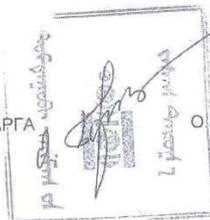
Монгол улсын Газрын тухай хуулийн 33 дугаар зүйлийн 33.1.1 дэх заалтыг үндэслэн ЗАХИРАМЖЛАХ нь:

1. Сайнцагаан сумын 3 дугаар багийн нутаг дэвсгэрт /Цэвэрлэх байгууламжийн урд талд/ байршилтай 231000.0 м.кв /23.1 га/ газрыг аймгийн Засаг даргын тамгын газарт /РД:9033548/ "Цэвэрлэх байгууламж барих" зориулалтаар, хамгаалалтын зурвасыг тал бүр тийшээ 150 метрээр тогтоон 30 жилийн хугацаатай эзэмшүүлсүгэй.

Х	Ү
1. 599946.680	5065354.439
2. 600276.680	5064782.862
3. 599973.571	5064607.862
4. 599643.571	5065179.439

2. Дээрх байгууллагад газар эзэмших гэрчилгээ олгож, гэрээ байгуулахыг аймгийн Газрын харилцаа, барилга, хот байгуулалтын газар /Э.Чагнаадорж/, гэрээний хэрэгжилтэд хяналт тавьж ажиллахыг Сайнцагаан сумын Засаг дарга /Р.Мөнхтогтох/, аймгийн Мэргэжлийн хяналтын газар /Ш.Төрбат/-д нарт үүрэг болгосугай.

ЗАСАГ ДАРГА



О БАТ-ЭРДЭНЭ

ORDINANCE OF THE GOVERNOR
OF DUNDGOVI AIMAG

January 02, 2018 Ref # A/02 Mandalgovi

Sub: Land possession

On the basis of, Article 33.1.1 of the Land Law, IT IS ORDERED:

1. To allocate 231000 m² (23.1 hectare) land located in the area of 3rd bag, Saintsagaan soum (front side of the current treatment facility) to the Governor's Office of the aimag for possession with the purpose of "Construction of new WWTP" for 30 years.

X	Y
1.599946.680	5065354.439
2.600276.680	5064782.862
3.599973.571	5064607.862
4.599643.571	5065179.439

2. To direct LACUDD (E. Chagnaadorj) to contract and issue the land certificate, control its usage to the Governor of Saintsagaan soum (P. Munkhtogtokh) and State Professional Inspection Agency (Sh. Turbat).

GOVERNOR (signed and sealed) O. BAT-ERDENE

Annex 3: Letter sent by LACUDD of Khentii aimag



ХЭНТИЙ АЙМАГ ГАЗРЫН ХАРИЛЦАА, БАРИЛГА ХОТ БАЙГУУЛАЛТЫН ГАЗАР

23119, Чингис хот, Харлан сум,
Утас/факс: 70-66-00-10

2019-02-22 № 02/27
танай _____-ны № _____-т

Газар чөлөөлөх арга хэмжээ авсан
тухад?

АЗИЙН ХӨГЖЛИЙН БАНКИНД

Цэвэрлэх байгууламжийн өргөтгөлийг барихтай холбогдуулан аймгийн ИТХ-ын 2018 оны 02 дугаар сарын 07-ны өдрийн Долоодугаар хуралдааны 02 дугаар тогтоолоор хамгаалалтын бүсийг тогтоосон.

Энэхүү хамгаалалтын бүсэд "Сектех групп" ХХК, "Жилал" ХХК-ий эзэмшиж байсан газрууд хамрагдаж байсан бөгөөд газрын асуудлыг дараах байдлаар шийдвэрлэж ажиллалаа.

Үүнд:

"Сектех групп" ХХК-ий зүгээс эзэмшиж байгаа газрын байршилг өөрчлөхөд татгалзах зүйлгүй гэсэн хусалтээ 2018 оны 02 дугаар сарын 05-ны өдрийн А*8/07 тоот албан бичгээр

"Жилал" ХХК-ий хувьд эзэмшиж байгаа талраа "Элбэг баян говь" ХХК-ий зүүн талд шилжүүлж авах хүсэлтээ албан бичгээр тус тус ирүүлсэн.

Иймд цэвэрлэх байгууламжийн өргөтгөлийн барилга байгууламж баригдан цаашид үйл ажиллагаа явуулахад газар чөлөөлөхтэй холбогдсон ямар нэгэн асуудал байхгүй болсныг үүгээр мэдэгдэж байна.

ДАРГА  Д.БАЯРХҮҮ



**KHENTII AIMAG
LAND AFFAIRS, CONSTRUCTION,
URBAN DEVELOPMENT DEPARTMENT**
23119, Chinggis city, Khentii aimag
Tel/Fax: 70-56-30-10

Date: February 22, 2018
Ref No: 02/27
To: ADB
Ref: Regarding the LAR actions

In relation to the expansion of WWTP, the buffer zone has been established according to the resolution No.2 of Seventh Session of the Aimag Citizen's Representatives Hural held on 7th February 2018.

The land in possession of Cektex group LLC and JPL LLC located within this buffer zone and matter related to these lands has been resolved as follows:

Cektex group LLC agreed to change its land location and submitted the letter No. A18/107 dated 5th Feb, 2018 regarding this matter.

JPL LLC agreed to change its land location and requested to allocate land in east side of Elbeg Bayan Gobi LLC in writing.

Therefore, this is to confirm you that there will be no resettlement associated problems during construction work and further activities.

CHAIRMAN (signed and sealed) D. BAYARKHUU

Annex 7: Governor's ordinance of Khentii aimag to allocate the land for possession



МОНГОЛ УЛС ХЭНТИЙ АЙМГИЙН ЗАСАГ ДАРГЫН ЗАХИРАМЖ

2018 оны 03 сарын 01 өдөр

Дугаар А/85

Хэрлэн сум

Газар эзэмшүүлэх тухай

Монгол Улсын Засаг захиргаа, нутаг дэвсгэрийн нэгж, түүний удирдлагын тухай хуулийн 29 дүгээр зүйлийн 29.2, 29.3, 30 дугаар зүйлийн 30.1.5 дахь заалт, Захиргааны ерөнхий хуулийн 49 дүгээр зүйлийн 49.3.1, Газрын тухай хуулийн 21 дүгээр зүйлийн 21.3.2, 30 дугаар зүйлийн 30.1, 33 дугаар зүйлийн 33.1.1 дэх заалтыг тус тус үндэслэн ЗАХИРАМЖЛАХ нь:

1. Хэрлэн сумын 5 дугаар баг, Мал эмнэлгийн зүүн талд байрлах 150671 м² газрыг, цэвэрлэх байгууламжийн зориулалтаар "Хэнтий-Ус" ХХК-д 47 жилийн хугацаатайгаар эзэмшүүлсүгэй.
2. "Хэнтий-Ус" ХХК-ий эзэмшиж буй газрын кадастрын зураглалыг хавсралтаар баталсугай.
3. Газар эзэмших эрхийн гэрчилгээг олгон гэрээ байгуулж, гэрээний биелэлтэд байнгын хяналт тавьж ажиллахыг Газрын харилцаа, барилга, хот байгуулалтын газар /Д.Баярхүү/-т үүрэг болгосугай.
4. Газар эзэмших гэрээнд тусгагдсан зориулалт, нөхцөлийн дагуу газраа эзэмшин, гэрээний биелэлтийг жил бүр дүгнүүлж байхыг "Хэнтий-Ус" ХХК /Г.Батгэрэл/-д үүрэг болгосугай.
5. Энэхүү захирамжийг гаргасантай холбогдуулан аймгийн Засаг даргын 2005 оны 93 дугаар захирамжийн хавсралтын 11 дэх хэсэг, Хэрлэн сумын Засаг даргын 2015 оны А/170 дугаар захирамжийг тус тус хүчингүй болгосугай.

ЗАСАГ ДАРГА



Н.ГАНБЯМБА

01 25

ORDINANCE OF THE GOVERNOR
OF KHENTII AIMAG

1 March, 2018 Ref # A/83 Kherlen soum
Sub: Land possession

On the basis of, Articles 29.2, 29.3 and 30.1.5 of the Law on Territorial and Administrative Units and Their Governance, Article 49.3.1 of the General Administration Law, Articles 21.3.2, 30.1 and 33.1.1 of the Land Law, IT IS ORDERED:

- 1.To allocate the land in 150671m², located in eastern side of Veterinary in 5th bag area, Herlen soum, to the Khentii-Us LLC for WWTP for 47 years.
- 2.To confirm the cadastral mapping of possessed land of Khentii-Us LLC as stated in the Annex.
- 3.To direct LACUDD (D. Bayarkhuu) to contract issuing the land certificate and monitor contract implementation.
- 4.To direct Khentii-Us LLC (G. Batgerel) to possess the land according to the contract purpose and condition and report annually.
- 5.To invalidate the 11th part of Aimag Governor's Ordinance #93 dated 2005 and Kherlen soum Governor's Ordinance A/170 dated 2015 in connection with issuing this Ordinance.

GOVERNOR (signed and sealed) N. GANBYAMGA

A. LETTER SENT BY CEKTEX GROUP LLC



Хаяг: Сүхбаатар дүүрэг, 4-р хороо, 50-н мянгат, 24-17 тоот
Утас: 70118216 Факс: 11316884
И-мэйл: info@cektex.mn 836 хуудас: www.cektex.mn
2018.02.05 № АН/07.

**ХЭНТИЙ АЙМГИЙН ЗАСАГ ДАРГА
Н.ГАНБЯМБА ТАНАА**

Тус аймгийн Хэрлэн сумын 5-р баг, Цэвэрлэх байгууламжийн зүүн талд 16003 м² газрыг Чингис хотын иргэд, аж ахуйн нэгжээс үүсч байгаа хог хаягдлыг ангилж ялган дахин боловсруулах үйлдвэр байгуулах зориулалтаар ашиглахаар газар эзэмшүүлэх гэрээ байгуулж гэрчилгээ олгогдсон.

Манай төсөл 2018 оны 4-р сарын 1-нээс эхлэхээр ТЭЗҮ батлагдаж, эскиз болон ажлын зураг төсөв хийгдэж дуусч байна.

Танай аймагт Азийн Хөгжлийн Банкны санхүүжилтээр цэвэрлэх байгууламжийг шинэчлэх төслийг хэрэгжүүлэхэд манай эзэмшлийн газар бага зэрэг давхцаж байгаа тул аймгийн Газрын алба, Чингис хотын удирдлагатай харилцан зөвшилцөж тохиролцсоны үндсэн дээр тус газрын байршлыг шилжүүлэн олгоход манай компанийн зүгээс татгалзах зүйлгүй гэдгээ энэхүү албан тоотоор мэдэгдэж байна.

Хүндэтгэсэн:

**Л.БАТ-ӨЛЗИИ
ЕРӨНХИЙЛӨГЧ**

Эс бус зүүн талд газар эзэмшүүлэх гэрээ байгуулах зориулалтаар ашиглахаар газар эзэмшүүлэх гэрээ байгуулж гэрчилгээ олгогдсон.

*албан зөвшөөрөгч
Тананаа
Н.ГАНБЯМБА ТАНАА*

CEKTEX GROUP LLC

Suite 17, Bldg 24, 50 Myangat, 4thkhoroо, Sukhbaatar District
Tel: 70110016; Fax: 11316664
E-mail: info@cektex.mn, Web: www.cektex.mn

Date: February 05, 2018
Ref No: A18/07
To: N. Ganbyamba, Governor of Khentii Aimag

The possession certificate has been issued for 16003m² land located in 5th bag area, left side of current WWTP to build up recycling facility for wastes derived from residents and business entities of Chinggis city.

The project planning to commence the work from 1st April, 2018 and shop drawings have been developed and feasibility study has been approved.

For the aimag, ADB funded project to renew WWTP is going to be implemented where some of our possessed land is overlapping with the land for new WWTP.

This is to inform you that we have no objection to shift the land possessed by the company upon mutual agreement with local Land Department and City Administration.

Regards,

PRESIDENT (signed and sealed) L. BAT-ULZII

B. Letters sent by JPL LLC



"ЖИНГЭЛ" ХХК
Чингис хот, Хэнтий аймаг
Утас: 93-39-90-07

Азийн хөгжлийн банкинд

№ 2019.02.21
танай 2/3 -ны № 18/01 -т

Хэнтий аймгийн Хэрдэн сумын 5-р багийн нутаг дэвсгэрт байрлах хайрга чулуу бутлан ангилах, барилгын үйлдвэрлэл үйлчилгээний үйл ажиллагаа явуулдаг "Жингэл" ХХК танай банкны Хэнтий аймгийн дэвсгэрлэх байгууламж өрсөтсөн шинэчлэх төслийг дэмжжээ байна. Иймд манай компани газар чөлөөлөх боловч манай газар дээр байх 2 айлын огноодрийн амьдралын түвшинг дордуулахгүй байх асуулгыг манай компани хариуцан тус төслийн үйл ажиллагаанд ямар нэгэн саад болгохыг үйл зэргийг дэвсгэр болно.



Г. Дамдиндорж

JPL LLC

Chinggis city, Khentii aimag
Tel: 93-39-90-07

Date: February 21, 2018
Ref No: A18/07
To: ADB

JPL, a company located in 5th bag area, Kherlen soum, Khentii aimag, runs stone crushing and construction business. The company supports the project to renew WWTP in Khentii aimag.

Therefore, this is to inform you that the company will resolve matters concerning the land acquisition and 2 households located in its possessed land with no disruption to the project. The company will not worsen living standard of these 2 households.

DIRECTOR (signed and sealed) P. DAMDINDORJ

ХЭНТИЙ АЙМГИЙН ЗАСАГ ДАРГА ТАНАА
ХҮСЭЛТ ГАРГАХ НЬ

2018-02-07

Хэрлэн сумын 5-р багийн нутаг дэвсгэрт байрлах хайрга, чулуу бутлан ангилах, барилгын материал үйлдвэрлэх зориулалтаар "ЖИПЭЛ" ХХК нь 1 га газар эзэмшдэг юм. Азийн Хөгжлийн Банкны төслөөр аймгийн цэвэрлэх байгууламжийн өргөтгөл шинэчлэх болсон тул тус цэвэрлэх байгууламжийн хамгаалалтын бүсэд манай эзэмшиж буй газар орсон байна. Иймд энэ газар манай оорийн хөрөлгөөр 40 метрийн гүнтэй гүний худаг 6000000 /Зургаан сая/ тогтоогоор ухуулсан тул энэ худгийн асуудлыг шийдэж өгч туслана уу



Хүсэлт гаргасан:

"ЖИПЭЛ" ХХК-ний захирал П.Дамдиндорж

*1 га газар нь
унт галах*

JPL LLC

To: Governor of Khentii Aimag

07th Feb, 2018

JPL LLC, a company located in 5th bag area, Kherlen soum, Khentii aimag, runs stone crushing and construction business. The company possesses 1 hectare land. The land possessed by the company included in buffer zone of ADB financed project to renew the WWTP.

Therefore, we would like to kindly request you to compensate 6 million MNT for 40m well drilled at the company's cost.

Sincerely,

DIRECTOR (signed and sealed) P. Damdindorj

C. Minutes of the meeting with JPL LLC

ЖИПЭЛ ХХК-ТАЙ УУЛЗАЛТ ХИЙСЭН ХУРАЛДААНЫ ТЭМДЭГЛЭЛ

2018.02.14

Хэрлэн сум

ЖИПЭЛ ХХК-тай хийсэн уулзалт хуралдаан Хэнтий аймгийн Засаг даргын орлогчийн өрөөнд хуралдаж, аймгийн Засаг даргын орлогч Ц.Чогсомжав хурлыг удирдан явуулав

Эхэлсэн цаг: 09 цаг 56 минут

Дууссан цаг: 10 цаг 46 минут

Хуралд оролцсон

1. Ц.Чогсомжав /Аймгийн Засаг даргын орлогч/
2. Э.Мөнх-Эрдэнэ /АЗДТГ, ХОХБТХ-ийн дарга/
3. С.Нямданаа /АЗДТГ, СТСХ-ийн дарга/
4. Ц.Бат-Эрдэнэ /АЗДТГ, ХОХБТХ-ийн мэргэжилтэн/
5. П.Дамдиндорж /ЖИПЭЛ ХХК-ий захирал/
6. Э.Урангоо /Хэрлэн сумын газрын дарга/

Хурлаар хэлэлцсэн асуудал

Цэвэрлэх байгууламжийн хамгаалалтын бүсэд байх Жипэл ХХК-ий эзэмшлийн газрыг чөлөөлөх талаар

Хурлаар хэлэлцсэн нь

Ц.Чогсомжав: Та бүхэндээ энэ өдрийн мэдийг хүртээ. Өнөөдөр цэвэрлэх байгууламжийн хамгаалалтын бүсэд байх Жипэл ХХК-ий эзэмшлийн газрыг чөлөөлөх талаар хэлэлцэнэ.

Хуралд оролцогчдын бүрэлдэхүүнийг танилцуулав.

Юуны өмнө Жипэл ХХК-ий захирал П.Дамдиндорж танд Хэрлэн суманд баригдах цэвэрлэх байгууламжийн талаар тооч танилцуулъя. Энэхүү цэвэрлэх байгууламж нь ЗОСМ-Ухонот хүч- чадалтай, Азийн хөгжлийн банкны санхүүжилтээр хэрэгжүүлэхээр төслийн ажил эхлээд явж байна. Одоо байгаа цэвэрлэх байгууламжийн картны хойд хэсэгт баригдахаар төлөвлөгдөөд байна. Үүнтэй холбогдуулан аймгийн Иргэдийн Төлөөлөгчдийн хурлаас 2018 оны 02 дугаар сарын 07-ны өдрийн 02 дугаар тогтоолоор цэвэрлэх байгууламжийн хамгаалалтын бүсийг 100 метрээр тогтоосон. Ингээд хамгаалалтын бүсэд газар эзэмшиж, өмчилж байгаа иргэн ААН, байгууллагуудтай харилцан тохиролцож газрыг чөлөөлөх арга хэмжээ эвч ажиллаж байна. Тиймээс өнөөдөр таныг хүрэлцэн ирж харилцан тохиролцож танай эзэмшлийн газрыг чөлөөлөх шийдвэрт хүрэхийг хүссэн юм.

Тэнэй компаний эзэмшиж байгаа газар Цэвэрлэх байгууламжийн хамгаалалтын бүсэд байгаа учраас зайлшгүй чөлөөлөх шаардлагатай байна. Орон

1



нутгийн зүгээс танай компанид цэвэрлэх байгууламжийн хамгаалалтын бүсийн гадна газар олгох нөхцөл санал болгож байна.

З.Урангоо: Хэрлэн сумын зүгээс Жипэл ХХК-д шинээр олгох газрын байршлыг тодорхой болгосон. Дамдиндорж гуайтай газар дээр нь очиж үзэж тохирсон байгаа. Газар эзэмшүүлэх шийдвэрийн төсөл боловсруулагдаад явж байна. Жипэл ХХК-д эзэмшүүлэхээр төлөвлөж байгаа газрын зураглал энд байна.

П.Дамдиндорж: Тиймээ Урангоо болон аймгийн ГХБХБГ-ын төлөөлөлтэй хамт манайд шинээр эзэмшүүлэх газрыг очиж үзэж, байршил дээр тохиролцсон байгаа. Орон нутгийн зүгээс тавьж байгаа саналыг хүлээж авъя аа. Орон нутагт томоохон бүтээн байгуулалт хийгдэхээр ажил эхэлж байхад манай компаний зүгээс одоо эзэмшиж байгаа газрыг чөлөөлөхөд татгалзах зүйл байхгүй. Харин манай гаргасан байгаа гүний худгийн нөхөн төлбөрт 6 сая төгрөгийг шийдвэрлэж өгөхийг хүсэж байна.

Ц.Чогсомжав: Танай компаниас 2018 оны 02 дугаар сарын 07-ны өдөр аймгийн Засаг даргад гаргасан хүсэлттэй танилцсан. 40 метрийн гүнтэй гүний худгийн нөхөн төлбөрт 6 сая төгрөгийг шийдвэрлэж өгөхийг хүссэн байсан. Газар чөлөөлөхөд энэ гүний худгаас өөр орон нутагт тавьж шийдвэрлүүлэх хүсэлт бий юу?

П.Дамдиндорж: Өөр хүсэлт байхгүй ээ. Манай гүний худгийн нөхөн төлбөрт 6 сая төгрөгийг шийдвэрлээд өгчихвөл бусад газар чөлөөлөхөд гарах зардлыг манай компани хариуцна.

С.Нямдаваа: Гүний худгийн нөхөн төлбөрийн асуудлыг шийдвэрлэхэд худгийн холбогдох бичиг баримт бүрэн байх ёстой, мөн аймгийн Засаг даргын шийдвэрээр шууд нөхөн төлбөр олгох боломжгүй аймгийн ИТХ-д уламжилж, шийдвэр гарсаны дараа олгох боломжтой.

П.Дамдиндорж: Худгийн бичиг баримт байгаа. ИТХ-ын шийдвэр гарах асуудлыг ойлгож байна аа.

Ц.Чогсомжав: За тэгвэл бид гүний худгийн нөхөн төлбөрийн асуудлыг аймгийн ИТХ-д шийдвэрлүүлэхээр уламжлах болно. Түүнээс гадна танай эзэмшлийн газар дээр өнөөдрийн байдлаар 2 айл амьдарч байгаа юм байна. Азийн хөгжлийн банкны зүгээс газар чөлөөлөлттэй холбоотойгоор айл өрхийн амьдралыг доройтуулахгүй байх бодлого баримталдаг. Тиймээс бид мөн энэ 2 айлын асуудлыг тантай зөвшилцөж зайлшгүй шийдвэрт хүрэх хэрэгтэй байна.

П.Дамдиндорж: Тийм ээ манай манаачийнх бий. Тэр 2 айлын өнөөдрийн амьдралын түвшин газар чөлөөлөлттэй холбоотойгоор дордохгүй байх, нүүхтэй холбогдох зардлыг манай компани хариуцна. Би баталгаа өгч байна. Тэр 2 айл шинээр манайд олгож байгаа газарт нүүж очоод бууна.

Э.Мөнх-Эрдэнэ: Шинээр олгосон газар 2 айл нүүж очоод амьдрахад цахилгаанд холбогдох боломжтой юу?

П.Дамдиндорж: Боломжтой. Тэр айлуудын өнөөдрийн амьдралын түвшин дордохгүй байх холбогдох асуудлыг манай компани хариуцъя аа.

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Ц.Чогсомжав: Бид танайд шинээр эзэмшүүлэх газар болон гүний худгийн нөхөн төлбөрийн асуудлыг шийдвэрлэж өгье. Газар чөлөөлөхтэй холбогдох зардал болон одоо танай эзэмшлийн газар дээр амьдарч байгаа 2 өрхийн өнөөдрийн амьдралын нөхцөлийг дордуулахгүй байхыг танай компани хариуцахаар шийдвэрт хүрлээ гэж ойлголоо. Та зөвшөөрч байна уу Дамдиндорж гуай?

П.Дамдиндорж: Би зөвшөөрч байна аа.

ШИЙДВЭРЛЭСЭН нь:

Орон нутгийн зүгээс: ЖИПЭЛ ХХК-д шинээр эзэмшүүлэх газрын асуудлыг шийдвэрлэнэ. ЖИПЭЛ ХХК-ий одоо эзэмшиж байгаа газар дээр гаргасан гүний худгийн нөхөн төлбөрийн асуудлыг аймгийн ИТХ-д шийдвэрлүүлэхээр уламжилна.

ЖИПЭЛ ХХК нь: Газар чөлөөлөхтэй холбогдох зардал болон одоо байгаа өөрийн эзэмшлийн газар дээр амьдарч байгаа 2 өрхийн өнөөдрийн амьдралын түвшин газар чөлөөлсний дараа дордохгүй байх холбогдох асуудлыг бүрэн хариуцна.

Хурлын тэмдэглэл хөтөлсөн:

АЗДТГ, ХОХБТХ-ийн мэргэжилтэн:  Ц.Бат-Эрдэнэ

Хурлын тэмдэглэлтэй танилцаж баталгаажуулсан:

Аймгийн Засаг даргын орлогч:  Ц.Чогсомжав

АЗДТГ, ХОХБТХ-ийн дарга:  Э.Мөнх-Эрдэнэ

АЗДТГ, СТСХ-ийн дарга:  С.Нямдаваа

ЖИПЭЛ ХХК-ий захирал:  П.Дамдиндорж

Хэрлэн сумын газрын даамал:  З.Урангоо

MINUTES OF THE MEETING WITH THE JPL LLC

February 14, 2018

Kherlen Soum

Meeting with the JPL LLC held at the Khentii aimag Governor's office and Mr. Ts.Chogsomjav, Deputy Governor of the aimag chaired the meeting.

Started at 09:56

Ended at: 10:46

Participants of the meeting:

1. Ts. Chogsomjav, Deputy Governor of the Aimag
2. E. Munkh-Erdene, Governor's Secretariat, Head of the Investment & City Development Planning Department
3. S. Nyamdavaa, Governor's Secretariat, Head of the Finance & Treasury Department
4. Ts. Bat-Erdene, Governor's Secretariat, Specialist of the Investment & City Development Planning Department
5. P. Damdindorj, Director of the JPL Co. Ltd
6. Z. Urangoo, Land Officer of Kherlen Soum

Agenda of the meeting:

- Acquisition of the land possessed by the JPL company within the boundary of buffer zone for the treatment plant

Meeting discussion:

Ts. Chogsomjav: Greetings to you all. Today we will discuss about the acquisition of the land possessed by the JPL company within the boundary of buffer zone for the treatment plant

Participants of meeting introduced themselves.

First of all, let me briefly introduce about the treatment plant to be built in Kherlen Soum to you Mr. P. Damdindorj, director of the JPL LLC. This treatment plant has a capacity of treating 3000 m³/per day. Project is funded by the Asian Development Bank and the initial work has started. It is planned to be built on the north of the existing treatment plant cart. In relation to this project, aimag Citizens' Representatives' Meeting was held on February 7, 2018 and issued the Decree #2, which defined the buffer zone for the treatment plant to be 100 meters. Subsequently, we are meeting with individuals, legal entities, enterprises and companies that possess the land within the boundary of buffer zone and mutually negotiating & taking land acquisition measures. Today we requested you to come, so that we can mutually discuss and negotiate on the solution to acquire the land that your company possess.

The land that your company is possessing locates within the boundary of buffer zone, thus it needs to be acquired. From the local government, we propose to allocate the land to your company outside the boundary of buffer zone for the treatment plant.

Z. Urangoo: Kherlen Soum has already identified the new land location to be allocated JPL LLC. We went to see that land on-site together with Mr. Damdindorj and agreed. Draft resolution on the land possession is being prepared. Here, we have a map of the land, that is planned to be possessed by JPL LLC.

P. Damdindorj: Yes. We went to see the new land location on-site, together with Urangoo and other representatives from the aimag's Land Affairs and City Development Department, and agreed. We accept the offer proposed by the local government. We have no objection for the land acquisition as considerably large & important development construction work is starting in our aimag. However, we request to resolve the compensation claim of 6 million MNT, which we spent for drilling deep engineering well.

Ts. Chogsomjav: We reviewed the request that your company submitted to the aimag Governor on February 7, 2018. Your company claimed for 6 million MNT for compensation for 40 meter deep well. Do you have any other requests that your company want the local government to resolve except this deep well related claim?

P. Damdindorj: We have no other requests. If the deep engineering well compensation of 6 million MNT is resolved, our company shall incur all other costs related to the land acquisition.

S. Nyamdavaa: In order to resolve the deep-well compensation matter, the relevant documents of the well must be available. In addition, it is not possible to directly reimburse based on the aimag Governor's resolution. Therefore, the request has to be referred to the aimag Citizens' Representatives' Meeting (CRM) and once the CRM issues the resolution, we'll be able to pay the compensation.

P. Damdindorj: We have all documents of the well, and we understand that the resolution of the CRM is required.

Ts. Chogsomjav: In this case, we will refer the request for the deep well compensation to the aimag CRM for resolution. In addition, there are 2 households are currently living on the land that your company possess. According to the Asian Development Bank's safeguard policy, household livelihood should not be deteriorated due to the land acquisition. Therefore, we need to discuss about these 2 households with you and reach into the agreement.

P. Damdindorj: Yes. They are our company's guards. Livelihood of these 2 households will not be deteriorated due to the land acquisition. Our company shall incur the cost related to moving these 2 households. I can guarantee. These 2 households shall move to the new land that is allocated to our company.

E. Munkh-Erdene: When these 2 households move to the new land, will they be able to get connected with the electricity & power?

P. Damdindorj: Yes. Our company shall be responsible for not deteriorating the current livelihood of those 2 households.

Ts. Chogsomjav: As for our mutual understanding, we all agreed that the local government will resolve your request for compensation of the deep engineering well and allocate new land to your company, whereas your company shall be responsible for not deteriorating the livelihood of 2 households living on the current land and other costs related to the land acquisition shall be incurred by your company. Do you agree Mr. Damdindorj?

P. Damdindorj: I agree.

RESOLUTION:

Local government shall decide the allocation of new land to be possessed by the JPL LLC and refer the request for compensation of the deep-engineering well that is drilled on the land currently possessed by JPL LLC, to the aimag's CRM for resolution.

JPL LLC shall be fully responsible for not deteriorating the livelihood of 2 households living on the land currently possessed by JPL LLC and other costs related to the land acquisition.

Meeting minutes recorded by:

Ts. Bat-Erdene, Governor's Secretariat, Specialist of the Investment & City Development Planning Department (signature)

Meeting minutes reviewed and verified by:

Ts. Chogsomjav, Deputy Governor of Khentii aimag (signature)

E. Munkh-Erdene, Governor's Secretariat, Head of the Investment & City Development Planning Department (signature)

S. Nyamdavaa, Governor's Secretariat, Head of the Finance & Treasury Department (signature)

P. Damdindorj, Director of the JPL Co. Ltd (signature)

Z. Urangoo, Land Officer of Kherlen Soum (signature)

D. Letter to JPL LLC on allocation of new land.



ХЭНТИЙ АЙМАГ
ХЭРЛЭН СУМЫН ЗАСАГ ДАРГЫН
ЗАХИРАМЖ

2018 оны 04 сарын 26 өдөр

Дугаар 4/32

Хэрлэн сум

Газар эзэмших эрхийн гэрчилгээний
байршил шилжүүлэх тухай

Монгол Улсын "Засаг захиргаа нутаг дэвсгэрийн нэгж түүний удирдлагын тухай хууль"-ийн 29 дүгээр зүйлийн 29.2, 29.3 Иргэдээс төрийн байгууллага, албан тушаалтанд гаргасан өргөдөл гомдлыг шийдвэрлэх тухай хуулийн 7 дугаар зүйлийн 7.1.4 дэх заалтыг тус тус үндэслэн ЗАХИРАМЖЛАХ нь:

1. Хэнтий аймгийн төв Хэрлэн суманд цэвэрлэх байгууламжийн өргөтгөлийн ажил хийгдэх төсөл хэрэгжих болсонтой холбоотойгоор 5-р баг, Цэвэрлэх байгууламжийн зүүн талд үйлдвэрлэлийн зориулалтаар "Жилэл" ХХК-д эзэмшүүлсэн 1.0 га газрын байршилг шилжүүлэн 5-р баг, Элбэг баян говь ХХК-ны зуурмагийн үйлдвэрийн зүүн талд болгон өөрчилж 15 жилийн хугацаагаар эзэмшүүлсүгэй.

2. Эзэмшил газрыг "Газрын тухай хуулийн дагуу эзэмших гэрчилгээ олгон гэрээ байгуулж ажиллахыг Газрын даамал 3 Урангоод зөвшөөрсүгэй.

3. Тус газрыг хуулийн дагуу зохистой, зориулалтаар нь эзэмшиж газрын төлбөрийг хугацаанд нь төлж гэрээг жил бүр дүгнүүлж байхыг газар ААН-д даалгасугай.

ДАРГА



ЦИДЭРБАТ

05 000

ORDINANCE OF THE GOVERNOR
OF KHERLEN SOUM, KHENTII AIMAG

February 26, 2018

Ref # A/32

Kherlen

Sub: Change land location

On the basis of, Articles 29.2 and 29.3 of the Law on Territorial and Administrative Units and Their Governance, Article 7.1.4 of the Law on Grievance redressing process raised from Citizen to the State bodies and officials, IT IS ORDERED:

1. In relation to the implementation of new WWTP project, to allocate land in eastern side of the Batching of Elbeg bayan company, 5th bag, to the JPL LLC changing its previously possessed land location with 1 hectare for period of 15 years.
2. To direct Land manager (Z. Urabgoo) to contract with land possessor, issue the certificate.
3. To direct land possessors and business entities to properly use, protect and rehabilitate the land as stated in land related laws.

GOVERNOR (signed and sealed) Z. IDERBAT

Annex 12: Letter sent by the Governor of Murun soum, Khuvsgul aimag



**ХӨВСГӨЛ АЙМГИЙН
МӨРӨН СУМЫН ЗАСАГ
ДАРГА**

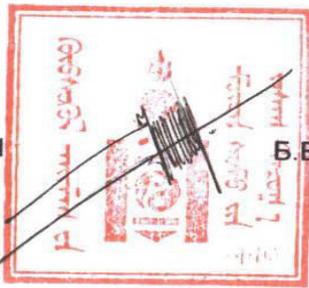
67123, Мөрөн, Хөвсгөл аймаг
Утас, факс: 70384316

2018.01.02 № 2/Б
танай _____-ны № _____-т

**АЗИЙН ХӨГЖЛИЙН БАНКНЫ
ТӨСЛИЙН НЭГЖИД**

Мөрөн сумын 13-р багт шинээр баригдах цэвэрлэх байгууламжийн хязгаарлалтын бүсэд нүүлгэн шилжүүлж, чөлөөлөх шаардлагатай иргэн хуулийн этгээдийн эзэмшиж, ашиглаж буй газар байхгүй бөгөөд төсөл хэрэгжихэд газрын зөрчил маргаан үүсэхгүй болохыг үүгээр илэхийлж байна.

ОРЛОГЧ



Б.БАТБАЯР

My/ doc-2017

Translated from Mongolian

MONGOLIA
GOVERNOR OF MURUN SOUM , KHUVSGUL AIMAG

67123 Murun, Khuvsgul aimag

Tel/Fax: 70364316

Date: January 02, 2018

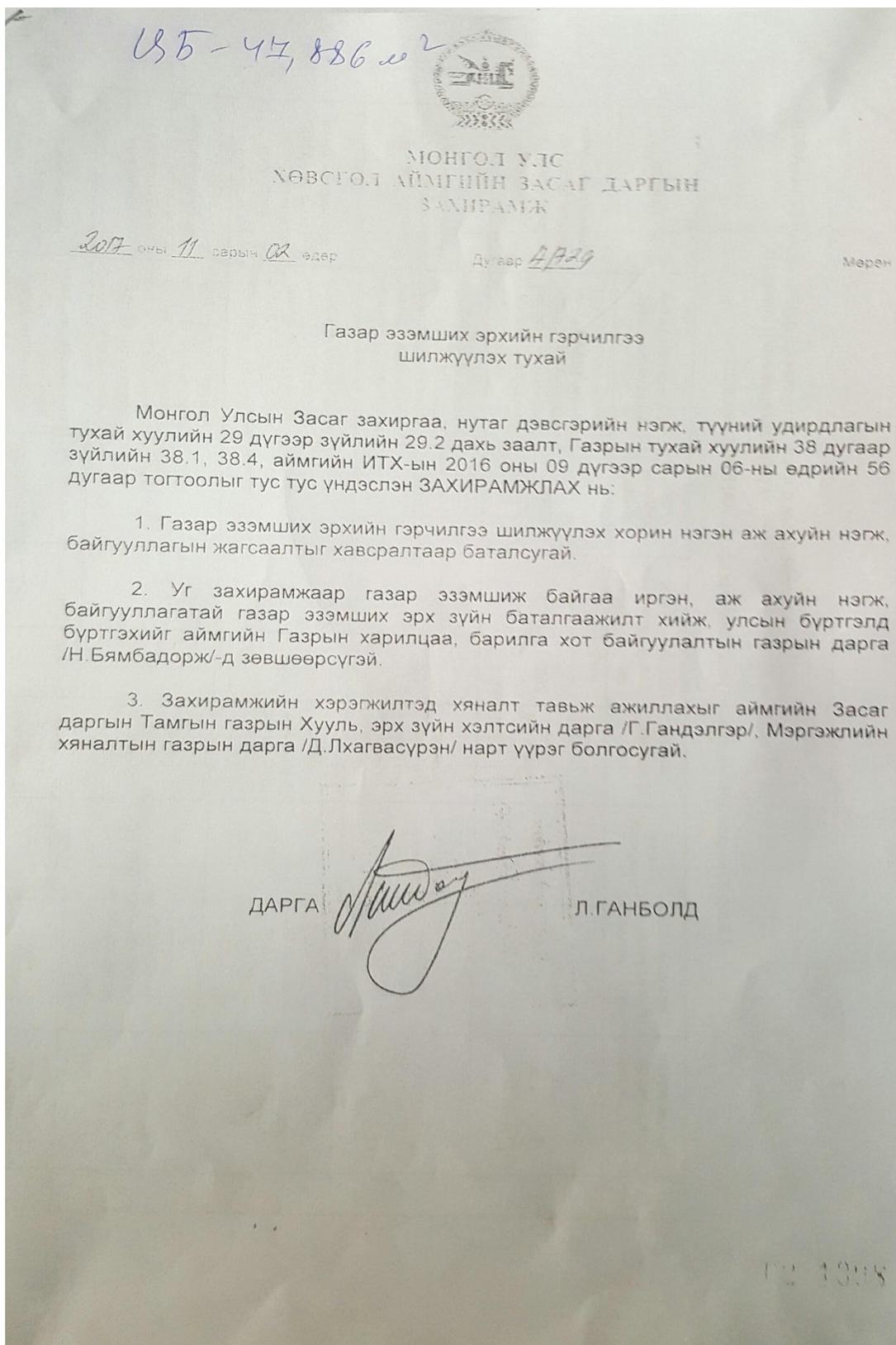
Ref:02/6

To: Project Unit of ADB

This is to confirm you that there are no possessed or used land by citizens or companies within the buffer zone of newly proposed treatment plant in 13th bag of Murun soum and any problems related with resettlement will not be arisen.

DEPUTY GOVERNOR (signed and sealed) B. BATBAYAR

Annex 4: Governor's ordinance of Khuvsgul aimag to allocate the land for possession



ORDINANCE OF THE GOVERNOR
OF KHUVSGUL AIMAG

November, 02 2017 Ref # A/729 Murun

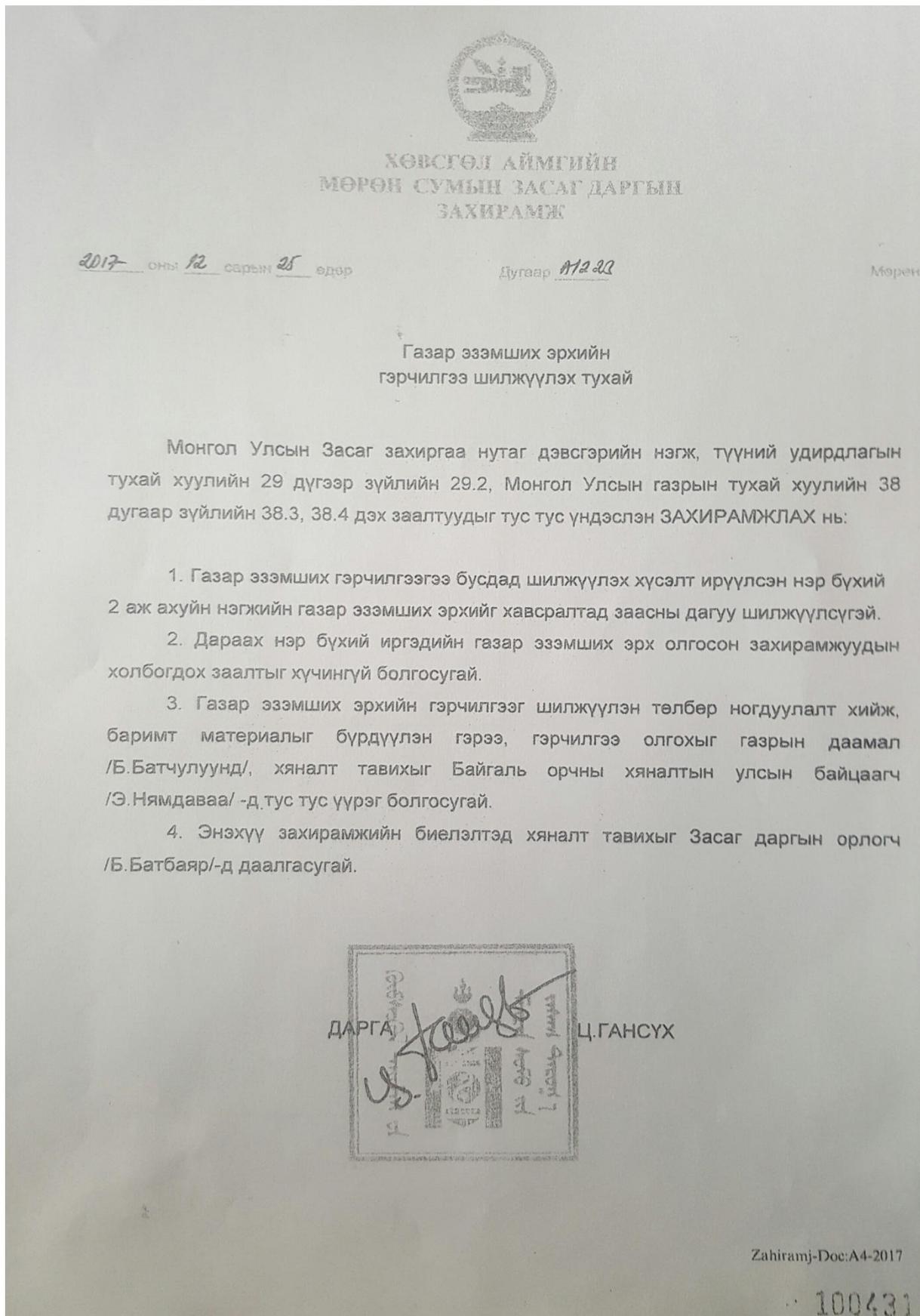
Sub: Transferring land possession licenses

On the basis of, Article 29.2 of the Law on Territorial and Administrative Units and Their Governance, Articles 38.1, 38.4 of the Land Law, Resolution #56 of Aimag Representatives Hural dated 6 September, 2016, IT IS ORDERED:

1. To approve list of 21 business entities which need to transfer land possession licences.
2. To allow LACUDD (N. Byambadorj) to confirm possession rights of these entities, register the land in the state registration.
3. To direct Director of Land Division of Governor's Administration Office (G. Gandelger), and Director of State Professional Inspection Agency (D. Lkhagvasuren) to monitor implementation of this ordinance.

GOVERNOR (signed and sealed) L. GANBOLD

Murun soum's Governor's ordinance to allocate the land for possession



ORDINANCE OF THE GOVERNOR
OF MURUN SOUM, KHUVSGUL AIMAG

25 December, 2017

Ref # A/223

Murun

Sub: Transferring land possession licenses

On the basis of, Article 29.2 of the Law on Territorial and Administrative Units and Their Governance, Articles 38.1, 38.4 of the Land Law, IT IS ORDERED:

- 1.To transfer land possession rights of two business entities that expressed their interest as stated in the Annex.
- 2.To invalidate related provisions of the previous Land ordinance that allocated land to above mentioned entities.
- 3.To direct Land manager (B. Batchuluun) to transfer the land possession right, impose related land payment, make contract and issue land certificate and Environmental state inspector (G. Gandelger) to monitor.
- 4.To direct Deputy Governor (B. Batbayar) to monitor implementation of this ordinance.

GOVERNOR (signed and sealed) Ts. GANSUKH

Annex 6: Letter sent by LACUDD of Sukhbaatar aimag



**СҮХБААТАР АЙМГИЙН
ГАЗРЫН ХАРИЛЦАА, БАРИЛГА ХОТ
БАЙГУУЛАЛТЫН ГАЗАР**
22000 Баруун-Урт, Сүхбаатар аймаг
Утас, факс: 70519605, 70512605

2018.01.18 № 01/21
танай _____-ны № _____-т

АЗИЙН ХӨГЖЛИЙН БАНКНЫ
ТӨСЛИЙН НЭГЖИД

Хүсэлт хүргүүлэх тухай

Манай аймгийн төв Баруун-Урт хотын нь 2030 он хүртэл хөгжих хот тосгоны хөгжлийн ерөнхий төлөвлөгөөг 2015 онд “Түмэд групп” ХХКомпани боловсруулан аймгийн ИТХурлын 2016 оны 04 тоот тогтоолоор батлуулан хэрэгжүүлэн ажиллаж байна.

Уг төлөвлөгөөнд хуучин цэвэрлэх байгууламжийг аймгийн төвөөс зүүн урд зүгт 965 метр шилжүүлэн шинээр барьж байгуулахаар Баруун-Урт сумын Засаг даргын 2016 оны А/124 тоот захирамжаар 6,8 га газрыг “Дөрвөлж” /ОНӨУГ/ ХХКомпанид олгон зураг төслийг боловсруулан батлуулсан.

Дээрх зураг төсвөөр хийгдсэн шинэ цэвэрлэх байгууламж нь цаашид газар чөлөөлөлтөд орж нүүлгэн шилжүүлэх болон дахин төлөвлөлтөд орохгүйгээр урт хугацаанд ашиглагдахаас гадна хамгаалалтын бүсийг 500 метрээр тогтооход гэр хорооллын бүстэй давхцал үүсэхгүйгээр хотын хөгжлийн ерөнхий төлөвлөгөөнд тусгагдсан.

Иймд тус газраас хамгаалалтын бүсийг тогтоох асуудлыг 1 дүгээр улиралд багтаан аймгийн ИТХурлаар хэлэлцүүлэн батлуулахаар ажиллаж байна.

ДАРГА



Х.ХИШИГБАДРАХ

**LAND MANAGEMENT, CONSTRUCTION AND
URBAN DEVELOPMENT DEPARTMENT
OF SUKHBAATAR AIMAG**

22000 Baruun- Urt, Sukhbaatar aimag
Tel/Fax: 70518605, 70512605

Date: 18 January 2018
Ref No: 01/21
Ref: Request

In 2015, Tumed Group LLC has developed the Master Plan up to 2030 for Baruun – Urt city and obtained approval from the Citizen’s Representative Khural of the aimag (resolution No.4 of 2016). Accordingly, the plan is being implemented.

As specified in the plan, it was planned to construct new treatment facility in 965m southeast of the aimag center and for this purpose, allocated 6.8-hectare land to Durvulj LLC in accordance with the ordinance No. A/124 of the Governor of Baruun- Urt soum of 2016. The design of new treatment facility has been developed and approved.

According to the plan, the new treatment facility designed according to the above-mentioned design will not be subject to land acquisition and resettlement and re-development plan and will not overlap with ger area region even its buffer zone is set up in 500m.

We are planning to submit request setting up buffer zone for the facility to the aimag Citizen’s Representative Khural within Q1 for approval.

DIRECTOR [signed and sealed] KH. KHISHIGBADRAKH

Governor's ordinance of Sukhbaatar aimag for land possession



СҮХБААТАР АЙМГИЙН БАРУУН-УРТ СУМЫН ЗАСАГ ДАРГЫН ЗАХИРАМЖ

2016 оны 06 сарын 20 өдөр

Дугаар А/204

Баруун-Урт сум

Газар эзэмшүүлэх тухай

Монгол Улсын Газрын тухай хуулийн 21 дүгээр зүйлийн 21.4.3 дахь заалт 33 дугаар зүйлийн 33.1.1 дэх заалтуудыг үндэслэн ЗАХИРАМЖЛАХ нь.

Нэг. Хотын хөгжлийн ерөнхий төлөвлөгөөнд тусгагдсаны дагуу /000059419/ дугаарын улсын бүртгэлийн гэрчилгээтэй, /2016966/ регистрийн дугаартай "Дөрвөлж ОНӨААТҮГ" Газрын Нисэх буудлын зүүн талын бохир ус цэвэршүүлэх байгууламжийг нүүлгэн шилжүүлэх болсонтой холбогдуулан Асгатын замын баруун талд, 7-р тойргийн замын урд цэвэрлэх байгууламжийн зориулалтаар 6,8 га газрыг 15 жилийн хугацаатай эзэмшүүлсүгэй.

Хоёр. Холбогдох хууль тогтоомжид заасны дагуу газар эзэмших гэрээ байгуулан, эрхийн гэрчилгээ олгож, газрын хил заагийг тогтоож өгөхийг Хот төлөвлөлт, газар зохион байгуулалт хариуцсан мэргэжилтэн /З.Мөнхбаяр/, Хууль тогтоомжийн хэрэгжилтэнд хяналт тавьж ажиллахыг Тамгын газрын дарга /Б.Амарзаяа / нарт үүрэг болгосугай.

Гурав. Эзэмшил газраа холбогдох хууль тогтоомж, гэрээний дагуу эзэмшиж, гадна орчноо цэвэрхэн байлгах, тохижуулах, өнгө үзэмжийг сайжруулах арга хэмжээ авч ажиллахыг "Дөрвөлж ОНӨААТҮГ" ХХК-д даалгасугай.

Дөрөв. Энэхүү захирамж гарсантай холбогдуулан Сумын засаг даргын 2015 оны 10-р сарын 19-ний өдрийн А/204 тоот захирамж, 306251 дугаартай гэрчилгээ, гэрээг хүчингүй болсонд тооцсугай.



М.ИДЭРБАТ

ORDINANCE OF THE GOVERNOR
OF SUKHBAATAR AIMAG

6 June, 2016 Ref # A/124 Baruun-Urt soum
Sub: Land possession

On the basis of, Articles 21.4.3, 33.1.1 of the Land Law, IT IS ORDERED:

- 1.As stated City Development Master Plan, to allocate 6.8 hectare land for possession in 7th circle and right side of Asgat road to shift the current land for WWTP of Durvulj LLC alongside in east Airport, with state certificate (000053419) and registration number (2016966) for 15 years.
- 2.To direct Specialist, in charge of the city planning and land management (Z. Munkhbayar) to award contract, issue the land certificate, and establish land boundary and Director of Governor's Administration Office (B. Amarzaya) to monitor its implementation.
- 3.To direct Durvulj State Owned Enterprise LLC to use the land according to the laws and contract, take actions to improve its conditions.
- 4.To invalidate Soum Governor's Ordinance A/204 dated 19 October 2015 and land certificate N306251 and the contract in connection with issuing this Ordinance.

GOVERNOR (signed and sealed) M. IDERBAT

Annex 7: Sample Grievance Redress Form

The Project welcomes complaints, suggestions, queries and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback.

Should you choose to include your personal details but want that information to remain confidential, please inform us by checking box requesting CONFIDENTIALITY, below. Thank you.

Request for Confidentiality

CATEGORY OF GRIEVANCE

Legal Administrative Social Financial Technical Environment Other

Date	Place of registration	Project site:
Name (if not confidential)		
Home address		
District/Khoroo		
Phone number/email:		
Description of grievance/comment or suggestion:		
If includes attachment/note/letter, please tick here: <input type="checkbox"/>		

FOR OFFICIAL USE ONLY

Registered by: (Name and signature of officer registering grievance)
Mode of communication: Note/Letter E-mail Verbal/Telephonic
Reviewed by: (Names/Positions of Official(s) reviewing grievance)
Action Taken:
Whether Action Taken Disclosed: <input type="checkbox"/> Yes <input type="checkbox"/> No
Means of Disclosure:

Annex 8: Consultation Meetings Held During LARP Planning

Date	Place	Name
12/19,12/22 01/24	Bulgan aimag	D. Ochirbat, Director of Bulgan Meej LLC G. Enkhtaivan, Sewage engineer of Bulgan Meej LLC N. Narmandakh, General financier of Bulgan Meej LLC
12/20 01/24	Bulgan aimag	D. Batzorig, Governor of Bulgan aimag Mr. Byambasuren, Director of LACUDD B. Ganzorig, General Architect of the Bulgan Aimag, S. Naranbaatar, Head of the Land management Division of LACUDD R.Gurjav, Specialist of charge of construction, LACUDD G. Battsagaan, Specialist of charge of PUSO, LACUDD D. Naranbayar, Governor of Bulgan soym B. Tsolmon, land specialist of Bulgan soum D. Bumanbayar, Head of the Investment and Development Division A. Bantumur, Director of the Environment and Tourism Department Ts. Burentuya, Head of the Standard and Measurement Department B. Oyunbat, Governor of Bulgan soum B. Dolgorsuren, Head of the State Professional Inspection Agency B. Ser-Od, Honored consultant engineer of Bulgan aimag O. Ikhbayar, Head of the Administration Department of Bulgan aimag G. Gantulga, Specialist in charge of development of LACUDD G. Otgonbayar, Chief engineer of Power Distribution Department
12/21 12/20, 12/21 01/24 01/25	Khuvsgul aimag	L. Ganbold, Governor of Khuvsgul aimag Ts. Battogtokh, Deputy Governor of Khuvsgul aimag G. Enkhbayar, Director of Khuvsgul Us Suvag LLC D. Sukhee, General Engineer of Khuvsgul Us Suvag LLC L. Bolormaa, Economist of Khuvsgul Us Suvag LLC U. Ariunaa, Chief heating engineer of Khuvsgul Us Suvag LLC N. Byambadorj, Director of LACUDD D. Myagmarsuren, State inspector of State Professional Inspection Agency of Khuvsgul aimag Mr. Nyambat, Specialist in charge of engineering network, LACUDD P. Tsengenjargal, Engineer of Heating Network Department B. Batbayar, Deputy Governor of Murun soum, B. Shinebayar, State controller of Standard and Measurement Department B. Davaasuren, State inspector of State Professional Inspection Agency Ms. Azzaya, General architect of Khuvsgul aimag
12/27, 12/28 01/21	Dundgovi aimag	D. Ganbaatar, Director of Dundgovi-Us Local Government Owned Enterprise Ch. Bayarbat, Chief engineer of Dundgovi-Us Local Government Owned Enterprise B. Ulambayar, Engineer in charge of use, Dundgovi-Us Local Government Owned Enterprise L. Surendolgor, Chief accountant, Dundgovi-Us Local Government Owned Enterprise
12/28 01/21	Dundgovi aimag	O. Bat-Erdene, Governor of Dundgovi aimag J. Munkhchuluun, Deputy Governor of Dundgovi aimag N. Erdene-Ochir, Development Policy and Planning Division Mr. Gantulga, Director of the Environment and Tourism Department D. Nergui, Head of the Construction Division of LACUDD B. Renchindorj, Head of the Land Management Division of LACUDD B.Ganbat, Head of the Finance and State Fund Division of Dundgovi Aimag Administration S.Uuganbayar, Head of the Local Property Agency of Dundgovi Ms. Ouynchimeg, State inspector of Environment Ms. Munkhzul, Specialist of Investment and Development Division

01/15	Khentii aimag	N. Ganbyamba, Governor of Khentii aimag
01/16		G. Kherlenchuluun, Deputy Governor of Khentii aimag E. Munkh-Erdene, Head of Investment and Development Division D. Bayarkhuu, Head of the LACUDD Kh. Ganchuluun, Director of Power distribution Department Darkhantuul, Head of Environment and Tourism Department Mr. Sumbee, Director of State Professional Inspection Agency of Khentii aimag Ts. Iderbat, Governor of Kherlen soum Mr. Munkhjargal, General architect of Kherlen soum Ms. Urangoo, land specialist of Kherlen soum G. Batgerel, Director of Khentii-Us LLC D. Darkhanbayar, Chief engineer of Khentii-Us LLC B. Byambasukh, Engineer in charge of use, Khentii-Us LLC D. Erdenebat, Chief accountant, Khentii-Us LLC
02/13		Ts. Chogsomjav, Deputy Governor in charge of social matters Mr. Bilegsaikhan, Cadastral engineer of LACUDD Ts. Bat-Erdene, Specialist of Investment and Development Division D. Darkhanbayar, Chief engineer of Khentii-Us LLC B. Byambasukh, Engineer in charge of use, Khentii-Us LLC D. Enkhbaatar, resident E. Sempin, resident
01/17	Sukhbaatar aimag	Z. Enkhtur, Governor of Sukhbaatar aimag
01/18		T. Amarbaatar, Deputy Governor of Sukhbaatar aimag U. Amarzaya, Head of the Investment and Development Division Kh. Khishigbadrakh, Head of the LACUDD J. Batsuuri, Specialist of Development Policy Division M. Tumurchuluun, Head of the State Fund Division B. Munkhtuya, Specialist of State fund O. Duurenbileg, Director of Durvuljin LLC (PUSO) Ch. Aldarbat, General Engineer of Durvuljin LLC G. Narantsetseg, Chief accountant of PUSO B. Lantuu, Consultant of PUSO B. Budjav, Water supply engineer of PUSO

Annex 9: Resettlement Information Pamphlet

SC 109894 MON: Support to the Preparation of Second Additional Financing for Southeast Gobi Urban and Border Town Development Project in Mongolia

Resettlement Information Pamphlet

40. **Khentii Aiag Subproject Scope.** The subproject will involve the construction of a new wastewater treatment plant, extension of the existing pump station and other facilities.

41. The PUSO responsible for management and operation of water and wastewater services is Khentii-Us LLC.

42. **Screening of IR Impacts.** In collaboration with Khentii Us LLC, the project team worked twice in Mandalgovi soum, Dundgovi aimag in December 2017 and January 2018 in order to identify any potential impacts due to land acquisition resettlement that may occur.

a. **New Wastewater Treatment Plant.** The new wastewater treatment plant is designed to be constructed on the north-western side of the existing waste water treatment plant. Total of 150,671 m² land was allocated for the treatment plant with the duration of 47-years according to the Governor's Ordinance #A/83 dated March 1s, 2018.

b. **Buffer zone.** The buffer zone has been defined to be 100 meter at the 2nd meeting of the 7th Citizens' Representatives' meeting that was held on February 7, 2018.

c. **Pump Station.** The area is 200 m². It will be located at the territory of 4th *bag* of Kherlen Soum. The land is possessed by the Khentii-U LLC.

d. **Power Supply and heating supply** required for treatment plant operation will be supplied from the existing network.

e. **Water Supply** will be from deep well within the area planned for the WWTP

43. **Scope of LAR Impacts.** There are 2 companies who will be affected by the subproject.

e. **New Wastewater Treatment Plant.** On the left side of the current WWTP, some portion of the land possessed by a private company, CekTex Group LLC overlaps with the proposed WWTP. The company, CekTex Group LLC is in possession of 16,003 m² which is on the left side of the proposed WWTP. There are no structures or assets on said land.

d. **Buffer Zone.** A portion of the land possessed by a private company, JPL LLC (stone crushing and construction business), will be affected. The business operation is seasonal. JPL LLC invested on a 40m deep drilled engineering well. A woman guard is working for the company. She and her family live in the *gers* within the company compound. .

44. The objectives, legal and policy framework has been set out in accordance with ADB Safeguard Policy Statement to ensure that all affected entities receive the appropriate assistance, compensation and access to project planning in a timely manner to enable them to maintain a level of well-being, which is at least equivalent to or better than what it would have been without the project. To achieve this, the affected entities must be fully informed, closely consulted, compensated for their losses, assisted to gain possession or ownership of replacement land and property, in order to re-establish their living conditions and enterprises.

45. All provisions adopted here are based on the applicable Mongolian Laws and the 2009 Safeguard Policy Statement (SPS). Applicable Mongolian Laws are the Constitution of Mongolia, Law on Land, Law on Allocation of Land to Mongolian Citizens for Ownership, and Civil Code.

46. All affected entities are eligible for compensation and assistance, as stipulated in ADB's Safeguard Policy Statement, including owners, possessors, users, legal occupants, non-titled occupants and lessees. The affected land and properties will be compensated based on the principle of replacement cost.

47. In terms of cut-off date, an eligibility cut-off date is to be set when the project is officially notified, the project area is delineated or the census of the affected population is taken, to prevent influx of non-eligible persons and land speculation. For this Project, the sites have been identified and the company has been notified officially (through letters and meetings).

Type of Impacts	Eligible person/entity	Entitlements
Impact on Leased Land (Land Possession)	Two private companies: Cextex Group LLC JPL LCC Company	The Government will allocate replacement land for the two companies. For JPL LCC Company, it will ensure proper relocation of the woman guard and her family in the new land to be allocated to them by the Government. Any costs and support needed by the households will be borne by the company ⁸ .
Affected Deep Well	JPL LCC Company	Cash compensation at replacement cost. No deduction or depreciation will be applied.
Unforeseen Impacts	To be determined	To be identified during project implementation; measures will be formulated as appropriate according to ADB policy and reported to ADB prior to implementation.
Affected Structures	Structure Owners (To be determined)	In the event that affected structures are identified during project implementation, compensation will be at replacement cost which based on prevailing market rates for comparable types of structures, cost of labor and transportation. There will be no deduction of depreciation and no deduction for salvageable materials.

48. **Grievance Redress.** Each staff from PUSO will appoint a grievance officer to accept and document any grievances, requests, or complaints from an affected person or entity related from land acquisition (restricted use of land, temporary or permanent impacts caused by the Project).

49. **Implementation Arrangements.** The Ministry of Construction and Urban Development (MCUD) will be the executing and implementing agency for additional financing project, supported by the existing PMU, which will extend its responsibilities for the current project.

⁸ Assurance by JPL LCC company to assist the households and ensure that they will not be adversely affected is in the minute of meeting.

50. At the *aimag* level, project supervision will be assisted through PUSO support unit comprising staff assigned to the project part-time from PUSO. Project management and implementation support will be provided to the PMU through consultants hired under the loan project. The project management and implementation support consultant will assist the PMU and PUSO support units in project management, procurement, supervision and safeguards implementation and monitoring.

51. **Project Schedule and Monitoring.** The project implementation period will be from July 2018 to December 2021. If there will be changes in the design during implementation and will result to new or changes in LAR impacts, this LARP will be updated and submitted to ADB for review and concurrence prior to any land acquisition and resettlement activities.

52. Prior to commencement of civil works, the PMU will report the progress of LARP implementation. Specifically, the timely allocation of land to the two affected companies and compensation at replacement cost for the fixed asset (deep well).

53. Civil works will not commence unless all compensation and relocation activities have been completed.

54. The PMU will monitor LARP implementation. A section on RP implementation will be included in the semi-annual progress reports of the project. The information will include the consultations undertaken, grievances received, status, and resolution; allocation of new land and compensation payment at replacement cost; and assistance provided by the JPL LLC company to the guard woman and her family.