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Ministry of Physical Planning and Works
Department of Roads
Project Directorate (ADB)

Emergency Flood Damage Rehabilitation Project
ADB GRANT NO. 0150-NEP (SF)

Resettlement Plan
Koshi Bridge (Chatara)

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MMM Group Limited (formerly ND LEA Inc.), Canada
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Table of Contents

1. INTRODUCTION.....	3
1.1. PROJECT DESCRIPTION	3
1.2. SCOPE AND OBJECTIVES OF THE RESETTLEMENT PLAN.....	5
2. SOCIO-ECONOMIC PROFILE AND IMPACTS.....	5
2.1 PROJECT AREA	5
2.2 SOCIO-ECONOMIC INFORMATION AND PROFILE.....	5
2.3 DEMOGRAPHIC PROFILE OF THE SUBPROJECT AREA.....	6
2.4 SOCIAL PROFILE OF THE AFFECTED HOUSEHOLDS.....	6
2.4.1 Literacy and Education	6
2.4.2 Age Group of Household Population	6
2.5 ECONOMIC PROFILE	7
2.5.1 Occupational Background of the Affected Households	7
2.6 SUBPROJECT BENEFITS	7
2.7 GENDER STATUS & IMPACTS.....	8
2.8 RESETTLEMENT IMPACTS.....	8
2.8.1 Legal Ownership Status of the Affected Residential Structures	10
3. RESETTLEMENT PRINCIPLES AND POLICY FRAMEWORK.....	10
4. RESETTLEMENT BUDGET	14
5. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION.....	16
6. IMPLEMENTATION FRAMEWORK & SCHEDULE	16
7. MONITORING & REPORTING	17

List of Tables

Table 1.1 Description of the Subproject.....	3
Table 2.1 Average Annual Income of the Affected Households (in NRs)	5
Table 2.2 Education Status of the Respondents of Affected Households	6
Table 2.3 Age Group Distribution.....	6
Table 2.4 Main Sources of Income of Interviewed Households.....	7
Table 2.5 Economically Active Affected Persons by Sex.....	7
Table 2.6 Affected Households and APs in Koshi Bridge Subproject.....	8
Table 2.7 List of Affected Land and loss of Land in the Subproject.....	9
Table 2.8 Vulnerability Status of the APs of Affected Households	10
Table 3.1 Entitlement Policy/Matrix.....	12
Table 4.1 Resettlement Cost Estimate	15
Table 5.1 Consultation Matrix	16

List of Figures

Figure 1.1 Location Map	Error! Bookmark not defined.
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Annexes

- Annex 1 List of affected structures and compensation cost
- Annex 2 Typical cross section
- Annex 3 Schedules for Land Acquisition
- Annex 4 List of Affected Private Trees and Estimated Compensation Cost
- Annex 5 List of Affected Fruit Trees and Estimated Compensation Cost
- Annex 6 Photographs of Affected Structures/Trees
- Annex 7 Involuntary Resettlement Categorization

Abbreviations

ADB	Asian Development Bank
AP	Affected Person
CBO	Community Based Organization
CDC	Compensation Determination Committee
CDO	Chief Development Officer
CPR	Common Property Resource
DAO	District Administration Office
DoR	Department of Roads
EA	Executing Agency
GESU	Geo-Environmental Social Unit
GoN	Government of Nepal
IA	Implementing Agency
LCF	Local Consultative Forum
MOPPW	Ministry of Physical Planning and Works
NGO	Non-Governmental Organization
PAF	Project Affected Person
RAP	Resettlement Action Plan
RMP	Resettlement Monitoring Plan
RP	Resettlement Plan
RoW	Right of Way
SRS	Social Development/Resettlement Specialist
SAP	Social Action Plan
SLC	School Leaving Certificate
SC	Supervision Consultant
SPAF	Severely Project Affected Person
VDC	Village Development Committee

Glossary of Terms

Affected Person (or Household)	People (households) affected by project-related changes in use of land, and other resources. this means all the people affected by the project through land acquisition, relocation, or loss of incomes and includes any person, household (sometime referred to as project affected family), firms, or public or private institutions. APs therefore include; i) persons affected directly by the safety corridor, right-of-way, tower or pole foundations or construction work area; (ii) persons whose agricultural land or other productive assets such as trees or crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the project impact; (iv) persons who lose work/employment as a result of the project impact; and (v) people who lose access to community resources/property as a result of the project
Chief District Officer	Chief Administrator of the district having overall responsibilities to look after the district administration, law and security
District Development Committee	District level development unit to be chaired by district level elected leader.
Feeder Road	Feeder roads are of secondary nature in the hierarchy of the road network in Nepal.
<i>Janajati</i> (Ethnic/Indigenous People)	Two significant characteristics have included by ADB while defining indigenous people; (i) descent from population groups present in a given area, most often before modern states or territories were created and before modern borders were defined, and (ii) maintenance of cultural and social identities, and social, economic, cultural, and political institutions separate from mainstream or dominant societies and cultures. Additional characteristics often ascribed to indigenous peoples include (i) self-identification by others as being part of a distinct indigenous cultural group, and the display of desire to preserve that cultural identity, (ii) a linguistic identity from that of the dominant culture, (iii) social, cultural, economic, and political traditions and institutions distinct from the dominant culture, (iv) economic systems oriented more toward traditional systems of production than mainstream systems, and (v) unique ties and attachments to traditional habitats and ancestral territories and natural resources in these habitats and territories.

Land Acquisition and Compensation Fixation Committee Resettlement Plan	The committee to be formed under the chairmanship of CDO for acquiring and compensating land and properties based on Land Acquisition Act of Nepal (2034) 1977. A time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.
Public Road Directives	The Public Work Directives (PWD), 2002 is prepared by the Ministry of Physical Planning and Works under the Asian Development Bank Technical Assistance No. 3306-NEP for Strengthening of Project Implementation Practices. The PWD are intended to use services of GoN agencies in the implementation of central-level projects and district-level projects carried out by the regional/divisional/district offices of GoN. The PWD also incorporate procedures and procurement documents for implementing small projects and thus local bodies may benefit from adopting many of the contents of the PWD
Vikram Sambat (V.S.)	Name of the year followed as the national year in Nepal. VS is approximately 57 years ahead of AD year
Village Development Committee	Local level administrative unit represented by locally elected politicians.

EXECUTIVE SUMMARY OF THE RESETTLEMENT PLAN

1 The GoN of Nepal has received grant from ADB for Emergency Flood Damage Rehabilitation Project after the huge flood in Nepal in August 2008. The flood damaged roads, bridges and impacted on socio-economic life of the people. The grant is to be utilized in infrastructure, agriculture, irrigation, water supply, and road projects. The grant is provided to rebuild damaged structures, and restore income. The Koshi Bridge is one of the subprojects under the grant.

2 The bridge construction lies in the eastern terai region of Nepal. The proposed Koshi Bridge construction work will not only link Udayapur and Sunsari Districts, but will also act as a major alternative route to the East-West Highway. As such, the aim of the Project is to develop Dharan-Chatara-Gaighat as a major alternative route to the East-West Highway. The Department of Roads (DoR) will be the primary agency responsible for Project implementation. It is also responsible for preparing Resettlement Plan (RP) for the subprojects under Grant. This RP has been prepared for Koshi Bridge Subproject.

3 Koshi bridge site is located in Chatara Ghat along the Dharan-Chatara-Fattepur road. The left bank of the river lies in Chatara Ghat, Ward no.1 of Barahchhetra VDC in Sunsari District, whereas the right bank lies in Kothu, Ward no. 9 of Mainamani VDC, in Udayapur District. There is an existing gravelled road from Dharan up to the Chatara Bazaar. It is an all weather road of Feeder road standard of GoN.

4 The approach roads for the proposed bridge pass through agricultural land. The subproject links Udayapur and Sunsari Districts. As such, the construction of the bridge will not only help the people of Udayapur to cross Saptakoshi River and increase their accessibility to Chatara which is the nearest market for the people of Mainamaini VDC. Thus, the Subproject will help to increase access to markets which will be very beneficial for these farmers, since agriculture, labouring and fishing are the major economic activities in the Subproject area. In terms of the social profile of the area, the major ethnic group is the Rai.

5 A total 10503.9 sq.m. (1.05 ha) area of land will be required for the construction of approach road to meet design width with 50 m RoW. A total 5 private land parcels and 5 structures from 4 Households will be affected by this acquisition. Three households will lose 3 land parcels and one household will suffer a loss of 2 land parcels and 5 structures.

6 There are a total 34 affected people in 4 households. 100% affected households were interviewed at the time of survey. All affected households will receive compensation for the loss of their land and structure.

7 All the loss of the land and structures will be compensated at replacement value as per the Entitlement Matrix for the Subproject.

8 This RP is based on detailed design. The details of type and extent of losses and the discussion held with affected groups is presented below on the main text. The ADB will approve this report prior to the implementation of the Plan.

9 The resettlement principles adopted for this Subproject recognize the Land Acquisition Act, 2034 (1977) and the requirements of the Asian Development Bank (ADB) policy on Involuntary Resettlement. In addition to the Land Acquisition Act, 2034 (1977),

there exist other relevant acts, like Public Roads Act, 2031 (1974) and other guidelines, policies and plans related to land acquisition and resettlement for the road which were also reviewed while preparing this RP.

10 Local level stakeholders were consulted while conducting initial social and social impact assessment. The implementation process, bridge construction time affects, advantages and disadvantages of the project were also consulted. Likewise, consultations were also carried out within the affected households about the Subproject's activities and likely resettlement impact during the course of the census. The length of the Subproject is short hence the consultations were conducted at one place at one time among the affected people.

11 A summary Resettlement Plan (RP) will be translated into Nepali and will be made available to the affected people by the Department of Roads (DoR) in respective VDC and project area. The approved RP will also be disclosed on the ADB website.

12 Ministry of Physical Planning and Works (MoPPW) will be the Executing Agency (EA) and the Department of Roads (DoR) will be the Implementing Agency (IA) for this Subproject. A Project Implementation Unit (PIU) headed by the Project Director (PD) will be established at the central level, which will be responsible for overall execution of the Project. The IA will depute an officer in charge of the land acquisition and resettlement operations, who will report to the Project Director.

13 A Social Development/Resettlement Specialist for the Supervision Consultants (SC) will support the IA Project Officer assist in supervision and coordination of activities related to resettlement during the implementation. The Resettlement Specialist will form a Grievance Redress Committee (GRC) and file the case of redress.

14 The IA will establish Subproject level offices for the Subproject headed by officers in the rank of Senior Divisional Engineer. At the Subproject level, Subproject Level Committees (SLCs) will also be established with representations from APs, political parties, vulnerable groups, business community.. These SLCs will assist the Subproject Office and NGOs in informing people about the likely resettlement impact and solicit views of the affected people regarding compensation and relocation options.

15 The estimated budget for the implementation of this RP is NRs 3,579,444 or US \$ 48,371 @ 74 NRs=1\$. This includes all costs related to compensation for land, structures and other benefits as per the entitlement benefits, plus RP administration costs, and trainings/capacity buildings.

16 The RP will have both internal and external monitoring. Internal Monitoring will be a regular activity for PIU and will oversee the timely implementation of RP activities through their Sub-project Office /field offices and NGOs. Quarterly reports of RP implementation will be submitted by the DoR to the ADB. The RP implementation activities will be monitored internally by DoR, and evaluated externally once in six months through an independently appointed agency, which will provide feedback on RP implementation to both EA/IA and to ADB. External monitors will be hired by the DoR with ADB concurrence.

1. INTRODUCTION

1.1. PROJECT DESCRIPTION

1 The GoN of Nepal has received grant from ADB for Emergency Flood Damage Rehabilitation Project after the huge flood in Nepal in August 2008. The flood damaged roads, bridges and impacted on socio-economic life of the people. The grant is utilized in infrastructure, agriculture, irrigation, water supply, and road projects. The grant is to be provided to rebuild damaged structures, restore income and recover socio-economic life of flood affected people. The Koshi Bridge is one of the subprojects (Road Component: Part D; Package -2) under the grant.

2 The bridge construction lies in the eastern terai region of Nepal. The proposed Koshi Bridge construction work will not only link Udayapur and Sunsari Districts, but will also act as a major alternative route to the East-West Highway. As such, the aim of the Project is to develop Dharan-Chatara-Gaighat as a major alternative route to the East-West Highway. The bridge construction lies in the eastern terai region of the country and represents important links with the country that can contribute to poverty reduction as well as the improvement of connections between districts. The construction of bridge will improve and develop road network to induce more efficient movement of goods and passengers and to provide better access to income, employment opportunities, and education and health facilities; support development of private sector capabilities to carry out the construction of bridge and approach road, and improve road safety. The Department of Roads (DoR) will be the primary agency responsible for Project implementation. It is also responsible for preparing Resettlement Plan (RP) for the subprojects under Grant. This RP has been prepared for Koshi Bridge Subproject.

3 The Department of Roads (DoR) will be the primary agency responsible for Project implementation. A brief description of the Subproject is given below.

Table 1.1 Description of the Subproject

Project	Chainage	Length (metres)	District	Cost (NRs in million)
Koshi Bridge	Chainage 0 +000 to Chainage 0 + 610	Bridge: 270 m Approach Road: 340 m	Udayapur and Sunsari	803

1.2. Scope and objectives of the Resettlement Plan

4 This Short RP is designed to address all the impacts of the Subproject. It provides an analysis of the impacts, identifies the nature and types of losses, and establishes entitlements for payments of compensation and resettlement benefits to the affected households. It also contains a budget, institutional arrangements for implementing the Short RP, implementation framework and monitoring arrangements. This RP is prepared in due consultation with the stakeholders, especially the affected people. The assessment of losses and land acquisition is based on the detail design.

2. SOCIO-ECONOMIC PROFILE AND IMPACTS

2.1 Project Area

5 Koshi Bridge site is located in Chatara Ghat along the Dharan-Chatara-Fattepur road. The left bank of the river lies in Chatara Ghat, Ward no.1 of Barahchhetra VDC in Sunsari District, whereas the right bank lies in Kothu, Ward no. 9 of Mainamani VDC, in Udayapur District. There is an existing graveled road from Dharan up to the Chatara Bazaar. It is an all weather road of Feeder road standard of GoN. However, the road from Chatara Bazaar of Sunsari as well as from Fattepur of Udayapur up to the bridge site is earthen and is being improved by Department of Roads.

2.2 Socio-Economic Information and Profile

6 The approach roads for the proposed bridge pass through agricultural land. The subproject links Udayapur and Sunsari Districts. As such, the construction of the bridge will not only help the people of Udayapur to cross Saptakoshi River and increase their accessibility to Chatara and Dharan which is the nearest market for the people of Mainamaini VDC but also will contribute as an alternative to the East-West Highway. Thus, the Subproject will help to increase access to markets which will be very beneficial for these farmers, since agriculture, labouring and fishing are the major economic activities in the Subproject area. In terms of the social profile of the area, the major ethnic group is the Rai.

7 The average annual income amongst the Affected Persons ranges from Below the Poverty Line or less than NRs 69,000 to greater than NRs 130,000 per year. More than 80 percent of the Affected Households in the Subproject area fall below the poverty in terms of their average annual household income, thereby, necessitating additional assistance to restore the losses being incurred as a result of the construction of the Subproject. With regard to the sources of income of the affected households, out of the 4 impacted households 3 households reported agriculture, livestock and wage labor, and 1 household reported agriculture, small business and wage labouring as their main source of income. Table 2.1 presents the annual income of the Affected Households.

Table 2.1 Average Annual Income of the Affected Households (in NRs)

Income Range	Households No.	Percent
Below Poverty Line (NRs. 69,000)	3	75
Above Poverty Line Up to 130,000	1	25
Total	4	100

Source: AP Survey, October, 2009

2.3 Demographic Profile of the Subproject Area

8 The average family size amongst the Affected Households is 6.8, which is considerably higher than the Udayapur District average family size of 5.5 (Census 2001).

2.4 Social Profile of the Affected Households

2.4.1 Literacy and Education

9 Out of the total of 4 Affected Households, 75 percent of the household heads were illiterate and 25 percent were functionally literate (can read and write). Table 2.2 provides the proportionate distributions of literacy and educational status of the respondents of Affected Households.

Table 2.2 Education Status of the Respondents of Affected Households

Subproject	No. of Households	Percent
Illiterate	3	75
Literate	1	25
Primary	0	0
Lower Secondary	0	0
Secondary	0	0
SLC	0	0
Above SLC	0	0
Total	4	100

Source: AP Survey, October, 2009

2.4.2 Age Group of Household Population

10 With regards to age distribution of Affected Household family members, about 59 percent of the population falls in the category of 16-60 years age group. 32 percent of the family member falls in the category of below 15 years and 9 percent is above 60 years age group. The age distribution of reported family members of the Affected Households is given in Table 2.3.

Table 2.3 Age Group Distribution

Reported HHs	Not Reported	Total Family Members	Affected HH Population by Age Group					
			Below 15 Yrs		16- 60 Yrs		Above 60 Yrs	
			No.	%	No	%	No	%
4	0	34	11	32	20	59	3	9

Source: AP Survey, October, 2009

2.5 Economic Profile

2.5.1 Occupational Background of the Affected Households

11 The survey findings revealed that the Affected Households depend on more than one source of income for the fulfillment of their livelihood. Agriculture, including livestock, wage labor and business enterprises were identified as the main sources of livelihood. The main sources of Affected Households income are given in Table 2.4.

Table 2.4 Main Sources of Income of Interviewed Households

Sources of Income	Affected Households Reported	
	In No.	In Percentage
Agriculture, Livestock & Wage Labor	3	75
Agriculture, Wage Labor & Business	1	25
Total Affected Households	4	100

Source: AP Survey, October, 2009

12 Out of the total 34 APs, 14 persons were found to be economically active in the survey of Affected Households. Amongst them 50% of those reporting to be economically active comprised of females. This indicates that the females in the Subproject area are also playing a prominent role in income-generation. Table 2.5 provides breakdown of the economically active population of the affected households by sex.

Table 2.5 Economically Active Affected Persons by Sex

Total Number of Female Involved in Income Generation		Total Number of Male Involved in Income Generation		Total number of APs Involved in Income Generation	
No.	Percent	No.	Percent	No.	Percent
7	50	7	50	14	100

Source: AP Survey, October, 2009

2.6 Subproject Benefits

13 The Subproject is expected to improve the road transport corridor and road network connectivity. It would improve access to workplaces and market places provide better access to medical facilities and contribute to rural prosperity in the adjacent areas. The Subproject would also include economic benefits to local people through savings in vehicle operating costs, time savings for passengers and goods in transit. It would also create employment opportunities during construction and enhance the scope of economic development. The Subproject will also contribute to promote internal and external religious tourism in Chataradham, which is a famous holy place for Hindus. Specifically, after the completion of the bridge construction there will be easy, quick and safe access for the people of Udayapur to Chatara Dham and Dharan. The Subproject will also serve as an alternative to East West Highway. Hence, the AP's will be benefited from the project.

14 The Subproject will create employment opportunities for the local communities especially project affected peoples during the construction and maintenance phase. Department of Roads will ensure that the contractors for civil work works the contractors; i)

not to employ or use of children for labor ii) implement and follow - up legally mandated provisions of labor including equal pay for equal work, health, safety, sanitation and working conditions.

2.7 Gender Status & Impacts

15 During the course of Affected Persons survey, special attention was paid for women's participation to assess the impact of the Subproject on them. It is worthwhile to note that the Udayapur District Gender Development Index (GDI) is 0.471 which is higher than the national average of 0.451. Social analysis revealed that ownership of property, access to decision making, and involvement in household income generating activities were some of the main features of female socio-economic status.

16 Discussions amongst the women revealed that since the Subproject will improve transport facilities in that area, it will contribute to their mobility to nearby towns and villages for accessing socio-economic facilities, particularly for sale of agricultural products and purchase of goods from Chatradham and Dharan. Likewise, they were of the opinion that commencement of Subproject may also provide them with employment opportunities during the construction phase. As perceived by women, as well as men, provision of the bridge will provide easy access to health facilities thereby reducing maternal and child health risks.

17 Some of the possible negative impacts of the Subproject voiced by women included increased risk of accidents as a result of speeding vehicles, heightened access for outsiders in the villages during construction phase, thereby, affecting women's mobility and transmission of STD disease. The Subproject construction will not have any resettlement impacts on any female-headed households in the Subproject area.

2.8 Resettlement Impacts

18 The objective of the project is to avoid involuntary resettlement wherever possible, by means of adopting an appropriate technical design, which leads to minimization of the resettlement impact. In keeping with this objective, the technical design is aimed at minimization of the resettlement impact by means of best utilization of the available space by avoiding private and public structures and land acquisition as far as possible. In keeping with the technical design the probability of resettlement impacts in this Subproject are 'insignificant'. However, the Subproject is likely to entail resettlement impacts on the structures located in the right bank of the bridge. Based on the detail design and survey, the nature of resettlement impacts identified in the Subproject consists of impact on (i) residential structures and (ii) land. The Subproject will not affect any Common Property Resource (CPR).

Table 2.6 Affected Households and APs in Koshi Bridge Subproject

Type of Asset Affected	Affected parcel/structures	Affected HHs	No. of APs
Land	5	3	20
Structures	5	1	14
Total		4	34

Source: AP Survey May 2008

19 As shown in Table 2.6, it is pertinent to note that the Subproject construction will affect a total of 4 households, and a total of 34 people. The impact includes one residential cum commercial structure, two residential houses, one toilet and one kitchen from only one

household. However, land only of the remaining 3 households will be impacted. The extent of land requirement for the Subproject accounts to 10503.9 sq. mtrs. The house would need to be demolished and therefore the residence would need to be rebuilt either in the same plot or nearby, (within one kilometre). Discussions were undertaken with the affected household which would require relocation. This household expressed the willingness to adjust and restore the structure in the remaining land or build their house on a new plot of land of their own. Nonetheless, the AP was demanding fair and adequate compensation for their loss. Appropriate measures have been integrated in the Resettlement Plan to compensate the same. As per provision made in the RP, the titleholders will be compensated for the loss of land and structures as well as will be given allowances for shifting and relocation. In case, the household opts to relocate to an alternate plot of land, adequate land is available within 1 km.

20 There are no employees employed, employee impact is unforeseen during the Subproject construction. The survey identified that all structures of one household would lose the main structure and hence is liable to receive compensation as well as allowances for his losses as per the Entitlement Matrix. However, the owner of the impacted household is under the vulnerable category since he falls in the ethnic minority group.. As such, he is also entitled to receive all allowances provisioned for vulnerable category groups in RP. However the affected household will not undergo a significant loss of their productive assets or lose their income source as a result of the Subproject construction. Likewise, there are no income related losses arising out of the Subproject for the remaining three households.

21 Based upon detailed design, the Subproject will need to acquire 1.05 ha of land within 25 meter RoW of either side. The land that would be needed to be acquired falls on the right bank of the river, but on the left bank acquirement of land is not envisaged since the land ownership is with the GoN. The Affected Households survey also shows that there is a total of 3 land owners whose percentage of land lost will be more than 10%. The survey also indicates that their livelihood will be affected and moreover, they also fall below the poverty line. As such, they are also entitled to allowances in accordance with the Entitlement Matrix. Table 2.7 provides details on the affected land plots in the Subproject.

Table 2.7 List of Affected Land and loss of Land in the Subproject

Name of Land Owner	Total Land Holding (sq.m.)	Land Area to be Acquired (sq. m.)	% of Loss
Pustalal Rai	11234.7	1236	11.00
Tul Bdr. Rai	33980.1	3556	9.5
Asta Bdr.Rai	25432	3680	14.46
Tham Bdr.Rai	18543	2031	10.95

Source: AP Survey, October 2009

22 During the time of the survey no standing crops were observed on the land thus, no compensation will be paid for crops. Nevertheless, 244 trees and 39 commercial fruit trees will be lost. However, the owners of the commercial trees and fruit trees will be compensated for the loss of these trees at the rate given in the Entitlement Matrix. But no temples, shrines, utility poles, irrigation canals etc. will need shifting or reconstruction as a result of Subproject activities.

2.8.1 Legal Ownership Status of the Affected Residential Structures

23 The Census report says that the all affected structures have legal title.

24 Among the 4 Affected Households 3 were identified as Vulnerable with regards to BPL. However, the Vulnerability Categories overlap in one case among these vulnerable households, one of the household also consists of a disabled member. Hence, RP has provisioned assistance for this particular household in terms of both vulnerability and disability. Moreover, these 4 affected household also belongs to “Janajati”. It is pertinent to note that most of the ethnic groups along the Subproject area share common social norms and are also integrated into the mainstream. They are reported as integrated with the society. Table 2.8 presents details on Vulnerability Categories of the APs.

Table 2.8 Vulnerability Status of the APs of Affected Households

Vulnerability Category	No.
Below Poverty Level (one from disabled member household)	3
Total Vulnerable Affected Households	3
Non Vulnerable Affected Households	1
Total Affected Households	4

Source: AP Survey, October 2009

3. RESETTLEMENT PRINCIPLES AND POLICY FRAMEWORK

25 The resettlement principles adopted for this Subproject recognize the Land Acquisition Act, 2034 (1977) and the requirements of the Asian Development Bank (ADB) Policy on Involuntary Resettlement. In addition to the Land Acquisition Act, 2034 (1977), there exist other relevant acts, like Public Roads Act, 2031 (1974) and other guidelines, policies and plans related to land acquisition and resettlement for the road which were also reviewed while preparing this RP.

26 As per the regulatory provision, the CDO forms a Compensation Fixation Committee (CFC), when acquiring land, under his chairmanship. The other committee members to be included are: the Chief of Land Revenue Office, an Officer assigned by CDO, a representative from District Development Committee (DDC), and the concerned Project Manager. In determining the compensation, the Committee has to consider the relevant acts and periodic guidelines of GoN in compliance to ADB Policy and Guidelines.

27 The Act also envisages the possibility of two separate rates of compensation, distinguishing between families who lose all of their land and those who lose only some part of landholdings. In determining the compensation the Committee must consider the loss suffered by persons due to acquisition of land and shifting of residence or place of business to another place. If the land has to be acquired for institutions other than the VDCs and institutions fully owned by the government, the Committee has to consider the following in fixing the compensation amount:

- Price of land prevailing at the time of notification of land acquisition;
- Price of standing crops and structures, and

- Damage incurred by the AP or by being compelled to shift his or her residence or place of business in consequence of the acquisition of land.

28 CFC is formed for actual verification of land to be acquired, reviewing and fixing compensation rate, identification of proper owner(s), distribution of compensation, providing necessary administrative support addressing associated issues. However, the implementation process of CFC officially begins once GoN grants formal approval for the land acquisition. After the approval, from the government side, the Officer concerned of Executing Agency (EA) is suppose to initiate the task through public notification. The public notification also includes the activities of disseminating details of the land area, structure affected in municipality/VDC coming under the project.

29 The recent trend is the practice of fixing compensation through Community Consensus Valuation (CCV). During the implementation process of the RP, once the Officer in Charge of the project submits report to the Chief District Officer (CDO) with the details of specific location for the land and other assets to be acquired for the project the acquisition process begins. The valuation of lost assets follows the existing legal framework and guidelines. As specified in the LA Act, Clause 13, a four-member committee headed by CDO of the concerned district is constituted fixing up the compensation for lost assets. The other members include Project Chief or his representative, and a representative from the DDC. In this process, the Committee makes circular or extensive consultation with representatives of the project affected population, local representatives of political party and relevant district level chiefs of line agencies to fix the rate of compensation. The prices set by the land revenue offices are normally lower than the prevailing market price, so the integrated approach of different stakeholders is expected to fix the price of land, structures and other assets with a common consensus in line with ADB guidelines. After finalization of the agreements, formal notification is placed in public places, local and national newspapers identifying the amount of land, owner and ownership related matters of the affected assets. The cutoff date for titleholders will be the date of notification under the Land Acquisition Act.

30 The primary objective of this short RP is to identify impacts and to plan measures to restore their livelihood. The RP is based on the general findings of the census/social survey, field visits, and meetings with various project-affected persons in the Subproject area. The principles adopted establish eligibility and provisions for all types of Subproject losses (structures, business/employment, and work day wages). Taking into account the various losses, the Entitlement Matrix (Table 3.1) provides for compensation and resettlement assistance to all affected persons and businesses. Under the RP, compensation for lost assets will be paid at full replacement costs based upon the GoN norms and in compliance with ADB guidelines. In addition to payments from the Chief District Officer (CDO), the APs will receive other cash grants and resettlement assistance such as shifting allowance, compensation, for loss of workdays / income due to dislocation and income restoration assistance before the contract award to contractors. The vulnerable groups will be eligible for additional assistance.

31 As per the RP, the titleholders will be compensated for the loss of land and structures. The expenses of shifting and relocation will also be provided in the form of assistance. Similarly, APs who are eligible for semi-skilled and unskilled labor will be given preference in employment opportunities during the Subproject implementation work.

32 The entitlement matrix for the RP is shown in Table 3.1 which follows;

Table 3.1 Entitlement Policy/Matrix

Type of Loss	Application	Definition of Entitled Persons	Policy/Entitlement
1. Acquisition of private, tenancy, or Guthi land	Entire or part of land to be acquired from owner of the land as recorded at cut off date	<ul style="list-style-type: none"> • Titleholder • Tenants 	<ul style="list-style-type: none"> • Land with equivalent size and category, or cash compensation at replacement cost • In case of vulnerable group, preference will be in replacing land for land • Any transfer costs, registration fees or charges • Tenant will receive the 50% value of the land • Non-titled persons will receive compensation/allowences for one year crop, and provided replacement land if <i>alaini</i> of Govt. land is available in the village
2. Temporary loss land	Temporary land taken by the project	<ul style="list-style-type: none"> • Title holder • Tenants 	<ul style="list-style-type: none"> • Compensation at replacement cost for net loss of income , damaged assets, crops and trees • An agreement between contractors and AP's before entering the site
3. Loss of residential, commercial, and other structures	Structures, buildings including cattle shed, walls, toilets, etc. affected by the project	<ul style="list-style-type: none"> • Owner • Tenants • Non-titled 	<ul style="list-style-type: none"> • Compensation at replacement cost without depreciation or deduction for salvaged material. • Transportation allowances for residential and commercial structures to cover actual transportation cost • Rental stipend equivalent of three months rent for tenants who have to relocate from rented buildings
4. Loss of community structures /resources	Community facilities (e.g. irrigation, water,) affected by the project	The users of the facility or community group	<ul style="list-style-type: none"> • Reconstruction by the project leaving such facilities in a better condition than they were before • Cash compensation at full replacement cost without depreciation for salvaged materials
5. Loss of trees and crops	Affected fruit/nut trees	Owner of the affected fruit/nut trees	Cash compensation based on annual value of the produced according to the Department of Agriculture norms, RPs to confirm that the DOA norms and techniques are sufficient and updated regularly
	Affected timber and fodder trees	Owner of the affected timber and fodder trees	Cash compensation based on calculation of the production and calculated according to the District norms as decided by Department of Forestry

	Affected crops	Owner of the affected crops Sharecropper of the affected crops	<ul style="list-style-type: none"> Cash compensation based on the locally market prices for the produce one year and calculated as per the norms of District Agriculture Development Office 50% cash compensation of the crop for the sharecropper
6. Loss of economic opportunity	Economic opportunity lost as result of loss of livelihood base	Persons in the vicinity who may be adversely affected, although they do not loss assets as such	<ul style="list-style-type: none"> Preferential involvement in the project construction works Skills training support for economic restoration Priority in poverty reduction/social development program
7. Loss of time and travel expenses	All expenses incurred in traveling to fill application and making claims and time lost	The entire project affected persons eligible for compensation	<p>Project facilities transportation in official process</p> <p>Payment in the same day as other compensation</p>
		Definition of Entitled Persons	Policy/Entitlements
8 Additional Assistance			
	8.1. Preferential treatment in employment in project activities	All APs	<ul style="list-style-type: none"> Construction contractors include provision that AP's will have priority in wage/labor employment on project construction during implementation APs shall have given priority after construction for work as maintenance worker mandated in local body agreement
	8.2 Skill training and income generation support	One member of each PAF belonging to vulnerable group/below poverty line	<ul style="list-style-type: none"> Skill training and income generation support financed by project RP to include a need assessment and skill training program for APs
	8.3 Priority in poverty reduction/social development program	All APs	<ul style="list-style-type: none"> Participate of APs with priority in life skills, income generation, and other entrepreneurship facilitated by the project

4. RESETTLEMENT BUDGET

33 Based on the Land Acquisition Act of Nepal, fixation of compensation rate is the responsibility of Compensation Fixation Committee (CFC) to be formed under the Act. As per the prevailing practice, CFC to be formed by the CDO under the Land Acquisition Act of Nepal is responsible for determining the compensation cost. The cost may include compensation for affected residential and residential cum commercial structures including land, loss of business, livelihood enhancement allowance to the family having major impact, loss of tenancy by tenant as well as owners of the structures, temporary loss of employment and additional financial grant to the vulnerable groups (BPL, ethnic/indigenous population, households headed by elderly family members, household having disabled family members). In practice the Committee makes extensive consultation with representatives of the affected populations, local representatives of political parties and relevant district level chiefs of line agencies to fix the compensation rate as per the prevailing market price. Representatives of the affected households, local government representatives, project personnel and other local level representatives of line agencies are brought together to fix the price of land, structures and other asset. Based on the same process, the DOR will assist the CFC in conducting market survey to evaluate local market rate of structures and land which will be helpful on reducing disparity in the valuation based on prevailing market rate. Based on the technical design and census, the RP has estimated NRs. **3,579,444** or US\$ **48,371** (@ 74 NRs = 1 \$ US) as resettlement and rehabilitation cost for this Subproject.

34 In view of coming up with a fair judgment on the cost estimates, the study has investigated the prevalent land price and of the affected structures in the affected areas during census–survey of market rate.

35 While estimating compensation rate for the affected buildings and structures, all affected structures/buildings were categorized according to the construction type. The major categories comprised of:

- Frame structure
- Cement mortar RCC/RBC structure
- Mud mortar RCC/RBC structure/ Cement mortar with CGI roofed
- Mud mortar with CGI roofed
- Temporary structure

36 The extent of loss of the buildings/structures were measured and calculated by the technical team during census. Thereafter the cost of structures and buildings were calculated at current market rates.

37 The overall amount of compensation that will be paid to the AP must be equivalent to the cost of replacing the affected assets. Replacement costs means the method of valuing the assets to replace the loss at market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs. Where the national law does not meet this standard the replacement cost will be supplemented as necessary. Replacement cost is based on market value before implementation of the Subproject.

38 In addition, other resettlement assistance in terms of relocation cost, shifting cost, transitional allowance etc. were estimated based on social consultation, and past project experiences taking into account the local market rate. Table 4.1 provides a breakdown of the resettlement and rehabilitation cost estimate for the Subproject.

Table 4.1 Resettlement Cost Estimate

S.N	Descriptions	Unit Cost (NRs/Sq.m)	Total Qty (Sq. m /No.)	Amount NRs.
1	Compensation for land	162	10503.9	1,706,035
2	Compensation for structure	-	5	1,265,000
2	Compensation for income loss from residential cum commercial structure	1,000	1	1,000
3	Assistance to alternative premises to business having major effect	2,000	1	2,000
4	Compensation for private commercial fruit trees	-	39	41,000
5	Compensation for private trees to be removed	-	244	4,525
6	Shifting cost for residential structure	3,000	3	9,000
7	Livelihood enhancement allowance to the families loosing more than 10 percent of their plot	10,000	3	30,000
8	Economic rehabilitation grant for 2 residential structure and 1 residential cum commercial structure (having major impact)	10,000	3	30,000
9	Additional assistance to vulnerable APs including disabled member, and below poverty level households	2,000 (3 months)	4	24,000
10	Total			3,112,560
8	Contingency 15 %			466,884
9	Total Compensation Cost (NRs)			3,579,444
10	Total Compensation Cost US\$ @ NRs 74 = 1 \$US			\$48,371

5. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

39 Local level stakeholders were consulted while conducting initial social and poverty assessment and social impact assessment. Similarly, due consideration was also given for stakeholder consultations and community participation at different levels in the process of preparation of the RP. In this process, interactions with the local people were carried out during field reconnaissance surveys and Census in different sections of the Subproject. Awareness about the Subproject, perceptions, advantages and disadvantages of the Subproject as perceived by the local people as well as their suggestions for successful implementation of the Subproject were some of the major themes of discussion of the consultations undertaken. Likewise, consultations were also carried out within the affected households about the Subproject's activities and likely resettlement impact during the course of the Census survey. The length of subproject is short hence the consultations were conducted at one place in one time along the road corridor.

40 The detailed consultation matrix is provided in Table 5.1

Table 5.1 Consultation Matrix

Location	Consultation Date and Number of Participants	Suggestions	How was it addressed?
Chainage 0+510 Location: Kothu (Mainamaine) No. of Discussion: 1	October 22, 2009 Number of Participants: Male- 9, Female- 3	<ul style="list-style-type: none"> Minimization of Subproject's impact on land acquisition Provisions of compensation for the affected assets at current market value Employment opportunity for locals during construction Compensation for loss of business 	<ul style="list-style-type: none"> The Subproject will minimize the land acquisition by using the available road alignment The Entitlement Matrix of the Resettlement Plan has made provisions of compensation for the affected assets at replacement costs The RP in its Entitlement Matrix has made provisions for involving non-skilled and semiskilled labours during Subproject implementation

41 A summary Resettlement Plan (RP) will be translated into Nepali and will be made available to the affected people by the Department of Roads (DoR). The summary of RP will be available in respective District Administration Office (DAOs), VDC and Community. The Implementing Agency (IA) will conduct further public consultations during the implementation of RP throughout the Subproject implementation period. The approved RP will also be disclosed on the ADB website. All compensations will be paid to the APs before the contract award.

6. IMPLEMENTATION FRAMEWORK & SCHEDULE

42 A Ministry of Physical Planning and Works (MoPPW) will be the Executing Agency (EA) and the Department of Roads (DoR) will be the Implementing Agency (IA) for this Subproject. A Project Implementation Unit (PIU) headed by the Project Director (PD) will be established at the central level, which will be responsible for overall execution of the Project. The IA will depute an officer as the Social / Resettlement Specialist (SRS) in charge of the land acquisition and resettlement operations, who will report to the Project Director. He/she will work in close coordination with the respective Divisional Offices under DoR, Sub-project

offices/ field-based offices and Subproject on the day-to-day activities of the resettlement plan implementation. A Social Development/Resettlement Specialist from the Supervision Consultants (SC) will support the SRS in further minimizing the resettlement impacts and updating the RPs based on detailed design and assist in supervision and coordination of all activities related to resettlement implementation.

43 Therefore it may be necessary to entrust these responsibilities to the DOR (ADB) Project Manager for the Subproject who has the rank of Senior Divisional Engineer.

44 The IA will establish Subproject level office headed by officers in the rank of Senior Divisional Engineer. At the Subproject level, Subproject Level Committees (SLCs) will also be established with representations from APs, political parties, vulnerable groups, business community. These SLCs will assist the Subproject Office in informing people about the likely resettlement impact and solicit views of the affected people regarding compensation and relocation options.

45 The Subproject office will execute and monitor the progress of the work. He will ensure coordination between the relevant departments, the Grievance Redress Committee (GRC) and the Affected Persons (APs). The concerned staff at the headquarters and in the Subproject Office / field offices related to the Subproject's resettlement activities, will undergo a week-long orientation and training in resettlement policy and management prior to the implementation of resettlement activities.

46 The Grievance Redress Committee (GRC) will be constituted as per the legislative provision Clause 11 and 13 under Land Acquisition Act of Nepal, 2034 (1977). The Act assigns CDO as the solely responsible person to chair land acquisition activities and to address the grievances related to the RP implementation activities. The other members of the Committee are VDC Chairpersons, two representatives from APs (one man and one woman), local representatives, and representative from DoR in the rank of Divisional Engineer. The SRS or his nominee, a field-based Engineer will be the member-secretary of the committee and shall act as the Subproject's Grievance Officer. Normally, all the efforts are made to address the grievances at the local level in close consultation with the APs.

47 The RP is expected to be implemented from January 2010. The Schedule of RP implementation based on PWD and Land Acquisition Act of Nepal is given in Annex 4. Advance action will be taken by the DoR to initiate RP implementation such as: establishment of the Project Implementation Unit (PIU), Sub-project Office, initiatives for formation of Land Acquisition and Compensation Fixation Committee (LACFC) The Subproject will provide adequate advance notification to the APs and will pay their due resettlement benefits, including relocation and income restoration/assistance. All compensations will be paid to the APs before the contract award.

48 The implementation schedule of land acquisition and compensation is attached in Annex 3.

7. MONITORING & REPORTING

49 The RP will have both internal and external monitoring. Internal Monitoring will be a regular activity for PIU and will oversee the timely implementation of RP activities through their Sub-project Office /field offices. The Department of Roads will establish a quarterly monitoring system and prepare progress reports on all aspects of land acquisition and resettlement activities. Quarterly reports of RP implementation will be submitted by the DoR to the ADB. The RP implementation activities will be monitored internally by DoR, and evaluated externally once through an independently appointed agency, which will provide feedback on RP implementation to both EA/IA and to ADB.

Annexes

Annex 1

List of affected structures and estimated compensation cost

List of Affected Structure and Estimated Compensation Cost for Koshi Bridge

S. N.	Chainage	Owners Name	VDC	Required area of structure (L*B*H) in Metres	Direction	Structure Type	Present Use	Number of Story	Category of Effects	Assumed Building Portion to be Acquired	Estimated Compensation Cost (NRs)	Remarks
1	0+450	Tul Bdr. Rai	Mainamaini	14*7*12	R	E	Residential cum Business	2	3	100%	450,000	
2	0+470	Tul Bdr. Rai	Mainamaini	12*7*12	R	E	Residential	2	3	100%	425,000	
3	0+470	Tul Bdr. Rai	Mainamaini	10*5*10	R	E	Residential	1	3	100%	325,000	
4	0+440	Tul Bdr. Rai	Mainamaini	7*4*6	R	G	Kitchen	1	3	100%	30,000	
5	0+450	Tul Bdr. Rai	Mainamaini	3*2.5*2	R	C	Toilet	1	3	100%	35,000	

Total 1,265,000

The Compensation cost is based on Consultation with Local authorities and Aps and could be changed after CDC meeting

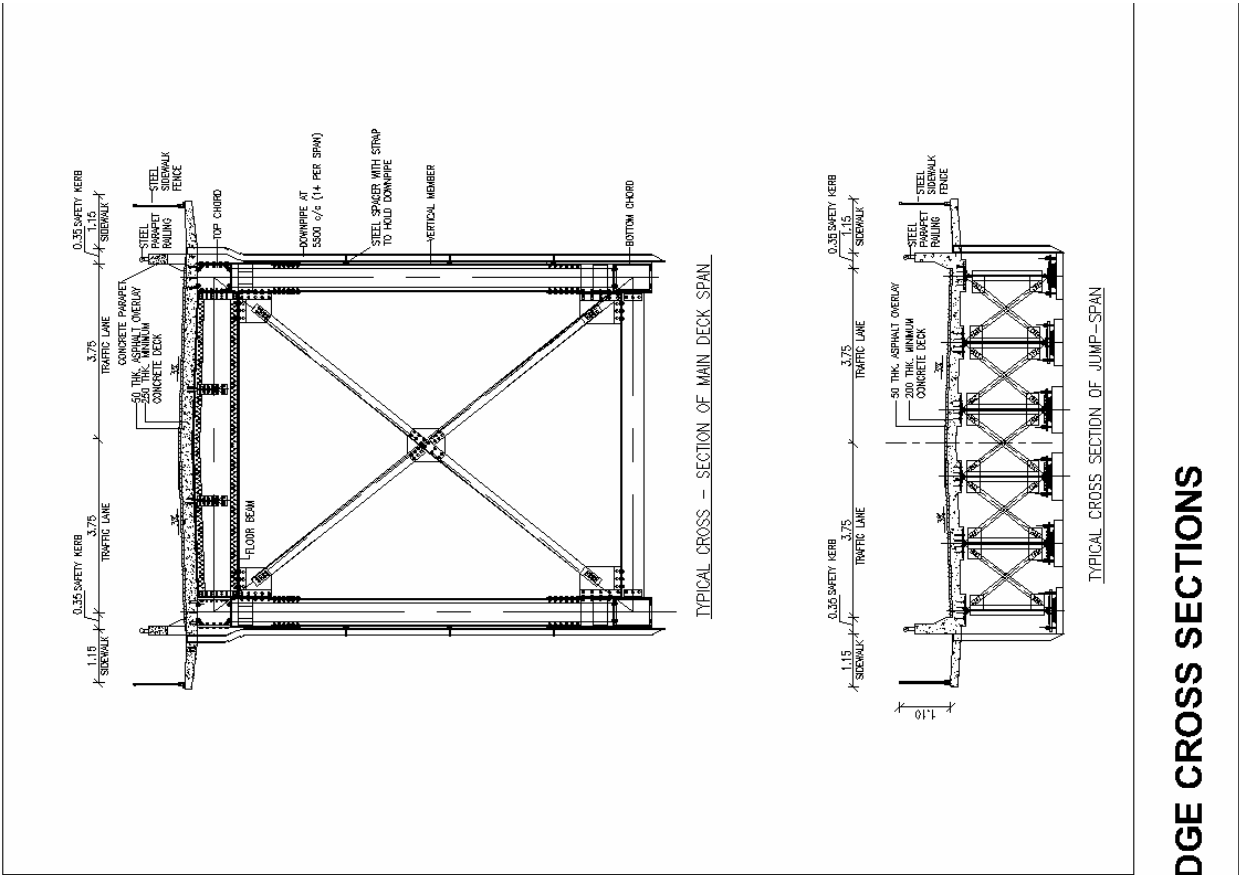
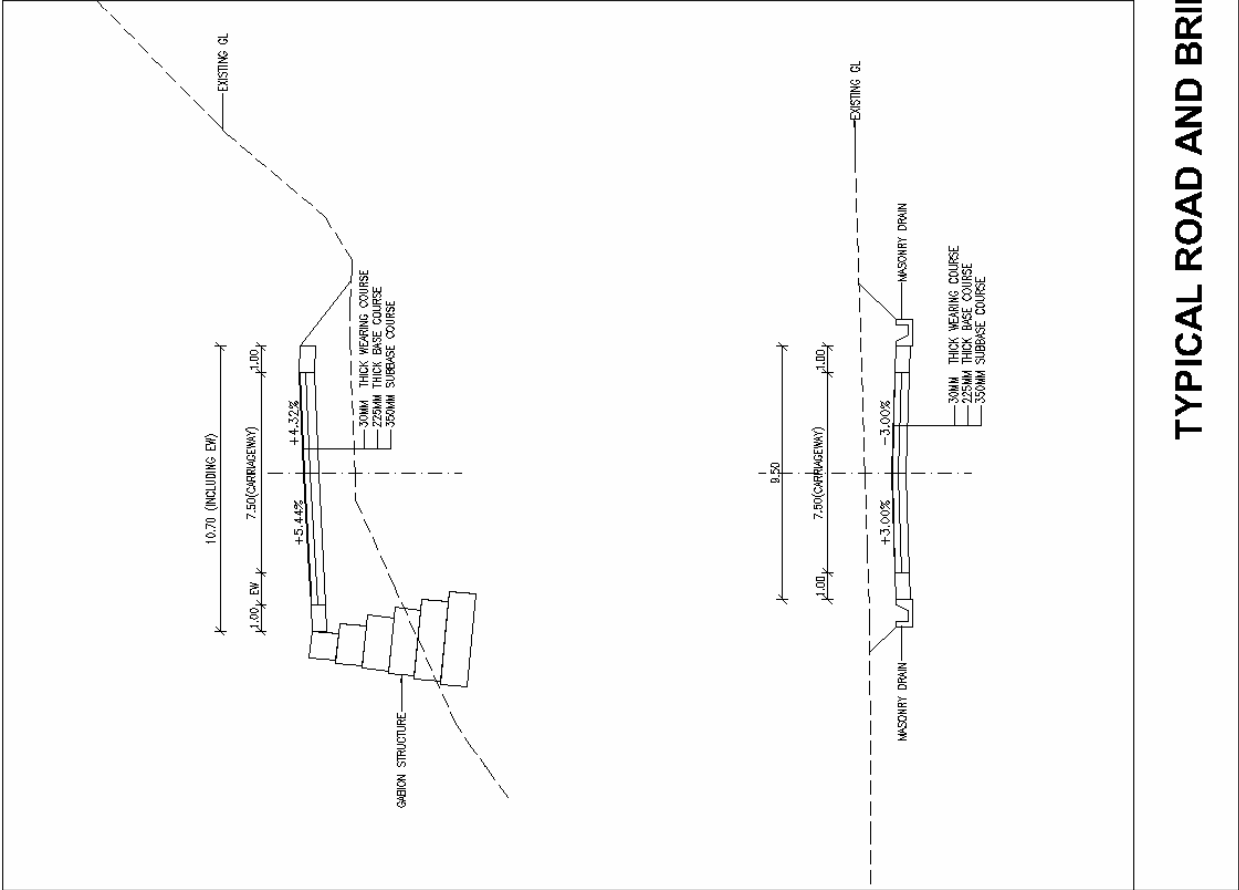
Note:

1. Structure Type

A-Semi permanent brick structure, mud, mortar B-Cement mortar load bearing wall, stone/brick without cement plaster, C- Cement mortar load bearing wall with plaster D- Frame structures, E- Wooden/tinned house, F- Stone/brick built mud mortar wall G- Thached roofed and bamboo frame structure

Annex 2

Typical Cross Section



TYPICAL ROAD AND BRIDGE CROSS SECTIONS

Annex 3

Implementation Schedule

**Draft Schedule of Land Acquisition and Compensation
Based on Land Acquisition Act 2034 (1977) of Nepal and PWD of DoR**

[illegible]

**Draft Schedule of Land Acquisition and Compensation
Based on Land Acquisition Act 2034 (1977) of Nepal and PWD of DoR**

[illegible]

Annex 4

List of Affected Private Trees

Cost Estimate for the Trees to be removed

SN	Name of Owner	Address	Chainage	Details of lost of trees							Harvesting the trees			Distance	Mnd/c m	Transportation			Total Value
				Species	Girth Inch	No.	Girth m	Bas. Area	Height (m)	Volume (cum)	Mds	Cost	Total			Mds	Cost	Total	
1	Tham Bdr. Rai	Kothu	0+400-0+500	Sal	50	1	1.27	0.128	9	0.58	2.5	412.50	412.5	300	2.02	1.17	192.51	192.51	605.01
2	Tham Bdr. Rai	Kothu	0+400-0+500	Sal	55	1	1.40	0.155	6	0.47	2.5	412.50	257.4	300	2.02	0.94	155.29	155.29	412.69
3	Tham Bdr. Rai	Kothu	0+400-0+500	Sal	44	1	1.12	0.099	6	0.30	1.56	257.40	85.8	200	2.02	0.60	99.38	99.38	185.18
4	Tham Bdr. Rai	Kothu	0+400-0+500	Sal	65	1	1.65	0.217	8	0.87	2.5	412.50	85.8	200	2.02	1.75	289.19	289.19	374.99
5	Tham Bdr. Rai	Kothu	0+400-0+500	Sal	32	1	0.81	0.053	9	0.24	0.52	85.80	64.35	200	2.02	0.48	78.85	78.85	143.20
6	Tham Bdr. Rai	Kothu	0+400-0+500	Sal	52	1	1.32	0.139	10	0.69	2.5	412.50	85.8	100	2.02	1.40	231.35	231.35	317.15
7	Tham Bdr. Rai	Kothu	0+400-0+500	Tanki	14	14	0.36	0.010	6	0.03	0.39	64.35	85.8	200	2.02	0.06	10.06	140.86	226.66
8	Tul Bdr. Rai	Kothu	0+400-0+500	Sal	18	1	0.46	0.017	9	0.07	0.39	64.35	64.35	100	2.02	0.15	24.95	24.95	89.30
9	Tul Bdr. Rai	Kothu	0+400-0+500	Tanki	15	23	0.38	0.012	7	0.04	0.39	64.35	257.4	200	2.02	0.08	13.48	309.94	567.34
10	Tham Bdr. Rai	Kothu	0+400-0+500	Bamboo	10	200	0.25	0.005	9	0.02	0.13	21.45	64.35	200	2.02	0.05	7.70	1540.05	1604.40

Annex 5

List of Affected Fruit Trees

Estimated Compensation Cost for Koshi Bridge Fruit trees to be removed

S.N.	Name of Owner	Chainage	Name of Fruit Tree	Number	Rate (NRS)	Total Compensation cost (NRS)	Remarks
1	Tham Bdr.Rai	0+400 - 0+500	Mango	2	1500	3000	Fruit Bearing
2	Tham Bdr.Rai	0+400 - 0+500	Banana Clumb	4	1000	4000	Fruit Bearing cum small
3	Tul Bdr. Rai	0+400 - 0+550	Mango	13	1500	19500	Fruit Bearing
4	Tul Bdr. Rai	0+400 - 0+550	Lichi	2	1000	2000	Fruit Bearing
5	Tul Bdr. Rai	0+400 - 0+550	Amba	2	900	1800	Fruit Bearing
6	Tul Bdr. Rai	0+400 - 0+550	Banana Clumb	5	1000	5000	Fruit Bearing cum small
7	Tul Bdr. Rai	0+400 - 0+550	Tejpatta	5	600	3000	Fruit Bearing
8	Tul Bdr. Rai	0+400 - 0+550	Lemon	6	450	2700	Fruit Bearing
Total				39		41000	

Annex 6

List of Photographs (affected structures & trees)



Figure 1 Affected Structure with AP at chainage 0+470 in Mainamaina VDC Ward no. 9



Figure 2 Affected Structure at chainage 0+470 in Mainamaina VDC Ward no.9



Figure 3 Affected Structure with AP at chainage 0+450 in Mainamaina VDC Ward no. 9



Figure 4 Affected Fruit Trees at chainage 0+470 in Mainamaina VDC Ward no. 9



Figure 5 Affected Trees at chainage 0+120 in Mainamaina VDC Ward no. 9

Annex 7

INVOLUNTARY RESETTLEMENT CATEGORIZATION

Annex - 7

INVOLUNTARY RESETTLEMENT CATEGORIZATION

A. Project Data

Sub-project Title: KOSHI BRIDGE

B. Screening Questions for Resettlement Categorization

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Possible	Remarks
Will the project include any physical construction work?	√				
Does the project include upgrading or rehabilitation of existing physical facilities?		√			
Are any project effects likely lead to loss of housing, other assets, resource use or incomes/livelihoods?	√				Five structures will be fully affected.
Is land acquisition likely to be necessary?	√				Approximately 10503.9 sq.meter
Is the site for land acquisition known?	√				
Is the ownership status and current usage of the land known?	√				
Will easements be utilized within an existing Right of Way?	√				
Are there any non-titled people who live or earn their livelihood at the site or within the Right of Way?		√			
Will there be loss of housing?	√				Three houses, one kitchen and one toilet structures will be fully affected
Will there be loss of agricultural plots?	√				5 land parcels will be affected
Will there be losses of crops, trees, and fixed assets?	√				Altogether 283 trees will be affected and no crops will be disrupted.
Will there be loss of businesses or enterprises?	√				One residential cum commercial structure will be affected
Will there be loss of incomes and livelihoods?	√				Very nominal impact on livelihood
Will people lose access to facilities, services, or natural resources?		√			

Will any social or economic activities be affected by land use-related changes?	√				Improvements in access to social and economic facilities
If involuntary resettlement impacts are expected:					
• Are local laws and regulations compatible with ADB's Involuntary Resettlement policy?	√				
• Will coordination between government agencies be required to deal with land acquisition?	√				
• Are there sufficient skilled staff in the Executing Agency for resettlement planning and implementation?	√				
• Are training and capacity-building interventions required prior to resettlement planning and implementation?	√				Staff at PIU, field offices and NGOs will participate in a week-long training course on resettlement.
C. Information on Affected Persons: Any estimate of the likely number of households that will be affected by the sub-project? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, approximately how many? 4 Household Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, please briefly describe their situation - three household identified as vulnerable in terms of BPL vulnerability; one APs is disabled whose HHs falls below poverty line as well.					
Are any APs from indigenous or ethnic minority groups? If yes, please explain? All 34 Ap's are indigenous but the impact is nominal in comparison to the project benefits					

D. Decision on Categorization

After reviewing the answer above, it is determined that the sub-project is:

- ☐ Categorized as an A project, a full Resettlement Plan is required.
- ☒ Categorized as a B project, a short Resettlement Plan is required.
- ☐ Categorized as C, no resettlement report is required.

Resettlement Specialist, IA

Date _____

Approved by:

Project Director, IA

Date _____