

## **ANNEXE 2: THE TERMS OF REFERENCE FOR ESIA AND RAP**

### **1. Objectives**

The aim of the study is to achieve the following objectives:

- Review of existing EIA and RAP reports on sections of the line which are not changed.
- To identify and assess potential environmental and social impacts of the project.
- To identify all potential significant adverse environmental and social impacts, of the projects and recommend measures for mitigation.
- To review and develop an Environmental and Social Management Plan (ESMP) and RAP.
- To prepare an Environmental and Social Impact Assessment, RAP and ESMP reports compliant to the relevant authorities, and detailing findings and recommendations.

### **2. Scope of the Consultancy Services**

The consultant is expected to undertake investigations on social aspects, economic activities, and conservation of natural resources, historical and anthropological heritages, public consultations and disclosures. The proposed transmission line route and associated substations will be provided to give a guideline of the facilities to be studied. The scope of services to be undertaken by the Consultant shall include the following:

Task.1. Detailed Desk-top Review: The Consultant is to review all existing documentation, and previous EIA, RAP and ESMP reports on other route options. He shall further undertake a detailed study of the proposed new route section, mapping the desktop route on actual map of appropriate scale. The Consultant shall then concisely describe each facility assessed, its geographic, ecological, general layout of facilities including maps at appropriate scale where necessary Information on size, capacity, facilities and services should also be provided.

Task-2. Description of the baseline environment: The Consultant is required to collect, collate and present baseline information on the environmental characteristics of the existing situation around each facility. This description should involve but not limited to:

- a) Physical environment (topography, land cover, geology, climate and meteorology air quality, hydrology, etc,
- b) Biological environment (i.e, flora and fauna types and diversity, endangered species, sensitive habitats etc.)
- c) Social and cultural environment, including present and projected. Where appropriate (i.e., population, land use, planned development activities, community social structure, employment and labour market, sources and distribution of income, cultural/religious sites and properties, vulnerable groups and indigenous populations etc)
- d) Economic activities, agriculture, livestock, fisheries, small scale industries etc.

Task – 3. Legislative and Regulatory Framework: The Consultant shall identify and describe the pertinent regulations and standards - both local and international, governing the environmental quality, health and safety, protection of sensitive areas, land use control at the national and local levels and ecological and socio-economic issues. Thereafter, the Consultant shall identify the project activities that should comply with the identified regulations.

Task-4. Determination of impacts of project facilities and activities: From the detailed field study, the Consultant shall analyze and describe all significant changes brought about by each facility/activity. These would encompass environmental, ecological and social impacts, both positive and negative, as

a result of each facility/activity intervention that are likely to bring about changes in the baseline environmental and social conditions discussed in Task 2. The Consultant will make a prioritization of all concerns identified and differentiate between short, medium, long-term and cumulative impacts during construction, operation and decommissioning. The Consultant shall also identify both temporary and permanent impacts. A detailed outline and discussion of specific conditions that might affect the environment which are unique to the type of facility and/or operation being audited should be provided.

Task-5. Occupational health and safety concerns: The Consultant shall analyze and describe all occupational health and safety concerns brought about by activities during all the phases of the project. The Consultant shall make recommendations on corrective and remedial measures to be implemented under the environmental management plan.

Task-6. Development of management plan to mitigate negative impacts: The Consultant shall develop a comprehensive environmental management plan. The plan should recommend a set of mitigation, monitoring and institutional measures to eliminate, minimize or reduce to acceptable levels of adverse environmental impacts and/or maximize socio-economic benefits. The Consultant should provide cost outlays for the proposed mitigation measures as well as their institutional and financial support, time frame and responsibility. This shall be provided for all the project phases.

Task-7. Development of re-settlement action plan:

- The consultant shall undertake a socio-economic survey of the communities along the proposed line route.
- Conduct a census of the affected persons. and identification of vulnerable groups and indigenous populations.
- Develop an eligibility criteria and establishment of a cut-off date.
- Evaluate and prepare an inventory of the affected properties
- Evaluate all other socio-economic costs.
- Conduct public consultations/awareness creation of the relevant stake-holders,
- taking into consideration the gender concerns and vulnerable groups
- Identification of alternative relocation sites, where affected person might have to be resettled.
- Develop adequate livelihood restoration mechanisms.
- Prepare the resettlement implementation costs.
- Preparation of implementation schedule.
- Develop a monitoring and evaluation methodology
- Consider the relevant legal provisions for land acquisition and resettlement during preparation of an appropriate re-settlement action plan.
- Prepare and submit a detailed resettlement action plan.
- Develop a conflict resolution mechanism.

Task-8. Development of monitoring plan: The Consultant is required to give a specific description, and technical details, of monitoring measures for both ESMP and RAP, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, definition of thresholds that will signal the need for corrective actions as well as deliver a monitoring and reporting procedure. The Consultant should provide a time frame and implementation mechanism, staffing requirements, training and cost outlays.

Task-9. Comparison: The consultant shall undertake a comparison of all the earlier routes considered and studied. These other alternatives shall be compared to the proposed final route; and pros/cons of each route selection detailed,

Task-10. Study Reports: The output will be an Environmental and SOcl(J1 Impact Assessment report and Resettlement Action Plan prepared in accordance with the regulatory provisions. The report shall be in the English Language and has to be dear and concise. The reports should be in a format acceptable to local competent authorities, international environmental standards and development partners. The Consultant shall present the reports to relevant environmental authorities for approval in the required number of copies.

Task-11. Approval: The Consultant shall present the report prepared under Task 9 for approval by the relevant authorities. The Consultant shall be responsible for making any modifications that the authorities may demand before approval of the report.

Task- 12. Counterpart Staff: for the purpose of capacity building the Consultant shall undertake the study together with counterpart staff seconded by the Client.

Task- 13. All the comments in the Attachment to this TOR from the various EIA Authorities which are considered vital but not considered on the last Final ESIA and RAP reports shall be carefully addressed.

## **Study Description**

This being a category one project, the consultants will conduct a full Environmental and Social Impact Assessment (ESIA) and prepare an Environmental and Social Management Plan (ESMP) and a separate Resettlement Action Plan (RAP) in accordance with the ADB's Environmental and Social Assessment Procedures (ESAP, 2001), Integrated \*

power projects; and Bank's policy on Involuntary Resettlement (2003). This will comprise all the tasks that are required for a full environmental assessment, as described hereafter. The Consultant will be responsible for gathering, reviewing and analyzing all necessary data and information. Where these are insufficient, the Consultant shall make all practical efforts to produce the missing information/data including professional estimates and predictions based on the most likely conditions at the project area, reliable information and data from similar situations and conditions, etc.

The Consultant shall characterize the extent and quality of available data and describe the key-data gaps and the uncertainties associated with estimates, predictions, and data used from similar situations. The methods of accommodating these gaps and uncertainties in the ESIA should be well stated and presented by the Consultant. When estimated values are used in place of data, the Consultant will be required to provide the uncertainty limits associated with these values and perform an appropriate sensitivity analysis.

The work will also include thorough consultations and meetings with all parties concerned (affected population or their representatives; local, regional, and national authorities; representatives of the scientific community; NGOs; etc.); in strict accordance with the requirements of the governments of Ethiopia and Kenya and ADB policies and procedures.

The consultant will be responsible to review and update the following tasks:

### **a) Inception Report including a detailed work plan**

The consultant will:

- Examine all aspects of the Project and will produce an inception report which will review the tasks to be carried out and agree with the client on any modifications and additions that may be required.
- Prepare a detailed work plan indicating schedules and inputs required to complete the tasks. During this inception period the consultant will carry out a scoping exercise that will provide the basis for the final report and detailed work plan.
- Prepare a public consultation and disclosure plan.

**b) Provide description of the proposed Project**

The consultant will provide a brief description of the Project including maps (at appropriate scales) where necessary.

**c) Public Consultation Process**

The consultant will:

- Identify all affected people (e.g. people affected by construction activities and during operation) and will facilitate dissemination of information to relevant authorities and interested and affected parties (IAPs) concerning the proposed project NGOs and government departments and agencies that may have a stake in the Project and its effects should be consulted.
- Prepare a Stakeholder Consultation Plan, providing an opportunity for the relevant authorities and IAPs to raise issues and concern pertaining to the proposed power line. and allow the identification of the additional alternatives and recommendations. Describe a schedule for public consultation with these different groups, including number and timing of public input. and the methods to be employed (e.g. media announcements. town hall meetings questionnaires, one-on-one meetings, public EA steering committees). Public consultation should occur, at least, during the inception and collection of baseline information, and at the draft report stage. An annex of ESIA should summarize the Public consultation process and the results of the consultation process.
- Gather more detailed information through which the study team could anticipate issues not raised by the IAPs that will be addressed by the environmental impact assessment report.
- Focus the study on relevant issues and recommend specific investigations, such that the resulting ESIA is useful to decision makers and it addresses the concerns of IAPs

**d) Legal and Administrative Framework**

- Describe the pertinent regulations and standards governing environmental quality, health and safety, protection of sensitive areas, protection of endangered species. land use control, etc., at national and local levels.
- Describe the current administrative arrangements for environmental regulation, enforcement and management In Ethiopia and Kenya, and more specifically, within EEPCo and KPLC.
- Provide a general assessment of the two utilities and relevant government agencies involved in environmental and social management issues, to ensure that the EMP will be effectively implemented. The agencies may need strengthening through capacity building measures to be specified in the

## Environmental Management Plan.

### e) Description of the environment/project setting

Assemble, evaluate and present baseline data on the relevant environmental and social characteristics of the study area. In addition to the data being used for determining and assessing impacts it will be used as a baseline against which future changes caused by the Project can be measured and monitored. The data should include any information on changes anticipated before the Project commences. The description should contain relevant descriptions of the following.

- **Physical environment:** geology, topography, soils, climate and meteorology; ground water and surface hydrology
- **Biological environment:** flora; fauna; forests; rare or endangered \* significant natural sites, etc.; species of commercial importance, and species with potential to become nuisances, vectors or dangerous
- **Socio-cultural environment:** (include both present and projected where appropriate); population affected (numbers and subsistence systems), land use where appropriate and property (including houses, crops trees, plants, other properties. etc.); planned development activities; public health; cultural characteristics (including cultural property and heritage); and gender differentiation.
- **Economic activities:** livelihood; employment; gender composition cross border migration. Some examples of the specific activities are: recording plant species that occur along the route, based on field surveys; identification of any species of special concern, namely species with conservation status or endemic to the area including birds; commentary on conservation status of specific species; compilation of a broad scale vegetation or habitat map of the area indicating the extent to which the power line would affect each vegetation or habitat type; description of current land use and compilation of a broad land use map.

### f) ESIA Methodology used

As a chapter of the ESIA report the consultant will describe the methods used for conducting the ESIA (scoping and bounding, impact analysis and public consultation process, etc.). The consultant will include a public participation plan to include stakeholder identification process, stakeholders identified, stages within the ESIA process where stakeholders have participated, and the different levels of participation used. Identification of impacts will include the identification of the important environmental components, and selection criteria used for identifying the significant impacts (positive and negative) whenever possible. Significant levels may be determined through the application of scoring system if the consultant feels that such an approach is warranted. The consultant will employ environmental economic analysis where applicable, particularly to justify significant impacts to be mitigated.

### g) Potential Impacts of the Proposed Project

Using the collected baseline data and the system or monitoring and evaluation. the consultant will take a systematic approach to identification mitigation and evaluation of all impacts and will identify potential changes which the Project may cause.

These would include, but not be limited to, changes in the following:

- Physical environment
- Biological environment.
- Socio-cultural environment.
- Economic activities.

- Employment opportunities.
- Safety issues, including (i) measures to assure safety of local residents with respect to exposure to electromagnetic radiation, (ii) measures to ensure transformers and equipment at the substations do not contain PCBs; (iii) ensure that the safety and health concerns of temporary and migrant workers are addressed, and (iv) an HIV,AIDS program for workers and affected communities.
- Hazards for birds - potential electrocution of birds and how to manage this impact.
- Construction phase impacts.
- Impacts of work camps.
- Waste management for the entire project, including the work camps and construction sites.
- Changes in land use, land tenure patterns and land grabbing as a consequence of improved access: (i) residential patterns; (ii) agricultural practice; (iii) livestock management (pastoralism). (iv) commercial use; (v) traditional use (herb, firewood collection, sacred sites etc.); (vi) access to public services (health, education etc.).
- Impacts of access roads and how to manage these impacts and if needed closure or immobilization of access roads. In case of improved access to sensitive natural and critical natural habitats through access roads to be constructed under the project, an Induced Access Management Plan needs to be prepared, in order to manage 10nger term impacts on natural habitat.
- Traffic density. safety and dust control.
- Land acquisition and resettlement as per ADS Guidelines.

The Consultant will analyze:

- Positive and negative impacts.
- Direct *and* indirect impacts, short term. and long term.
- Impacts those are avoidable/unavoidable. Reversible/irreversible
- Pre-construction actions to avoid or minimize negative impacts.
- Construction and operational phase impacts.
- Cumulative impacts occurring as a consequence of other activities in
- the project area: existing activities, projects under construction or planned activities within a reasonable time frame.
- Impacts in critical and non-critical habitats.
- Identify the potential risk of the spread of HIV/AIDS and other sexually transmitted diseases during the construction period, and prepare a detailed plan for awareness and prevention including resource implications.

Wherever possible, the consultant will describe impacts quantitatively. In terms of environmental costs and benefits, and assign economic values when feasible. Impact analysis should be divided between construction and operation impacts.

#### **h) Environmental and Social Management Plan**

An Environmental and Social Management Plan (ESMP) that addresses the following aspects should be prepared:

- **Activities and impacts:** Predicted adverse environmental and social impacts (and any uncertainties about their effects) for which mitigation is necessary should be identified and summarized. \* effective measures to prevent or reduce significant negative impacts to acceptable levels during (i) construction and (ii) operation. Estimate the impacts and costs of those measures. Estimate the costs of any residual impacts. Another area of impacts that could contribute substantially are the cumulative effects of construction and operational phases of the Project. Most of these, if not all, can be avoided by following a

set of best practices that the consultant will prepare (e.g. construction workers not littering, soil stockpiled in such a way as to prevent erosion and waterway sedimentation, only working day shifts to avoid unnecessary noise to adjacent households).

- **Description of implementation and monitoring program:** Prepare detailed institutional arrangements (responsibilities) for implementing and for monitoring implementation of mitigation measures and the impacts of the project during construction and operation and maintenance. This will include a description of monitoring methodology, specific operations and features to be monitored, monitoring reporting relationships, and arrangements to ensure that monitoring is effective and leads to modifications where required to ensure minimal impact on the environment. Include in the plan an estimate of costs and description of other inputs such as training and institutional strengthening to ensure effective monitoring. An indication of what performance indicators to be used is to be provided.
- **Institutional strengthening and training:** Identification of institutional needs to implement environmental recommendations: Review the authority and capability of EEPCo, KPLC and other relevant institutions and recommend steps to strengthen or expand these institutions to ensure that effective environmental management and monitoring will occur.

**i) Resettlement Action Plan (RAP)**

The Consultant shall develop a comprehensive **RAP** based on a door-to-door survey ("resettlement survey") for all expropriation operations and displacements of houses and businesses needed for the selected option

The objective of the **RAP** is to ensure that the population to be expropriated and displaced by the project is formally consulted and adequately compensated and treated. Involuntary resettlement should be avoided or minimized where feasible. However if displacements and expropriation are unavoidable, a resettlement plan needs to be developed. Displaced and expropriated persons should be consulted and compensated for the losses at full replacement costs prior to the actual move. Secondly they should be assisted in the move and supported during the transition period in the resettlement site. Thirdly assistance should be provided in their efforts to improve on their former living standards or at the very least maintain them.

In general, a **RAP** would include the following sections:

- i. **Executive Summary:** including the statement of objectives legal framework and main recommendations
- ii. **Description of the Project.** including a general description and identification of the project area
- iii. **Potential impacts, including identification of:**
  - a) The project component or activities that give rise to resettlement.
  - b) The zone of impact of such activities
  - c) The alternatives considered to avoid or minimize resettlement; and
  - d) The mechanisms established to minimize resettlement to the extent possible, during project implementation.
- iv. **Main objectives of the resettlement program**
  - v. **Socio-economic survey:** Findings of socio-economic studies to be

conducted in the early stages of project preparation and with the involvement of potentially displaced people, including:

**a) The results of a census survey covering:**

- The current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people for eligibility for compensation and resettlement assistance;
- Standard characteristics of displaced households
- The magnitude of the expected loss - total or partial – of assets, and the extent of displacement, physical or economic;
- Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- Provisions to update information on the displaced peoples livelihoods and standards of living at regular intervals

**b) Other studies describing the following:**

- Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems, and any issues raised by different tenure systems in the project area;
- The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project
- Public infrastructure and social services that will be affected and
- Social and cultural characteristics of displaced communities including a description of formal and informal institutions that may be relevant to the consultation strategy and to designing and implementing the resettlement activities

**vi. Legal framework including:**

- The scope of the power of eminent domain and the nature of compensation associated with it in terms of both the valuation methodology and the timing of payment;
- The applicable legal and administrative procedures;
- Relevant laws governing land tenure, valuation of assets and losses, compensation and natural resource usage rights customary personal law related to displacement and \*

d) Laws *and* regulations relating to the agencies responsible for implementing resettlement activities:

e) Gaps, if any, between local laws in the two countries covering eminent domain and resettlement and the World Bank's resettlement policy, and the mechanisms to bridge such gaps and

f) Any legal steps necessary to ensure the effective implementation of Resettlement activities under the project.

**vii. Institutional framework covering:**

- a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- b) An assessment of the institutional capacity of agencies and NGOs; and
- c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs



responsible for resettlement implementation.