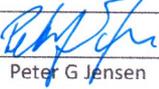
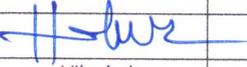


Nam Ngiep 1 Hydropower Project

Response to the Independent Advisory Panel Report Number 9 of 07 July 2017

Site Visit 05-10 June 2017

					
A	24 August 2017	Viengkeo Phetnavongxay Marcel Frederik	Peter G Jensen	Vilayhak Somsoulivong	Final
REV	DATE	AUTHORS	CHECKED	APPROVED	MODIFICATION DETAILS
Accessibility		Document No NNP1-C-B1105-DG-004-A			
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Response to the Independent Advisory Panel Report Number 9 of 07 July 2017 (Site Visit 05-10 June 2017)

Introduction

This document contains the response of Nam Ngiep 1 Power Company to the findings and recommendations of the Independent Advisory Panel (IAP) expressed in their Report No 9 of 07 July 2017. It should be noted that where NNP1PC is silent about a statement, comment or recommendation of IAP, this does not imply acceptance or agreement.

The Nam Ngiep 1 Power Company is committed and obligated to strictly comply with the environmental and social safeguards of ADB and the Government of Lao PDR. In particular, as a borrower of loans from ADB, the Company, in accordance with the ADB Safeguard Policy Statement of 2009, is required to engage an Independent Advisory Panel to monitor the project and provide balanced and objective technical opinions on the Project's compliance with the environmental and social safeguard requirements of ADB and the Government of Lao PDR.

In the period from 11-18 December 2016, the IAP conducted their eighth monitoring mission to the Nam Ngiep 1 Hydropower Project. The findings and recommendations of the IAP are publicly available and their reports can be downloaded from the website of Nam Ngiep 1 Power Company, <http://namngiep1.com/>

The Nam Ngiep 1 Hydropower Project is located on the Nam Ngiep River, which flows about 160 km from the mountainous area of Xieng Khuang Province in the centre of Lao PDR through Xaysomboun Province to the plains of Borikhamxay Province until its confluence with the Mekong River. The Project consists of a 167 m high main dam and a smaller 20 m high re-regulating dam downstream of the main dam. The Project will have two powerhouses, one at the main dam with an installed capacity of 272 MW and the other powerhouse at the re-regulating dam with an installed capacity of 18 MW. The main dam will form a 70 km long and 67 km² large reservoir which will inundate four villages in the lower part of the reservoir and impact agricultural land belonging to three villages in the upper part. The re-regulating pond formed by the small dam will inundate one village.

The construction works started in August 2014 and the overall progress of work is about 70% complete. The inundation of the reservoir is planned to start in July 2018 and the Project will commence generation of electricity by January 2019.

The Company is working closely with the Government of Lao PDR at all levels, international organisations and local people to adhere to the Company's obligations under the Concession Agreement, national legal framework, Lenders' environmental and social safeguard policies and international best practices. The ultimate goal is to avoid and minimise the Project's footprint on the environment, and in line with the policies laid down in the National and Provincial Socio-Economic Development Plans, contribute to the long-term sustainable development of the country and in the Provinces where the Company operates.

For further reading and understanding about the environmental and social management of the Project, please visit the Company Website <http://namngiep1.com/> where detailed information about the design and progress of implementation of the environmental and social management plans and programmes are available.

Nam Ngiep 1 Power Company's Response to Report Number 9, dated 07 July 2017 of the Independent Advisory Panel on the Nam Ngiep 1 Hydropower Project, Lao PDR

Independent Advisory Panel Eighth Site Visit, 05-10 June 2017

Summary of Resettlement Issues

No.	Resettlement Issue	Status	IAP comments and recommendations	Level of concern ¹	NNNP1PC Response
R4	<p>Many PAP in Zone 2LR have stated repeatedly that they prefer not to resettle at the Houay Soup resettlement area; that instead they will self-resettle.</p> <p>Numerous PAP grievances remain outstanding</p> <p>Compensation remains outstanding to PAP in 2LR</p>	<p>Based on CA, NNP1PC is responsible for: (i) resettling PAP at Houay Soup; or, (ii) paying cash to PAP for self-resettlement based on unit compensation rates</p> <p>Official cut-off-date for the project area is 11 April 2014</p> <p>As of 5 June, NNP1PC reports: 143 households have grievances that are unresolved, including: 21 families who refuse to register their assets; 13 households refuse to sign asset notifications; and, 9 households who choose not to self-resettle. The GOL is negotiating.</p> <p>For PAP refusing to decide, GOL will require resettlement at HSRA</p>	<p>The IAP notes that NNP1PC has made significant progress in resolving grievances, making compensation payments, and supporting self-resettlers.</p> <p>Recommendations</p> <p>The IAP recommends that NNP1PC should continue to work with GOL officials to resolve all resettlement issues in zone 2LR, with GOL officials taking the lead.</p> <p>The IAP recommends that NNP1PC continue to work with RMU to accelerate consideration of self-resettlement plans and payment of compensation.</p> <p>NNP1PC should work with GOL officials to develop a mechanism for managing Community Development Funds to support PAP development following COD, including at selected self-resettlement sites.</p>	High	<ul style="list-style-type: none"> • Noted • Noted • NNP1PC has planned for this, as described in detail in Section 8.5 of the REDP-U2LR, available on the Company and ADB websites. The scheduled timeframe is: "The Company will initiate discussions with the Government on the fund management procedures and plan for the utilization of the funds early in 2018 – and at least not later than six months before COD. Training of the respective committees involved is intended to start after finalization of these procedures and could start as

¹ Level of Concern: Low - action recommended within 6 months; Medium - action recommended within 1-2 months; Urgent/Very High/High - immediate action recommended

No.	Resettlement Issue	Status	IAP comments and recommendations	Level of concern ¹	NNP1PC Response
					early as in the second half of 2018".
R5	Outstanding grievances of PAP self-resettlers from Hatsaykham	100% of households from Zone 3 have been paid compensation 20 + 4 split PAP households from Ban Hatsaykham have moved to HSRA 18 + 4 split PAP households have been successfully self-resettled Tensions between PAP and NNP1PC have been resolved by GOL	The IAP is pleased that the resettlement of Hatsaykham PAP has been executed well by SMO and that grievances are being resolved, albeit slowly. Recommendations The IAP recommends that E&S management continue to focus on resolving outstanding grievance issues. Not doing so will cause social tension and may lead to non-compliance with the CA. The IAP recommends that the quality of resettlement infrastructure at HSRA, specifically housing and water supply should be inspected by NNP1PC before the sub-contractors' warranties expire. The IAP recommends again that NNP1PC document an understanding with Bolikhan District and Bolikhamxay RMU that if self-resettlement leads to poverty/vulnerability, PAP can be resettled at Houay Soup even if they already received compensation; but PAP will receive fewer benefits. NNP1PC should clarify and document its duties.	Medium	<ul style="list-style-type: none"> Noted. SMO management has increased its focus on completing compensation and will continue to do so until compensation is completed. Conducting final inspections of infrastructure prior to the expiry of a defects warranty period is a standard practice in construction works, which NNP1PC applies for all infrastructure constructed by NNP1PC. Noted.
R7	Livelihood restoration of PAP in three villages in Zone 2UR Policy level clarification is needed related to islands in the NNP1 reservoir	Livelihood development team at 2UR has been strengthened and livelihood restoration program is progressing During the Final Choice survey, 99.5% of all PAPs in 2UR expressed preference for cash	Recommendations NNP1PC Technical Division should consult with district officials and inform PAP about policies related to claiming and developing islands and drawdown zones in the NNP1 reservoir. This issue is not being addressed.	Medium	<ul style="list-style-type: none"> The Reservoir Management Plan is currently being drafted and due consideration will be given to the items raised. The NNP1PC is in the process recruiting an off-farm income specialist. However, it is

No.	Resettlement Issue	Status	IAP comments and recommendations	Level of concern ¹	NNP1PC Response
	and use of drawdown zones The livelihood staff at 2UR lacks an off-farm livelihood development technician	compensation over replacement land. NNP1PC considers the case on replacement land closed after cash compensation payments have been completed.	The issue of fisheries management also needs to be considered by local authorities. The IAP recommends that NNP1PC urgently hire an off-farm income specialist to work at 2UR, or transfer a qualified existing staff to work in this position – preferably a woman.		proving difficult to find a suitable candidate for the position.
R8	Effectiveness of the Xaysomboun RMU Effectiveness of the Hom District Coordinating Committee (DCC) Tension between PAP in 2LR and NNP1PC, Xaysomboun RMU, and Hom DCC	Although field activities of the Xaysomboun RMU have improved significantly, 21 PAP households remain unwilling to register assets. As of 5 June 2017, 279 of the 479 households in 2LR had been compensated – 58.2%; 6 hh were in the process of receiving payments; 51 hh had signed compensation agreements; and 143 hh were still in consultation with RMU and NNP1PC, of which 21 hh refuse to have their assets registered, 13 hh refuse to sign asset notifications, and 9 hh have not chosen a resettlement option. PAP self-resettlers from 2LR wishing to move to Bolikhamxay Province are facing delays in relocation due to the strict moving approval process.	Tensions continue to be addressed by GOL officials at all levels, including the Prime Minister’s Office NNP1PC continues to facilitate the negotiation, arbitration, and cross-provincial communication processes Recommendations The IAP recommends that E&S management immediately focus on resolving outstanding compensation and grievance issues with PAP holdouts. NNP1PC should support and follow the GOL’s lead to resolve issues in 2LR. NNP1PC should facilitate communications between Xaysomboun and Bolikhamxay officials on issues related to self-resettlers from 2LR to Bolikhamxay Province. NNP1PC staff should encourage PAP self-resettlers from 2LR to resettle at Pakyong, a resettlement site with many benefits in Thathom District, Xaysomboun Province.	High	<ul style="list-style-type: none"> Noted. SMO management has increased its focus on completing compensation and will continue to do so until compensation is completed. SMO is working closely with the RMU from both provinces to continue the communication between both provinces regarding issues related to self-resettlers from 2LR to Bolikhamxay Province. Self-resettlers at Zone 2LR are encouraged to resettle at Pakyong. However, it remains the decision by each household where they choose to resettle.
R10	Outstanding grievances from PAP at Ban Hatsaykham (Zone 3)	NNP1PC reports that on 5 June 2017:	The IAP believes that the situation is significantly improved.	Low	Noted

No.	Resettlement Issue	Status	IAP comments and recommendations	Level of concern ¹	NNNP1PC Response
	<p>Outstanding grievances from Hat Gniun (Zone 5)</p> <p>Significantly delayed compensation payments and slow resolution of PAP grievances caused tension in Zone 5 and near HSRA</p>	<p>Zone 3 (38 hh): 3 hh refuse compensation based on PRLRC Regulation No. 792</p> <p>Zone 3 (38 hh): 3 hh are waiting for a decision on compensation for assets outside the inundated area – PRLRC Regulation No. 8</p> <p>Zone 4 & 5 (94 hh): 2 hh are not eligible for compensation; paid minimum disturbance compensation</p>			
R11	<p>Quality of life and livelihood restoration of self-resettler households in the Project Area</p>	<p>Many self-resettlers from Zone 2LR have received large amounts of compensation. Rarely having had so much money, they have joined the ranks of consumerism with enthusiasm. Traditional livelihood patterns are no longer attractive. Social issues derived from non-traditional lifestyles and behavior are likely to emerge.</p>	<p>NNP1PC has an obligation to monitor and report on livelihood development of the self-resettlers.</p> <p>Recommendations NNP1PC-SMO should use existing staff to develop a socio-economic and livelihood monitoring activity to follow up on the changes in lifestyle and livelihood patterns of self-resettled PAP; focusing on those in the Project Area only. NNP1PC should offer some livelihood support through a limited outreach program if needed by the PAP; but should also develop a process wherein NNP1PC can close-out support where possible. This is to limit the Project’s legal responsibility.</p>	Medium	<ul style="list-style-type: none"> The Socio Economic Survey Team has been assigned the task to follow up on Self-Resettlers and their implementation of their self-resettlement plan and is doing so. Noted. A program will be developed based on the information collected, including a process wherein NNP1PC can close-out support

Summary of Indigenous Peoples' Issues

No.	Indigenous Peoples' Issue	Status	IAP comments and recommendations	Level of concern ²	NNNP1PC Response
S1	Livelihood Programs Agricultural products and markets	According to former the headman of Ban Hatsaykham (HSK), Zone 3, and the former headman of Ban Pou, Zone 2UR, saying that to achieve 200% of improving the PAP quality of life as mentioned in the CA, it is necessary to invest more in the Livelihood Programs. (e.g., headman of HSK requires raising 3 cows, whereas the Project can provide him only one cow. The former headman of Ban Pou requires the Project to provide budget for the first 3 years for his fish raising pond instead of only one year.	Recommendation The IAP recommends that the Project should carefully consider each PAP and support as necessary.	High	Livelihood restoration is foremost the responsibility of PAPs, who should invest compensation funds they have received for their livelihood development activities, as per the family financial plan when requesting for cash compensation. The focus of NNP1PC is and always has been on providing technical knowledge and support. More than 40 years experiences form the international community development world has clearly demonstrated that sustainability of livelihood programs start from the beginning by building ownership through local contribution and not from project inputs. It is understandable that everyone is trying to maximize free gifts, but this does not lead to the goal of sustainable livelihoods.
S2	Hmong graves removal and compensation	The remain 9 IP Hmong graves in Ban Namyuak of Zone 2LR are still not resolved. The 22 IP Hmong graves in Ban Pou of Zone 2UR have been resolved: 2 IP Hmong graves	The IAP agrees with the solution.	Medium	

² Level of Concern: Low - action recommended within 6 months; Medium - action recommended within 1-2 months; Urgent/Very High/High - immediate action recommended

No.	Indigenous Peoples' Issue	Status	IAP comments and recommendations	Level of concern ²	NNNP1PC Response
		received compensation; the remaining 20 graves are under an agreement of triple compensation from the Project, if they are flooded.			

Summary of Social Issues

No.	Social Issue	Status	IAP comments and recommendations	Level of concern ³	NNNP1PC Response
S4	Food security is still the most important issue for IP Hmong at all sites. Rice is the most important staple food for the Hmong people.	During the site visit, the PAP resettlers requested rice support (in cash) in HSRA; and, the self-resettlers in Bolikhan District and Thaviengxay in Zone 2 UR, and Pakyong, Thathom District.	Recommendation Rice support (in cash) should be provided to the PAP quickly since the PAP cannot grow rice this year.	Very high	Rice harvest is conducted in October and November. Traditionally, PAPs would still be eating their own rice from the 2016 wet season harvest. This is not to say that rice support is not important and therefore, rice support is provided in-kind in the HSRA, as per REDP. No cash payments will be made. Rice support in cash is provided after Self Resettlers have informed the project they have resettled to their new location. Some self-resettlers are in transition between their old village and new location.

³ Level of Concern: Low - action recommended within 6 months; Medium - action recommended within 1-2 months; Urgent/Very High/High - immediate action recommended

No.	Social Issue	Status	IAP comments and recommendations	Level of concern ³	NNP1PC Response
S5	Dust in the villages	The 9th site visit was undertaken during the wet season and dust was not a problem.		Low	
S6	Drug abuse, prostitution, crimes, etc. are occurring at an increasing rate in Zone 3.	During the site visit, the spread of drugs (amphetamines) was one of the highest concern of the IAP at resettlement sites, especially in Houay Soup Resettlement Area. The IAP learned from a newspaper that the father of the former headman of Ban Hatsaykham had been arrested because of drugs.	Recommendation Collaboration with the local government is required. Formal education in schools and informal education for PAP is required.	High	Enforcement of the Lao law is the sole prerogative of the Government of Laos. NNP1PC will continue to support the presence of 6 police officers (of whom 2 are female) at the police post (build by Project funds) in Hat Gniun village.
S7	Compensation and unit compensation rates	Asset compensation has been paid to most of the PAP. The highest concern is the 44 households in Zone 2LR, Hom District, who still refuse engaging the Project and other PAP who are waiting for the grievance procedure for compensation.	Recommendation The IAP recommends that the Project discuss and find a solution together with the PAP and the GOL at local and national levels.	Very high	NNP1PC strictly follows the compensation process step by step in full compliance with legal and contractual requirements; and NNP1PC is putting all efforts into ensuring that this process is executed in a smooth and orderly manner without undue delays and as expeditiously as practically possible. It should however be noticed that standard accounting practices and banking regulations combined with company organization structures require processing time of agreed payments.

No.	Social Issue	Status	IAP comments and recommendations	Level of concern ³	NNNP1PC Response
S8	HSRA	<p>24 PAP hh of Hatsaykham, Zone 3, moved to HSRA on 12 November 2016.</p> <p>18 PAP hh of Sopyouak, Zone 2LR moved to HSRA in April 2017; another 7 hh will move to HSRA soon. They currently live in temporary shelters.</p> <p>10 PAP hh of Houaypamom, Zone 2LR moved to HSRA in April 2017. They live in temporary shelters built by the Project and are waiting for Project houses; expected to be completed in two months.</p>	<p>The PAP are satisfied with HSRA because the Project provides houses, infrastructure, facilities, schools, a health center, and good soil in HSRA. PAP stated that there was a rumor about HSRA among PAP in Zone 2LR to convince them to not move to HSRA. However, when they moved to HSRA they found that the rumor is not true. The people who disseminated the rumor should be found and punished.</p> <p>The biggest concern of IP Hmong PAP in HSRA is that some land in HSRA is still occupied by PAP from Hat Gniun. According to IP Hmong PAP, PAP from Hat Gniun built fences for raising cattle and growing maize in HSRA and claim that the land belongs to them. According to IP Hmong PAP, this issue creates conflict between IP Hmong at HSRA and villagers of Hat Gniun.</p> <p>Recommendation</p> <p>The IAP recommends that the GOL and the Project shall investigate the truth. The Lao Laws and CA must be complied. Unless the issue will cause more PAP not want to move to HSRA in the new future.</p>	Very high	Enforcement of the Lao law is the sole prerogative of the Government of Laos. NNP1PC will continue to work closely with the DCC and RMU to solve the issue of encroachment into the HSRA by Hat Gniun people.
S8 (continued)	Self-resettlement	According to the PAP in the five self-resettlement locations visited by the IAP during the site visit, they chose self-resettlement because they wanted to move closer to access	The IAP visited self-resettlers in 5 villages: Thaviengxay, Pakyong in Zone 2UR, Thathom District, Xaysomboun Province; Phalavaek, Namkhien, in Zone 2LR, Hom District, and Xiengmee, Long Xon District, Xaysomboun Province; and,	Very high	Financial planning is part of the preparation of the Self Resettlement Plan (SRP). The SRP contains two sections on this, the financial expenditure plan section and the section on

No.	Social Issue	Status	IAP comments and recommendations	Level of concern ³	NNNP1PC Response
		<p>roads, better market locations, better soils, and better infrastructure; and, they want to move closer to their relatives. They have bought paddy land, garden land, grazing land, and they are building houses. The PAP self-resettlers chose their own resettlement sites. They have spent a lot of money on lands, building houses, and vehicles (brand new ones). These PAP Hmong have never learned to spend the money properly.</p>	<p>Nonsomboune, Zone 5, Bolikhan District, Bolikhamxay Province. Comments from a sampling of self-resettlers: (1) Mr. Blong Hang from Sopyouak, Zone 2LR, Hom District. He moved to Pakyong, Zone 2UR, Thathom District. He bought 1 ha of paddy land, 1.4 ha of garden land, 8 x 30 m. of commercial land, and received 15 x 30 m. of land for free from the district to build his house. (2) Mr. Yong Kai Thao from Houay-pamom, Zone 2LR, Hom District. He moved to Xiengmee, Long Xon District. He bought 0.4 ha of land with an old house, 3 ha of rubber land with 200 rubber trees, 3 ha of grazing land near his house, 80 ha of grazing land far away from the village, and he is looking for 2 ha of paddy land. Recommendation The IAP recommends the GOL and Project teach PAP Hmong how to use their money properly, otherwise in the future they will become poor. This is a lesson learned from many projects in several countries.</p>		<p>Livelihood Activities, which lists the planned investments into livelihood activities. As such, the topic was clearly discussed and planned</p> <p>However, family expenditure of compensation funds is the sole prerogative of the household and NNP1PC cannot enforce expenditure in accordance to plan contained in the SRP. Through self-resettlement PAPs choose to organize their own resettlement, making use of opportunities available to them but also taking their own responsibility when doing so.</p>
S9	<p>In Zone 2LR in Ban Namyouak: 21 PAP households (with 24 families) still refuse to have their assets registered with the Project. 14 PAP households have not signed the assets registration</p>	<p>This 9th site visit, the IAP did not have a chance to meet these 44 PAP households in Ban Namyouak, Zone 2LR because it is the rainy season and the village road is bad. However, as discussed with other PAP Hmong, GOL and the NNP1PC</p>	<p>The IAP has the same position. These 44 households in Ban Namyouak, Zone 2LR, may cause the delay of the Project.</p>	Very high	Noted.

No.	Social Issue	Status	IAP comments and recommendations	Level of concern ³	NNP1PC Response
	9 PAP households have not made decision yet	staff, the problems remain the same.			
S10	Collaboration with the GOL	According to RMU, collaboration between the Project and RMU has been improved for the last six months. However, some procurement procedures of the Project need to be improved. The collaboration between the GOL is another issue. During the 9th site visit, the RMU mentioned that collaboration between the 2 provinces (Xaysomboun and Bolikhamxay Provinces) is insufficient. As a result, more than 100 PAP households from Zone 2LR, Hom District, Xaysomboun Province choose to self-resettle in Bolikhamxay Province. This requires good collaboration between the 2 provinces.	<p>Recommendations</p> <p>The IAP recommends the Project continue collaboration with the GOL. Procurement procedures should be flexible for the GOL if necessary. Collaboration between senior provincial officials of Xaysomboun and Bolikhamxay provinces should be improved quickly. Insufficient collaboration between the 2 provinces will delay the progress of the Project.</p>	Very high	<p>NNP1PC is required to follow standard accounting practices and will continue to do so.</p> <p>Collaboration between senior provincial officials is the sole prerogative of Government Of Laos. NNP1PC will continue to facilitate discussion, but cannot ensure collaboration.</p>

No.	Social Issue	Status	IAP comments and recommendations	Level of concern ³	NNP1PC Response
S13	Community participation	<p>PAP participation with Project and GOL has improved. Activities have moved forward, specifically: assets survey and registration, IP graves registration, and livelihood programs.</p> <p>PRLRC followed a participatory process to establish unit rates consistent with ADB requirements</p> <p>NNP1PC has good staff to engage PAP to participate in all activities.</p>	<p>Recommendation</p> <p>Continue to encourage PAP to participate at all levels of activities with the Project and the GOL.</p>	Medium	NNP1PC continuous to involve PAPs in the various livelihood and social programmes
S14	Grievance issues	The resolution of grievance issues has progressed. Many important issues have been resolved.	<p>Recommendation</p> <p>The IAP recommends the Project to continue the Grievance issues as fast as possible.</p>	Very high	NNP1PC, local and provincial authorities take these issues serious. In order to ensure a proper process and allow for a careful investigation into each and every Grievance case will require time.
S15	Cut-off date	The cut-off-date was not an important issue during the 9th IAP site visit, however, some PAP raised the issue to the IAP.	<p>Recommendation</p> <p>The IAP recommends that the Project and RMU should investigate and take these issues into serious consideration and finalize the issues together with all parties.</p>	Very high	Noted
S16	Asset registration	The situation of the 21 households in Ban Namyouak, Zone 2LR, Hom District, remains unchanged.	See IAP comment for S9 above	Very high	Noted

No.	Social Issue	Status	IAP comments and recommendations	Level of concern ³	NNNP1PC Response
S17	PAP petition	4-5 PAP self-resettlers in Nonsomboune, Zone 5, complained to the IAP about compensation for rubber trees and land in Hatsaykham, Zone 3; especially, Mr. Va Xiong, Mr. Kongsee Lao, and Mr. Thai Xiong. They complained that they have followed the grievance procedures, but there is no response from the GOL and the Project. Mr. Va Xiong said that he is a war hero and has served his country since he was 12 years old (now he is 50 years old) and he does not want to see any war again.	Recommendation The IAP recommends that the RMU and the Project investigate these cases immediately and carefully, because such issues can damage the image of the GOL and the Project.	Very high	NNNP1PC has always acted in compliance to the Concession Agreement to its best knowledge and follows the compensation policies set by the PRLRC, regardless of who is affected. If the Grievance procedure does not lead to a satisfactory resolution, then the PAP can take their Grievance to the next step, the district court.

Summary of Environmental Issues

No	Environmental Issue	Status	IAP comments and recommendations	Level of Concern ⁴	NNNP1PC Response
E2	NNNP1PC is expected to contribute to capacity building of MONRE and assist in establishing the EMU staffed by provincial and district	IAP discussions with the EMU of Bolikhamxay indicate that NNP1 is the priority project for GOL and EMU wants to continue to join in the monthly	Recommendations The IAP is satisfied with the efforts that the EMO is making to include training for the EMU in compliance monitoring and reporting monthly.	Low	Joint inspections: NNP1PC conducts joint inspections with Xaysomboun EMU of biomass removal activities on a monthly basis

⁴ Level of Concern: Low - action recommended within 6 months; Medium - action recommended within 1-2 months; Urgent/Very High/High - immediate action recommended

No	Environmental Issue	Status	IAP comments and recommendations	Level of Concern ⁴	NNNP1PC Response
	representatives from project affected areas.	<p>monitoring site visits to contractors' camps and construction work sites. Funds have been received at MONRE from NNP1PC but not yet distributed to PONRE to permit the EMU to participate in joint site visits.</p> <p>The EMU will utilize the NNP1 monthly monitoring data as its database for reporting to PONRE and for writing their compliance monitoring reports.</p>	<p>This training will enable the Provincial EMUs to develop monitoring reports which can then be sent to NNP1PC and MONRE and include their assessment of the adequacy and effectiveness of implemented mitigation measures and the monitoring program being made by the company.</p> <p>The EMO should use joint site inspections of the biomass removal work as part of its capacity building efforts.</p> <p>The last Bolikhamxay EMU site inspection was in early May 2017 and the Bolikhamxay EMU has yet to see the recent improvements made in the sediment removal systems and wastewater treatment plants at the various construction work sites and camps and to verify that the improved treatment systems, including chlorine disinfection as a final treatment step, are producing an effluent that meets the Lao effluent standards.</p> <p>Likewise, the EMU should be included in discussions with communities on management of solid wastes and witness the solid waste landfill at HSRA, the Community Waste Recycle Bank at Hat Gniun, and the waste feeding program for pig rearing at Hatsaykham village. Similar planning and training should be included for the EMU of Xaysomboun as resettlement work proceeds in the province.</p>		

No	Environmental Issue	Status	IAP comments and recommendations	Level of Concern ⁴	NNNP1PC Response
			The IAP commends NNP1PC for including in the 2017 AIP plans to convene a workshop combining the EMUs of both provinces and MONRE to review “lessons learned” from Nam Theun 2 and the Theun-Hinboun projects. Site visits to witness mitigation measures and analyze findings should be considered for capacity building efforts of the project.		
E3	The management of the Environment is not in compliance with (1) the CA Obligations, namely: 2.2 Obligation to Implement Environmental Measures; which states that NNP1PC must ensure that the HCCEMMP is prepared by the Head Construction Contractor in accordance with the Concession Agreement; and, ensure that the Head Construction Contractor implements the approved HCCEMMP; and, (2) the ADB Safeguard Requirements 1: Environment, Section 2. Environmental Planning and Management, para. 15, which states that when a third party’s involvement (meaning a contractor, or an operator of an associated facility) will influence implementation of	The Main Contractor (CWC) is obligated to manage and oversee the environmental, health and safety (EHS) obligations of the CWC and its Sub-contractors in accordance with the CA and the ADB Safeguards. The IAP is pleased to find that supervision and cooperation from all responsible parties (TD, EMO, CWC) for carrying out environment obligations of the CA Annex C has significantly improved since the last site visit and that environmental issues are being managed in accordance with best practices and commitments of the ESMMP-CP. CWC is still dependent upon NNP1 to provide technical inputs, environmental monitoring, and reporting, but the cooperative arrangement is	The IAP finds that the CWC is now compliant with ADB’s Environmental Safeguards and IFC Performance Standards. Recommendations NNP1 must continue to work with the CWC to complete its environmental management obligations both for the CWC and its sub-contractors in accordance with “best practices”. This means that the Technical Department (TD) must work closely with and support the EMO and the results of its monitoring program. This issue can be considered closed. What remains is to complete the upgrades and continue to monitor the effluents on a frequent basis to ensure that the effluents meet the Lao discharge standards. Installation and operation of a liquid chlorine feed system for treatment of the wastewater effluent should be made standard for all wastewater treatment plants and a chlorine residual of <1 mg/L should be maintained in the effluent.	Closed	

No	Environmental Issue	Status	IAP comments and recommendations	Level of Concern ⁴	NNNP1PC Response
	<p>the EMP, the borrower/client (meaning NNP1PC) has control or influence over the actions and behavior of the third party, and will collaborate with the third party to achieve the outcome consistent with the requirements for the borrower/client. This issue is now being properly handled and can be closed as an outstanding environmental issue. What remains is the need for additional training and supervision by the EMO to ensure that the final corrections to the wastewater treatment plants are completed and frequent monitored to confirm that the effluent meets the required discharge standards.</p>	<p>now functioning well and all Sub-contractors are implementing acceptable solutions to upgrade and improve their wastewater treatment plants. The effluents from the CWC and Sub-contractors' wastewater treatment plants (WWTPs) are finally being properly treated to meet Lao effluent standards. Hazardous and recyclable wastes from the various work areas are being sold by some sub-contractors to outside private sector recycle companies. However, the recycle facilities have been visited and approved by the EMO.</p>	<p>The Song Da 2 Camp 1 facility can be used as a "model waste treatment plant" for all other sub-contractors to follow.</p>		
E6	<p>The Biomass Removal Plan for the reservoir has been approved by all parties and the selected contractor, LAUNC, has set up camp in Ban Sop Youak, Hom District, to start biomass clearance blocks and develop an effective work force and management team.</p>	<p>NNP1 has obtained a site specific ESMMP from the BRP Contractor for each of the 18 priority biomass removal areas. A government approved UXO clearance team has been employed to first clear designated areas of any residual explosives prior to any biomass removal.</p>	<p>The IAP is concerned that the biomass removal plan has lost valuable time to achieve its targets given the work stoppage in the 2016-2017 dry season. NNP1PC must resolve the outstanding local government and villager payment issues urgently so work can continue at an increased pace after the 2017 wet season. A revised Removal Plan by the selected LAUNC Contractor should be requested and approved by mid-August 2017. This</p>	High	<p>Biomass Removal Plan: A revised plan for the removal of the remaining biomass will be completed in August 2017.</p> <p>Code of Practice: NNP1PC carries out inspection and compliance checks of the biomass contractor every week and jointly with Xaysomboun EMU every month. The</p>

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	<p>Outstanding is the issue of payment to the villagers for cutting and removal of biomass from lands previously belonging to the villagers. Villagers have expressed their opposition to the biomass removal plan until they are paid by the Company and receive full payment for monies owed to them for loss of the land.</p>	<p>Villagers and government officials blocked access to the land by the Contractor during the months of November/December 2016, thereby causing a significant delay in the implementation plan. Villagers insisted that they receive payment for the land that they will lose when the reservoir is inundated prior to biomass removal. Local government agencies have also expressed their interests to obtain and utilize logs of 20 cm diameter or greater and requested approval by the Contractor (and Project Owner) prior to permitting further work to proceed by the BRP Contractor.</p> <p>The expected biomass removal progress has thus been delayed and all efforts must be coordinated to ensure that the biomass removal goals are reached at the start of the 2017-2018 dry season. It is not clear if the lost time can be made up by utilizing mechanized methods to remove cut biomass and have villagers gather cut biomass that they will utilize in the</p>	<p>plan will need additional supervision by the EMO Biomass Removal Manager and a designated EMO monitoring team. NNP1 inputs should be increased to ensure timely payment for land so that biomass clearance can proceed without further delays. Involvement of local villagers or outside labor will require training, provision of safety equipment, and timely payment of daily wages to ensure participation of laborers for the contractor.</p> <p>Recommendations: The IAP recommends that SMO and EMO staff should discuss and assist each resettlement village (or interested villagers themselves) to ensure timely completion of the biomass removal work. The IAP recommends that the EMO/SMO Auditing team be familiar with and oversee the Environmental and Social Safeguards of the BRP as described in the Code of Practice for Biomass Removal (pp. 49-56 of the BRP for NNP1, July 2015). The IAP recommends that the EMO review the Code of Practice with the BRP Contractor to ensure that there is no use of hazardous materials within the reservoir area, no maintenance of vehicles, zero tolerance for hunting or poaching of any kind, etc. and that he understands what he must do to implement the Code of Practice.</p>		<p>inspections include adherence to the Site Specific ESMMP. The contractor is not storing fuel or other hazardous materials in the reservoir area. Fuel for the bulldozers is bought locally and filled on the machines in the field. Maintenance of machinery is done at workshops outside the reservoir area.</p>

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		<p>future. The Company has been asked to speed up payments so that work can proceed during the 2017-2018 dry season. Villagers can collect cut biomass and plant rice on cleared biomass areas prior to inundation (this permission should probably be cancelled for the 2017-2018 dry season as all biomass removal activities must be completed for areas designated for biomass clearance and villagers should be moving to their new resettlement areas).</p>	<p>Compliance Monitoring work will require a team of dedicated EMO staff to work within the reservoir area as addressed in the 2017 AIP.</p>		
E7	<p>Sediment retention basins and controls for the quarry area, aggregate preparation, and RCC Plant Operation areas have been improved, but sediment removal basins are small, baffles inadequate, and there is no use of coagulant aids to enhance sedimentation. Thus, removal of sediment (cleaning of basins) needs to be more frequent to ensure adequate removal of sediments loads from wash and runoff waters. Management of the sediment removal ponds requires frequent attention to assure</p>	<p>Contractor and sub-contractors have built poorly planned sediment retention basins. Requests by EMO for improvements have been slow in coming and remain inadequate. However, January to May 2017 improvements do show a significant improvement in solids separation and removal. Monitoring of effluents is helping to improve operation guidelines, but effluents continue to show non-compliance with Lao water quality standards.</p>	<p>This issue was a major environmental non-compliance during the 2016 wet season. The start-up of the main dam RCC Plant Operation (continuous concrete preparation and pouring works) in May 2016 multiplied the amounts of sediment produced by the project works which were further compounded by the onset of the rainy season and the large volumes of runoff water that entered the sediment retention basins. The settling ponds and sludge removal system have been improved during the dry season of 2017. The system will require careful management and frequent monitoring to ensure acceptable operation guidelines for the 2017 wet season.</p>	Medium	<p>Monitoring of drainage line: This is part of the routine inspection by NNP1PC in the construction site.</p> <p>Jar Test: The NNP1 Laboratory is carrying out jar tests on sedimentation using coagulants.</p>

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	<p>adequate settling of solids prior to discharge to the river. Suspended solids levels in the discharge waters remains above and exceeds Lao discharge standards to receiving waters. Thus, further treatment improvements are needed.</p>	<p>Outstanding environmental issues remain as follows: sediment collection ponds need further improvements to increase retention time or permit the temporary use of coagulant aids to allow for coagulation and sedimentation of suspended solids in settling ponds. These ponds should then be cleaned of sediment more frequently to improve overflow or discharge quality; inadequate removal of sediment prior to discharge to the Nam Ngiep River has resulted in discharges exceeding Total Suspended Solids standards.</p>	<p>Recommendations: IAP recommends that the TD working with the EMO monitor drainage lines and works in and around the quarry, aggregate and concrete preparation plants during this 2017 wet season to locate areas where new works or improvements are needed to limit and control the volume of runoff entering the sediment retention basins and where additional baffles can improve sediment removal. This revised drainage plan should be a focal point for the Contractors to improve and agree upon an action plan. The 2017 AIP did not include any additional sediment control plan for the work areas supporting the main construction but believed that existing settling pond modifications were adequate to achieve effluent goals. The 2017 AIP should have focused on this issue as further improvements are needed and will now require discussions between the TD, the EMO monitoring team and the Contractors to obtain their cooperation and inputs to complete the needed modifications to the site drainage systems and to the operation of the sediment removal basins. Upgrades to be these facilities will be difficult during the 2017 rainy season expected in start in June 2017. The Environmental Laboratory needs to utilize a “jar test apparatus” in the field to</p>		

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			<p>monitor at site sediment loads at key sediment retention basin locations to determine which coagulant aids work best and how much (dosage level) is needed to reduce excessive sediment loads to acceptable limits prior to discharge of effluents to the river. Use of coagulant aids can be applied without the large investment of treatment tank and sludge dewatering equipment. These chemicals would be utilized during the 2017 rainy season to limit sediment loads to the river. The revised sediment basins and controls would be designed to handle the dry weather flows associated with the RCC plant operation.</p>		
E8	<p>The focus of solid wastes collection and treatment system for resettlement communities should continue to be maximizing separation and recycling of waste materials.</p> <p>Expanding the “Green Technology” approach to manage solid wastes from resettlement communities should continue to be the focus point for Waste Management in the 2017 AIP and future AIPs.</p>	<p>It is far more economic for NNP1PC to continue to invest in a recycle industry (separation, compaction and other simple recycling technologies for enhancing the value and reuse of solid wastes) than in expanding sanitary landfills to meet projected solid wastes generation volumes throughout the CA.</p> <p>The concept of the Waste Recycle Bank started in Hat Gniun Village should be continued and expanded to the Houay Soup Resettlement Area. This will reduce the</p>	<p>The IAP is very satisfied with the solid wastes collection and treatment system for the construction sites and contractor camps. The IAP believes that more attention should be focused on separating and improving the value of recyclable waste materials for the resettlement communities.</p> <p>Recommendations The EMO should focus on expanding the “green technology” approach to manage solid wastes from all project impacted communities. The Community Waste Recycle Bank should be financially supported by the EMO and SMO until it is shown that the</p>	Medium	

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		<p>inappropriate use of burning or discarding solid wastes along the road side or unauthorized areas as a waste disposal practice and improve the environment of the resettlement villages.</p>	<p>operation can be managed sustainably by the village committee itself. Utilization of project wastes should be expanded to include utilization of all food wastes for raising pigs or worms and making compost. Technical and financial assistance should be provided until the operations are sustainable, and then the responsibility turned over to the Community Waste Recycle Bank and the Village Committee. All recycle activities will promote future livelihood developments, save on investment & operation costs at the sanitary landfills, and create a healthier and cleaner environment for the resettlement communities.</p>		

Summary of Biodiversity Issues

No	Biodiversity Issue	Status	IAP comments and recommendations	Level of concern ⁵	NNP1PC Response
B2	Activities along the dam access road need to be managed to reduce impacts (on-going issue)	Degradation, logging and forest clearance for agriculture along access roads. EPF grant allocated (Dec 2015). On-going for life of project	Work with provincial authorities to limit forest clearance along new dam access road (still an issue). NNP1PC to monitor effectiveness of PONRE implementation of EPF grant. New agricultural clearance in dam construction zone	High	NNP1PC has followed-up with Bolikhamxay Province in June 2017 with respect to the progress of the Houay Ngoua PPA. NNP1PC will continue to follow-up on the progress of the EPF project in Houay Ngoua
B3	Workers and construction traffic removing forest resources, illegal logs and wildlife	Prohibition of illegal harvesting and trade is covered in the Developer's Code of Conduct (ongoing issue)	The Developer should enforce a zero-tolerance policy on illegal logging, hunting and wildlife trade by the employees of the Developer, Contractor, and all sub-contractors. Ongoing need: EMO to report on any infractions	High	NNP1PC will continue with bi-weekly inspection of the biomass clearance work and check compliance with the zero-tolerance policy on illegal logging, hunting and wildlife trade
B4	Introduction of potentially invasive species as part of reforestation, agriculture schemes	Plans for aquaculture in reservoir to improve livelihoods (ongoing)	NNP1PC should check to make sure proposed species to be introduced are NOT potentially invasive Need careful review to ensure no introduction of exotic species with likely negative impact on native fish fauna.	Low	Measures to prevent introduction of invasive species will be included in the NNP1 reservoir management plan, which will be prepared in 2017

⁵ Level of Concern: Low - action recommended within 6 months; Medium - action recommended within 1-2 months; Urgent/Very High/High - immediate action recommended

No	Biodiversity Issue	Status	IAP comments and recommendations	Level of concern ⁵	NNNP1PC Response
B5	Monitoring of biodiversity Capacity of provincial and district EMUs for monitoring Community engagement in monitoring	Biodiversity values are not monitored by anyone EMUs in project provinces have limited capacity and resources Hmong villagers have good local knowledge Long-term issues	Reservoir will give access to new areas above water line Recommendations Additional wildlife surveys should be undertaken in the upper watershed during construction to define protection and monitoring needs Hmong villagers should be hired to assist with monitoring biodiversity within resettlement areas and nearby forests Strengthen capacity of provincial EMUs to monitor impacts on biodiversity and environment (still valid for BIORAP) On-going for project life	Medium High	NNP1 Watershed Management Plan contains activity packages relevant to these recommendations such as: - Conduct wildlife and habitat surveys. - Conduct awareness raising. - Train local authorities and the EMU on wildlife and habitat protection. - Establish specific regulations on wildlife hunting and trading
B6	Appropriate and integrated Watershed management activities Initiate development of ISP for XSB	The watershed now falls mainly within the boundaries of XSB Province which lacks an integrated spatial plan ISP further delayed (Dec 2016)	Available data included in draft IWMP Draft IWMP includes biodiversity and fisheries subplans. Draft should be reviewed with government agencies asap - July 2017	Very high	The final draft NNP1 Watershed Management Plan has been accepted by ADB and is now under translation into Lao language. Stakeholder workshop with the government is planned to be held in September 2017.
B7	Construction activities and increased access will lead to further habitat loss in watershed and along ROW for transmission lines	Villagers already clearing forests around dam site to expand agricultural activities		Closed	

No	Biodiversity Issue	Status	IAP comments and recommendations	Level of concern ⁵	NNNP1PC Response
B9	Capacity of environmental units at MONRE to manage watershed management activities	MONRE has very limited capacity at all levels (especially at province and district levels). Training on village mapping and watershed boundary demarcation delivered.	Developer's EMO to work with MONRE to seek capacity and mentoring opportunities Ongoing	Medium	
B10	Watershed Management Plan should include Houay Soup forests and be integrated with ISP for XSB	Dec 2015 DoLA has agreed PAPs should have sole use of Houay Soup forests	Activities in protection forest in Houay Ngoua and Houay Soup to be implemented in accordance with WMP objectives. Forest activities at Houay Soup to be funded under Resettlement Plan Initiate community participatory planning for forest use and zoning with PAPs at resettlement site Separate Natural Resource Management Plan for Houay Soup	Closed	
B11	Collaboration with NNP2 on watershed management	Developments at NNP2 impact on watershed, including water quality and aquatic biodiversity Limited recent contact with NNP2	Continue contact with NNP2 to facilitate collaboration and complementarity of watershed management	High	
B12	Watershed Management Plan	Urgent that Watershed Management Planning team is managed as one integrated team. Draft WMP under preparation		Closed	
B14	Budgets for Watershed Management and Biodiversity Offset	Modest budgets allocated but decisions and allocations already being made before adequate plans in place Ongoing concern	Funding to be allocated according to clear objectives and outcomes. Review opportunities for supplemental funding from NNP1PC, ADB and other potential sources	Very High	
B15	Biodiversity Offset Management Plan	BOMP plan delayed, due Nov 2017 Further delays due to delay on Biodiversity Offsets options paper	BMOP prep and pre-activities should start asap	Very High	

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			Some Pre-BOMP activities initiated – should feed into BOMP		
B16	Conservation of remaining populations of rare and endangered species in watershed	Important species populations identified at Phou Samsao and Phou Katta and surroundings	Identify opportunities for species conservation activities in XSB from the Environment Protection Fund (EPF) Identified in IWMP	Completed Closed	
B17	Survey at 2nd back-up site for potential offset	Proposed sites Khoun Xe Nong Ma (KXNM), Xe Sap have high biodiversity potential but outside project provinces Brief survey by BAC and NNP1PC to KXNM		Closed	
B18	Biomass clearance –	Site plans under preparation and clearance progressing well.	Review detailed site plans to ensure no new access into watershed forests. Ongoing. Need to speed up clearance prior to inundation deadline		
B20	Collect further data for Nam Chouane-Nam Xang (NC-NX) including satellite imagery, any information re conflicting development plans.	Initial results from Biodiversity field surveys indicate Nam Chouane-Nam Xang (NC-NX) very promising as offset site; now need to begin collating additional information on habitat coverage etc.	Collect good baseline data on forest types, extent of shifting agriculture, and gender disaggregated data on dependency on forest use and products for domestic and cash use as well as opportunities to include more ever wet forest within boundaries of proposed site. This information will feed into the offset management plan (BOMP) and monitoring plans.	Very High	
B21	Biodiversity Offset Option paper and final decision on site	Biodiversity Offset site has been under discussion for 3 years. Option paper due end July needs to confirm site to meet ADB deadlines.	Based on current evidence (forest cover, biodiversity and conservation values, political support) IAP recommends Nam Chouane-Nam Xang (NC-NX) as offset site unless there are conflicting development plans for the area.	Very High	

No	Biodiversity Issue	Status	IAP comments and recommendations	Level of concern ⁵	NNNP1PC Response
		Offsets paper delayed again until August 2017	Nam Chouane-Nam Xang (NC-NX) area designated as primary offset site Agreed prep of Offsets paper will not further delay BOMP for Nam Chouane-Nam Xang		
B22	NNP1PC and PONRE to discuss protection status and institutional mechanisms for Nam Chouane-Nam Xang (NC-NX)	Biodiversity Offset site currently has no legal status in Laos. Need to clarify how area will be protected and managed. NNP1PC reports that Nam Chouane-Nam Xang Offset Site is part of a larger area which is designated as National Protection Forest. In legal terms, this offers rather similar level of protection as National Protected Area.	Recommend outlining the steps for area to achieve NPA status. Institutional arrangements should be outlined in BOMP.	High	
B23	Additional biodiversity surveys in watershed	Additional surveys commissioned in Dec 2015 but not yet underway June 2017 still not undertaken	Ideally complete additional surveys to feed data into IWMP. At a minimum integrate results of initial surveys in IWMP to sensor protection of key species through land use plans, forest protection and species action plans. Fisheries management plan integrated in IWMP Any further biodiversity data for watershed should be used to adapt management under implementation	High	
B25	Data on aquatic fauna in Nam Chouane-Nam Xang watershed	Lacking information of aquatic fauna and fish data	Initiate fish survey in NC-NX site High priority	High	
B26	Community use of NC-NX area	Community mapping of swidden and forest use	Initiated community mapping as part of pre-BOMP activities. Input to zoning – require SMO review/engagement	High	

No	Biodiversity Issue	Status	IAP comments and recommendations	Level of concern ⁵	NNNP1PC Response
B27	Integrating biodiversity protection and management in WMP	Key areas for populations of threatened fish and rare species e.g. gibbons, Owston civet, Lao newt in sub-catchment	Included activities to protect biodiversity activities in IWMP	Completed Closed	
B28	Reservoir Plan	To be prepared as supplement to IWMP	Should be completed by December 2017	High	
B29	Recruit Local Biodiversity Consultant asap to initiate planning and training for patrolling	Should have been recruited as part of pre-BOMP activities.	To work with International Biodiversity Consultant with clear roles and responsibilities	Very High	
B30	Recruit International Biodiversity Consultant asap	For preparation of simple and achievable BOMP at NC-NX	BOMP to be completed by December 2017	Very High	

List of Acronyms

ADB	Asian Development Bank
AIP	Annual Implementation Plan
BAC	Biodiversity Offset Advisory Committee
BKX	Bolikhambxay Province
BRP	Biomass Removal Plan
CA	Concession Agreement
DEQP	Department of Environmental Quality Promotion
DFO	District Forestry Office
DFRM	Department of Forest Resources Management
DOLA	Department of Land Administration
DONRE	District Office of Natural Resources and Environment
EGATi	Electric Generating Authority of Thailand International Company
ESMMP-CP	Environmental and Social Management and Monitoring Plan Construction Phase
EMO	Environmental Management Office
EMU	Environmental Management Unit
ESD	Environment and Social Division
ESIA	Environmental and social impacts assessment
GOL	Government of Lao PDR
IAP	Independent Advisory Panel
IEE	Initial Environmental Examination
IMA	Independent Monitoring Agency
ISP	Integrated spatial planning
LTA	Lenders' Technical Advisor
MEM	Ministry of Energy and Mines
MONRE	Ministry of Natural Resources and Environment
NNP1	Nam Ngiep 1 Hydropower Project
NTFPs	Non-Timber Forest Products
PAP	Project Affected Person
PFA	National Protection Forest
PONRE	Provincial Department Of Natural Resources and Environment
REDP	Resettlement and Ethnic Minority Development Plan
RMU	Resettlement Management Unit
SMO	Social Management Office
SSES MMP	Site Specific Environmental and Social Management and Monitoring Plan
TD	Technical Division
WMP	Watershed Management Plan
WWTP	Waste Water Treatment Plant
WRPC	Watershed and Reservoir Protection Committee