

# Environmental Assessment Report

Environmental Assessment and Review Framework  
Project Number: 40282  
September 2006

## VIE: Calamity Damage Rehabilitation Project

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## CALAMITY DAMAGE REHABILITATION PROJECT ENVIRONMENTAL ASSESSMENT AND REVIEW FRAMEWORK

### A. Introduction

1. The Project responds to the Government's request to ADB for emergency assistance to reinstate infrastructure damaged by the 2005 typhoons and storms. The Project is categorized as environmental category B and will use a sector-like approach in preparing subprojects for implementation. Hence, the environmental assessment procedures for sector loans will apply. An Initial Environmental Examination (IEE) was undertaken and generic environmental impacts for each component were assessed based on field visits to sites that are representative of the proposed priority subprojects. The findings of the IEE show the overall impact of the Project to be positive.

### B. Overview of Types of Subprojects to be Assessed

2. The Project will (i) reinstate essential infrastructure, including roads, flood protection, irrigation systems, and social infrastructure in 10 affected provinces;<sup>1</sup> and (ii) concurrently provide equivalent or enhanced storm and flood protection to vulnerable areas where feasible. Subprojects for rehabilitation will be selected from among those inspected during the damage and needs assessment mission (March-April 2006), at which time 105 subprojects were considered suitable on the basis of rapid visual inspection.<sup>2</sup> A list of 39 priority subprojects has been agreed. The scale of rehabilitation work in each subproject is mostly small (less than \$1 million equivalent)<sup>3</sup> and environmental impacts are expected to be mostly minor and easily mitigated. The general scope of rehabilitation under the project is shown in Table 1.

**Table 1: Project Scope of Work**

Component	General Scope of Work
Flood Protection	Rehabilitate damaged sea dikes and flood protection embankments, including rebuilding dikes and embankments and related structures, protecting them against future recurrence of typhoons and floods, and adding protective works.
Irrigation	Rehabilitate and protect damaged irrigation facilities, including reinstating damaged weirs, irrigation and drainage pumping stations, culverts, canals, drains, river banks, reservoirs, bridges, and access roads.
Roads and Bridges	Rehabilitate and protect damaged district and commune roads and bridges, including restoring and protecting road embankments, replacing damaged pavements, resurfacing roads, and reinstating drainage works.
Social Infrastructure	Rehabilitate and protect damaged schools, water supply systems and markets.

3. The Project has been prepared as an emergency assistance loan (EAL) to ensure prompt restoration of services to the population. Thus, the IEE represents the initial scoping of

<sup>1</sup> The project area encompasses parts of Ha Giang, Ha Tinh, Nam Dinh, Nghe An, Phu Tho, Phu Yen, Quang Binh, Quang Tri, Thanh Hoa, and Yen Bai provinces.

<sup>2</sup> Based on the information provided, these satisfy two critical selection criteria for subprojects: (i) located within the defined impact area and for which the proposed rehabilitation is directly related to typhoon damage in 2005; and (ii) not requiring significant land acquisition or resettlement.

<sup>3</sup> Four sections of sea dike/flood protection are estimated to cost in the range \$3.4–8.5 million each.

environmental impacts and anticipated mitigation measures. A final screening of subprojects will be based on feasibility studies and detailed designs that take into account any adverse social and environmental impacts discerned from social analyses and consultations with affected persons (APs). Final acceptance of subprojects will depend on, among other things, absence of significant negative environmental and social impacts (see also para. 8).<sup>4</sup>

### **C. Environmental Impact Assessment Procedures of Viet Nam**

4. Viet Nam's environmental impact assessment (EIA) review procedures are largely guided by four policies:

- (i) Environmental Protection Law (27 December 1993). Article 18 requires that any individual or organization wanting to implement an investment or development project must conduct an EIA and submit the report to the authorized agency for appraisal to form a legal basis for licensing project implementation.
- (ii) Governmental Decree 175/CP (18 October 1994) on Guiding the Implementation of the Environmental Protection Law has specific regulations on the objectives, content (both at preliminary and detailed levels), methods, and requirements of an EIA. It also describes the application dossier for the EIA report appraisal, time-limit for appraising the EIA report, appraisal power and decentralization of appraisal power, and Contents for Category I (full-scale) reports.
- (iii) Circular 490/1998/TT-BKHCHNMT on Setting Up and Appraising Environmental Impact Assessment Reports clarifies EIA submission and review procedures, identifies the types of projects that require a Category I assessment, and provides a Table of Contents for Category II (limited scale) reports.
- (iv) Decree No. 143/2004/ND-CP in regard to the Amendment of Decree 175/CP Article 14 clarifies central and provincial level responsibilities for EIA review.

5. In accordance with Circular 490/1998 the subprojects to be financed under the project are all likely to be classified as Category II, corresponding to environmental category "B" or "C" under ADB's policy. Therefore, a simplified EIA<sup>5</sup> will be required and the respective department of natural resources and environment (DoNRE) will be the approval agency.

### **D. Environmental Assessment and Review Framework for the Project**

#### **1. Institutional Arrangements**

6. The Ministry of Agriculture and Rural Development (MARD) will be the executing agency (EA) for the project. MARD, through the Central Project Management Unit (CPMU) of its Central Project Office, will assure overall planning, coordination, and reporting for the project. The director of CPMU<sup>6</sup> in Hanoi will be the project director. In each of the 10 project provinces, DARD through its provincial project management unit (PPMU) will select, prepare, and

<sup>4</sup> Significant environmental impacts are those that would raise the environmental classification of the subproject to category A, requiring the preparation of a full EIA. Similarly, significant social impacts are those that would raise the resettlement or indigenous peoples classification of the subproject to category A, requiring the preparation of a full resettlement plan and/or indigenous peoples development plan. Any such reclassified subproject would be incompatible with expeditious reinstatement of the infrastructure to be rehabilitated under this Project.

<sup>5</sup> A simplified EIA is equivalent to ADB's IEE in terms of required scope of analysis and contents.

<sup>6</sup> CPMU is based on the resources and staff used for the recently completed Rural Infrastructure Sector Project (Loan 1564-VIE[Sf]). [ADB. 1997. *Report and Recommendation of the President to the Board of Directors on a Proposed Loan to the Socialist Republic of Viet Nam for the Rural Infrastructure Sector Project*. Manila.]

implement subprojects. CPMU will liaise with the Provincial People's Committee (PPC) and DARD in each province to coordinate subproject implementation. International consultants will assist the CPMU. Where MARD/DARD are not directly responsible for any particular type of infrastructure, DARD will work closely with the relevant authority (see Table 2).

**Table 2: Authority over Infrastructure**

Type of Infrastructure	Responsible Agency
Large flood protection works	MARD (CPMU)
Small flood protection works Irrigation and water structures Rural water supply	DARD (PPMU)
Roads and bridges	Provincial Department of Transportation (PPMU)
Urban water supply Schools Market facilities	Provincial Department of Construction (PPMU)

7. From having administered the recently completed Rural Infrastructure Sector Project (footnote 6), CPMU's staff are familiar with sector lending procedures and will therefore be able to initiate subproject selection and preparation in an efficient manner. They are also familiar with ADB's safeguard requirements for sector lending and have adequate capacity to supervise PPMU's implementation of the environmental assessment process in each subproject. CPMU will be assisted in the preparatory and initial construction phases of project implementation by a team of international consultants (see also para. 8). During the operation phase of rehabilitated works, the relevant provincial agencies will be responsible for environmental monitoring as part of their on-going operation and maintenance programs. DoNRE will assure overall environmental monitoring.

## **2. Environmental Assessment of Subprojects**

### **a. Environmental Classification**

8. DARD, through its PPMU, is responsible for environmental assessments of subprojects. The tasks to be handled include the following (i) screen and classify subprojects (and exclude any that would be classified category A in relation to ADB's policies on environment, resettlement, or indigenous peoples—see also para. 9);<sup>7</sup> (ii) implement public consultations and carry out social analyses and environmental assessments; (iii) prepare subproject feasibility studies and detailed design; (iv) supervise construction implementation (including the incorporation of any specified environmental mitigation measures and/or specific actions aimed at mitigating adverse social impacts and compensating APs for losses); and (v) ensure adherence to the environmental management and monitoring plan (EMP). One international (3 person-months) and one national environment specialist (9 person-months) will be recruited as part of the international review consultant team to assist the PPMUs classify subprojects and

<sup>7</sup> Screening of subprojects will be a continuous process and subproject classification will be adjusted if necessary on completion of detailed design. PPMU will be responsible for the preparation of IEEs for any category B subprojects.

prepare IEEs and EMPs for representative subprojects in compliance with the Government's and ADB's requirements.

9. Potential subprojects will be excluded from financing under the project if they (i) are located within or adjacent to designated protected or conservation areas and their buffer zones, (ii) are likely to change the course of a river or alter river characteristics in a significant way, or (iii) have the potential to make significant changes in the surrounding environment, including existing wetlands.

**b. Preparation of Environmental Assessment, Management and Performance Monitoring Reports**

10. PPMU will supervise local consulting firms to prepare necessary environmental assessment, management, and performance monitoring reports, including IEEs, EMPs, and construction specifications with clearly defined obligations vis-à-vis environmental mitigation measures to be put in place by contractors. These obligations will include (i) preparation of a detailed work site and construction management plan covering borrow and spoil management, health and safety, disposal of solid and liquid wastes, traffic management in accordance with the relevant national and local regulations; (ii) implementation of the IEE mitigation measures in each subproject during the construction period; (iii) reporting on environmental responsibilities described in the contract documents; (iv) participating in compliance monitoring inspections at various stages through to completion; and (viii) providing necessary environmental training to construction staff.

**c. Public Consultation and Information Disclosure**

11. During implementation, PPMU will initiate and lead public consultation as part of environmental screening and social assessments for each selected subproject. This will help identify any subproject-specific impacts for which environmental or social mitigation measures will be required. On the basis of the consultations, PPMU will ensure that the concerns of APs are taken into account in the subproject design arrangement, implementation, monitoring, and operation to the extent possible. All relevant project information, including IEEs, summary IEEs, EMPs, or specific actions prepared under the project will be made freely available to all APs and other interested parties, in both English and Vietnamese, and will be posted on ADB's website following ADB and MARD approval of the related subproject detailed design.<sup>8</sup>

12. A summary of institutional responsibilities relating to environmental assessments is provided in Table 3.

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<sup>8</sup> The relevant requirements for this are set out in ADB's Public Communications Policy (ADB. 2005. *Public Communications Policy: Disclosure and Exchange of Information*. Manila), Operations Manual (OM) (ADB. 2005. OM Section L/3 on public communications. Manila), Handbook on Resettlement (ADB. 1998. *Handbook on Resettlement: A Guide to Good Practice*. Manila), and Policy on Indigenous Peoples (ADB. 1998. *Policy on Indigenous Peoples*. Manila).

**Table 3: Institutional Responsibilities**

Stage	Responsibilities of Each Agency	
	DARD (PPMU)	ADB
Environmental assessment at the feasibility study and detailed design stages	<ul style="list-style-type: none"> <li>• Work with environmental specialists to screen subprojects and determine the appropriate environmental classification (eliminate any category A subprojects).</li> <li>• Conduct public consultation and incorporate the concerns of APs in design, implementation, and operation arrangements to the extent possible.</li> <li>• Prepare IEEs for subprojects classified as category B and submit them to ADB.</li> <li>• Incorporate changes in the IEEs to reflect ADB's comments and submit IEEs to DoNRE for approval.</li> </ul>	<ul style="list-style-type: none"> <li>• ADB will only review IEEs/Summary IEEs if so requested by PPMU. This could occur if there are particular environmental issues for which ADB's assistance is needed.</li> </ul>
Preparation of contract documents	<ul style="list-style-type: none"> <li>• Based on the IEE report ensure that the site specific environmental management plan is faithfully reflected in the contract documents.</li> </ul>	<ul style="list-style-type: none"> <li>• Review first set of contract documents in each province and provide comments if necessary.</li> </ul>
Construction	<ul style="list-style-type: none"> <li>• Supervise construction and ensure implementation of mitigation measures and environmentally sound construction methods.</li> <li>• Perform environmental monitoring.</li> <li>• In case any unexpected environmental impacts are found, take appropriate remedial actions in consultation with ADB.</li> <li>• Prepare and submit semiannual environmental monitoring reports to CPMU.</li> <li>• Conduct compliance review upon completion.</li> </ul>	<ul style="list-style-type: none"> <li>• Review the implementation of mitigation measures and EMPs.</li> <li>• Review the semiannual reports and provide feedback to CPMU if necessary.</li> <li>• Conduct semiannual review to monitor the effectiveness of safeguard procedures.</li> </ul>