Asian Development Bank (ADB), Accountability Mechanism, Complaint Form

(Add rows or pages, if needed)

A. Choice of function - problem solving or compliance review (Choose one below)

☐ Special Project Facilitator for problem solving (Assists people who are directly and materially harmed by specific problems caused, or is likely to be caused, by ADB-assisted projects through informal, flexible, and consensus-based methods with the consent and participation of all parties concerned)

☐ Compliance Review Panel for compliance review (Investigates alleged noncompliance by ADB with its operational policies and procedures in any ADB-assisted project in the course of the formulation, processing, or implementation of the project that directly, materially, and adversely affects, or is likely to affect, local people, as well as monitors the implementation of remedial action relates to the harm or likely harm caused by noncompliance)

B. Confidentiality

Do you want your identities to be kept confidential?  ☐ Yes  ☐ No

C. Complainants (Anonymous complaints will not be accepted. There must be at least two project-affected complainants.)

<table>
<thead>
<tr>
<th>Name and designation (Mr., Ms., Mrs.)</th>
<th>Signature</th>
<th>Position/Organization (If any)</th>
<th>Mailing Address</th>
<th>Telephone number (landline/mobile)</th>
<th>E-mail address</th>
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D. Project

1. NEPAL: SOUTH ASIA SUBREGIONAL ECONOMIC COOPERATION MUGLING–POKHARA HIGHWAY IMPROVEMENT PHASE 1 PROJECT

Location
Gandaki Province, Nepal

Brief description
The project will develop the main road link from Pokhara to Kathmandu in Nepal, which feeds two SASEC corridors linking Kathmandu to Dhaka (Bangladesh) and Kolkata (India). The highway will be widened to four lanes to reduce travel times and lower transport costs. The project will increase access to domestic markets, jobs, and social services; give Nepal a wider gateway to international markets; and facilitate tourism to Pokhara. Design standards will feature enhanced pavement and drainage and an intelligent traffic system to improve sustainability and safety awareness.

E. Complaint:

What direct and material harm has the ADB-assisted project caused, or will likely cause, to the complainants?
The faulty EIA of NEP: SASEC Mugling–Pokhara Highway Improvement has resulted in the loss of a Critically Endangered Vulture (Slender-billed Vulture and its nest). A recent study shows that there are less than 75 individuals of this species in Nepal and only 6 active nests are recorded till the date and that nest was one of them. Since 2018, Slender-billed Vulture has successfully bred from the nest on that tree.

The IEE report does not clearly address the present scenario of bird diversity along the highway from Pokhara–Mugling (IEE report Page 38, point 135). As, the project is already in action, trees are almost cut down without any precaution and seriousness in bird’s issues even we request them to wait for a couple of month till chick left the nest.

Referring to the IEE report, any bird expert in Nepal will be surprised to know only 9 bird species were recorded on a 90 km highway. Many species are missing and different studies have already mentioned Globally Threatened species of vulture’s White-rumped vulture, Red-headed vulture, Egyptian vulture, Steppe Eagle and their movements are already noted along Pokhara-Mugling highway. A detailed survey is needed to know the either nesting or roosting sites near the highway.
Have the complainants made prior efforts to solve the problem(s) and issue(s) with the ADB operations department including Resident Mission concerned?

Yes. If YES, please provide the following: when, how, by whom, and with whom the efforts were made. Please describe any response the complainants may have received from or any actions taken by ADB.

On Feb 2022 the loss of the Slender-billed Vulture and its nest, during the project implementation was published in *National daily*. Yub Raj Dhakal, Environment Safeguard Specialist, PD ADB for this project contacted me and I suggested him some recent mitigation methods and possible compensation for the loss. We had a short meeting and he convinced me on some points where we (PBS, the Project manager, and Yubraj) signed the file. I am sorry to say there is no implementation on what they agreed and it's already been more than 3 months. It would be my pleasure to know about the progress and our possible involvement for the mitigation of the issues.
Meeting Minute

Date: 18th February, 2022

Meeting heading: Bio-diversity Conservation Concerns while extending the road

Participants of meeting

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<th>SN</th>
<th>NAME</th>
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<tr>
<td>1</td>
<td>Amit Shrestha</td>
<td>Project Manager, SMHP (MAP 02)</td>
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<td>2</td>
<td>Bishnu Om Bade</td>
<td>Procurement Specialist, PD ADB</td>
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<td>3</td>
<td>Kamal Shaky</td>
<td>Resident Engineer, SMHP (MAP 02)</td>
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<td>5</td>
<td>Yub Raj Dhakal</td>
<td>Environment Safeguard Specialist, PD ADB</td>
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Issues Discussed:

1. Tragedy was happened on 2nd February, 2022 due to clearance of sinal tree located at Gachhepani (CH 68+200) resulting the collapse of tree branch having a nest of Slander Billed Vulture residing on the same.
2. Another sinal tree located adjacent to the cleared tree could be potential habitat of the vulture, therefore, that tree should be saved to the possible extent.
3. Awareness about wildlife conservation has to be created to the construction workers, focusing breeding season of birds in Falgun-Baisak month.
4. There should be proper coordination within the project team (Project Manager, Consultant and contractor) and prompt and efficient mechanism of reporting for biodiversity sensitive issues e.g. breeding birds has to be developed.
5. Conservation awareness needs to be created to the workers/community through the project with the involvement of stakeholders, working on conservation activities.
F. Optional Information

1. What is the complainants’ desired outcome or remedy for the complaint?
   We are more concerned with the endangered vulture conservation issues and our desired outcomes would be more focused on vulnerability assessment, awareness and advocacy campaigns. Besides these remedies we also suggest for refuge development (safeguard of potential trees and plantation).

2. Anything else you would like to add?
   We already have a great loss (impacted its nesting population), compensation to recover this loss is necessary. We are more concerned if the project has to face the same issues again in upcoming days during the implementation of the project. On behalf of [Redacted] we would like to make the concerned authorities of ADB aware of this project so that there won’t be another loss again. So many precautions are supposed to be applied in sensitive areas along with the project in the upcoming days. A proper mitigation needed to be applied as soon as possible.

Name of the person who completed this form: [Redacted]

Signature: [Redacted] Date: 2022-7-12

Please send the complaint, by mail, fax, e-mail, or hand delivery, or through any ADB Resident Mission, to the following:

Complaint Receiving Officer (CRO), Accountability Mechanism
ADB Headquarters, 6 ADB Avenue, Mandaluyong City 1550, Philippines,
Telephone number: +63-2-6324444 local 70309, Fax: +63-2-6362086,
E-mail: amcro@adb.org