



# **Organization for the Development of the Gambia River**

## **Energy Project of the OMVG**

### **Exempted Areas**

**Identification of Areas Exempt from a Resettlement Plan along  
the Interconnection Line Corridor**

**and**

**Directives to Builders**

**December 2018**

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# 1 Introduction

## 1.1 Background

### 1.1.1 Urgency of the situation

The Line Builders are in the process of mobilization and some are ready to start the construction work, or will soon be. The firm KEC (Lots 1 and 6) is strongly requesting OMVG and the IC an authorization to start the field work.

It is clear that all the processes leading to clear the rights of way, in accordance with the requirements of the TFPs (Technical and Financial Partners), are long and complex and must be carried out under the best conditions. The IC timeline shows in Figure 1.1 (page 4), that gradual release of line rights of way is likely to extend to the end of 2018. The situation is urgent. KEC and other Builders are at risk of making claims due to delays in clearing rights of way.

### 1.1.2 Approach by exempt areas

The results of the parcel surveys in the four countries showed that several sections of the right-of-way corridor do not include any assets owned by individuals. Investigators who have traveled through these areas have also mentioned that no local populations were found in these areas, that no signs of sacred sites or particular heritage sites could be observed along these sections of the corridor. These sections of the corridor are in natural environments far from any settlements. Some of these areas have a protection status without human occupation. The study of high-resolution orthophoto (10cm) of the entire length of the corridor confirms that there is no apparent sign of farming, of structures, of equipment or other land occupation in these areas. These sections of the line corridor refer now as: "Exempted Areas" and are therefore not subject to World Bank OP 4.12 or ADB SO-2 and do not require any RAP.

### 1.1.3 Purpose of the exempt areas approach

The aim of this note is to soon start construction on those sections of exempted areas. Starting construction on these exempt areas will reduce the risk of claims and delays for the OMVG Energy project schedule.

### 1.1.4 Technical strategy for "Exempted areas"<sup>1</sup>

This "exempt area" approach was proposed to quickly release certain sections of corridor that do not involve physical or economic resettlement and that do not trigger the application of World Bank Operational Policy 4.12. Following discussions between the representatives of the World Bank, OMVG, PMU and IC, it was decided that a technical note be submitted to the PTF for approval of this strategic approach.

## 1.2 Technical note on exempted areas

This technical note sets out the main justification of the Exempt Area Strategy, where there is no need to produce any Resettlement Action Plan. This version of the note includes all answers to comments and clarifications requested by WB, AFD, EIB, KfW WADB and AfDB prior to the issue of their non-objection.

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<sup>1</sup> The concept of exempt area concerns, areas where there is no physical or economic relocation as understood within the meaning of OP 4.12. There are no exempt areas from the point of view of environmental protection. All measures to mitigate the impacts on flora and fauna provided for in the project ESMP and all directives and measures indicated in the Manufacturers' ESMP for forests and transmission lines apply. It is IC's role to ensure that the Builders implement these measures that have been incorporated into the ESMPs. Details on the measures and guidelines in this regard in section 6.3.

This technical note presents the exempted areas for all the lines in the four countries and for each construction lot and the criteria that define them. This note also is a reminder of the conditions that must be met by Builders before starting work in these areas.

### 1.3 The Interconnection RAP Strategy

The OMVG project is affecting people and property. Therefore, the project as to comply with Policies and Procedures for social and environmental protection of its Financial Partners as well as with national legislation and rules. It requires the production and implementation of Resettlement Action Plans (RAP).

The interconnection lines and substations project extend over four (4) countries, whose national laws, currencies, languages, price scales and administrative structures vary from one country to the other. Different contractors have been awarded contracts for the construction of various section of lines. To cover the territory of the project it was decided to produce 8 separate RAP documents for lines and substations in the 4 countries.

#### 1.3.1 RAP Geographical sectors

For the construction of substations, one RAP is produced for each country:

1. RAP substations in Senegal: Tambacounda, Sambangalou, Tanaff and Kaolack
2. RAP substations in Gambia: Brikama and Soma
3. RAP substations in Guinea Bissau: Bissau, Mansoa, Bambadinca and Saltinho
4. RAP substations Guinea: Boké, Kaléta, Linsan, Labé and Mali

For the construction of the transmission lines, one RAP is produced for each country:

5. RAP Power Transmission Line Gambia: LCMC West Coast; North Bank (Lot 7, Lot 6a and Lot 6b in Gambia)
6. RAP Power Transmission Line Guinea Bissau: LCMC Bissau; Bafata-Tombali (Lot 5 in Guinea Bissau)
7. RAP Senegal Power Transmission Line, including:
  - o LCMC Kaolack; Kaffrine; Goudomp (Lot 1b, Lot 1a, Lot 6a and Lot 6b in Senegal and Lot 5 in Senegal)
  - o LCMC Tambacounda; Kédougou (Lot 1a, Lot 2 and Lot 3 in Senegal)
8. RAP Guinea Power Transmission Line, including:
  - o LCMC Mali-Labé; Pita-Dalaba-Mamou (part Lot 3 in Guinea)
  - o LCMC Dubréka-Télémele-Kindia; Boké-Boffa-Fria (Lot 4 and Lot 5 in Guinea)

#### 1.3.2 Forecast timing of RAP delivery

The overall schedule leading to the clearance of land right of way for line and substation will most likely extend to the end of 2018. The production timeline RAP revision / validation and implementation stages is presented in Figure 1.1 below. This chronogram is presented for information only and does not constitute a commitment.

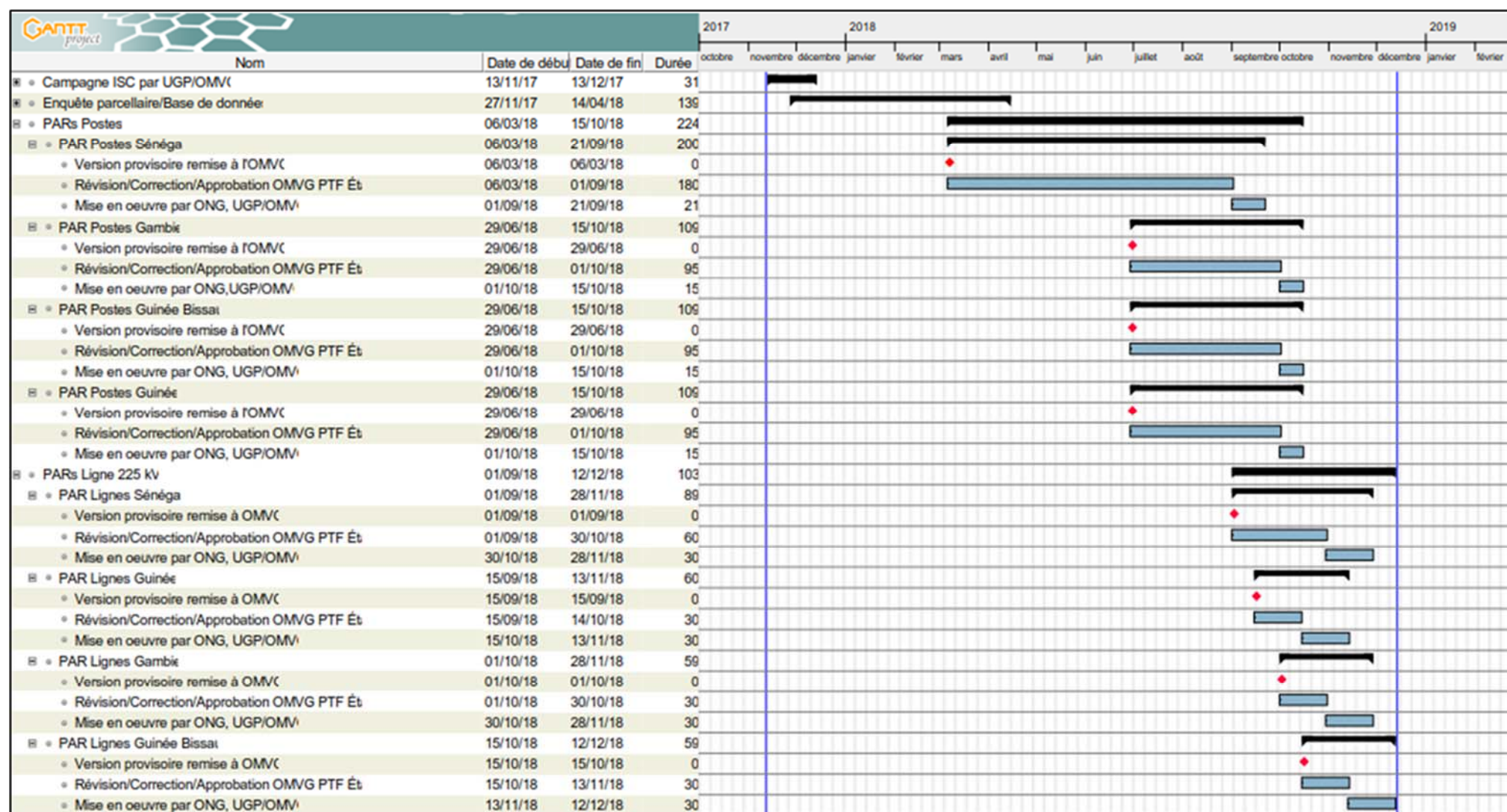


Figure 1.1 : Projected timeline of production and implementation of RAPs



## 2 Reminder of the project components

### 2.1 Project features

The OMVG 225 kV interconnection line project is intended to transport the energy produced from the Sambangalou and Kaleta Hydro power plant to the main cities of the OMVG member countries. The interconnection line covers a total length of 1645.56 km across Senegal, Guinea, Guinea-Bissau and Gambia. It includes sections of monoterne type pylons and sections of biterne type pylons. The interconnection project also involves the construction of 15 transformer stations located near the main power user cities in each country.

### 2.2 Project area

The interconnection line is divided into 16 sections. These sections are limited by the 15 substations. To these sections, is added an additional junction point near Birkelane (Senegal) at the location of the junction between two monotrene lines transferring into a biterne line.

Figure 2.1 below presents a general overview of the interconnection line divided into 16 sections across the four OMVG countries. It also shows the location of the transformer stations and the junction point of Birkelane.

Table 3.1 shows the respective lengths of each of the line lots of the constructors and associated TFPs.

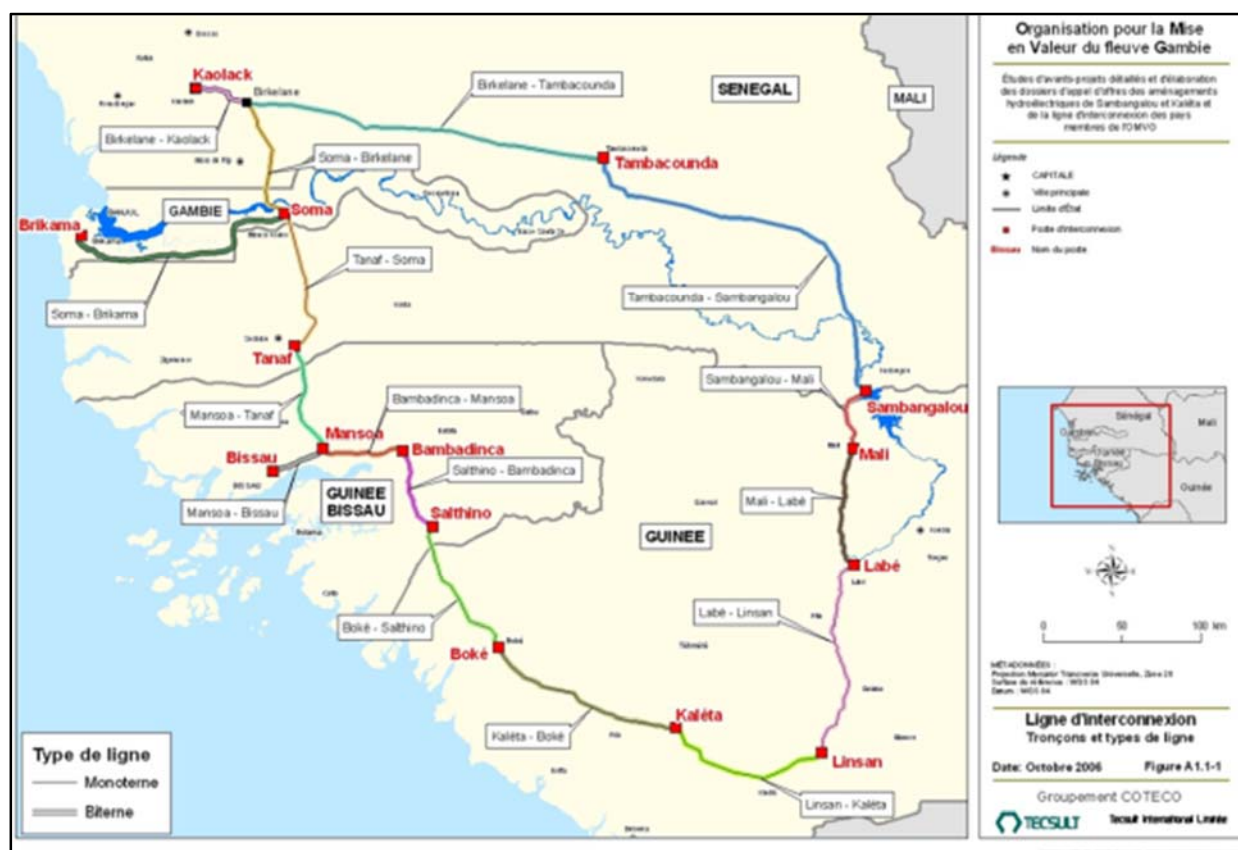


Figure 2.1 : Interconnection line, sections and types of line

Table 2.1 : Lengths of sections of the OMVG Interconnection Line

| Country       | Lot |                         | Company       | TFP | Km              | Total           |
|---------------|-----|-------------------------|---------------|-----|-----------------|-----------------|
| Senegal       | L5d | Mansoa-Tanaff           | Vinci-Cegelec | IDA | 13,67           | 688,70          |
|               | L6a | Tanaff-Soma             | KEC           | IDA | 86,24           |                 |
|               | L6b | Soma-Birkelane          | KEC           | KW  | 63,06           |                 |
|               | L1b | Kaolack-Birkelane       | KEC           | KFW | 35,33           |                 |
|               | L1a | Birkelane-Tambacounda   | KEC           | AFD | 222,55          |                 |
|               | L2  | Tambacounda-Sambangalou | Vinci-Cegelec | BID | 244,09          |                 |
|               | L3a | Sambangalou-Mali        | Vinci-Cegelec | BAD | 23,76           |                 |
| Guinea        | L3a | Sambangalou-Mali        | Vinci-Cegelec | BAD | 35,78           | 572,60          |
|               | L3b | Mali-Labe               | Vinci-Cegelec | BAD | 88,61           |                 |
|               | L3c | Labe-Linsan             | Vinci-Cegelec | BAD | 119,97          |                 |
|               | L4  | Linsan-Kaleta           | Sumec         | BEI | 115,38          |                 |
|               | L4  | Kaleta-Boke             | Sumec         | BEI | 128,84          |                 |
|               | L5a | Boke-Saltinho           | Vinci-Cegelec | IDA | 84,01           |                 |
| Guinea Bissau | L5a | Bokd-Saltinho           | Vinci-Cegelec | IDA | 14,03           | 217,33          |
|               | L5b | Saltinho-Bambadinca     | Vinci-Cegelec | IDA | 55,20           |                 |
|               | L5c | Bambadinca-Mansoa       | Vinci-Cegelec | IDA | 53,79           |                 |
|               | L5e | Mansoa-Bissau           | Vinci-Cegelec | IDA | 35,23           |                 |
|               | L5d | Mansoa-Tanaff           | Vinci-Cegelec | IDA | 59,08           |                 |
| Gambia        | L6a | Tanaff-Soma             | KEC           | IDA | 5,44            | 166,93          |
|               | L7  | Soma-Brikama            | Vinci-Cegelec | IDA | 143,03          |                 |
|               | L6b | Soma-Birkelane          | KEC           | KFW | 18,46           |                 |
|               |     |                         |               |     | <b>1 645,56</b> | <b>1 645,56</b> |

### 2.3 Contractors and lots of lines and substations

To be ready for the preparation of the tender documents, the project was divided into 7 lots of lines and 4 lots of transformation substations. Figure 3.2 shows how lots are distributed along the interconnection line and awarded to contractors. Table 3.2 shows the Contractors and Technical and Financial Partners (TFPs) associated with each of the lots and sub-lots of the lines. Table 3.3, presents the contractors and TFPs for the lots for the sub-stations.

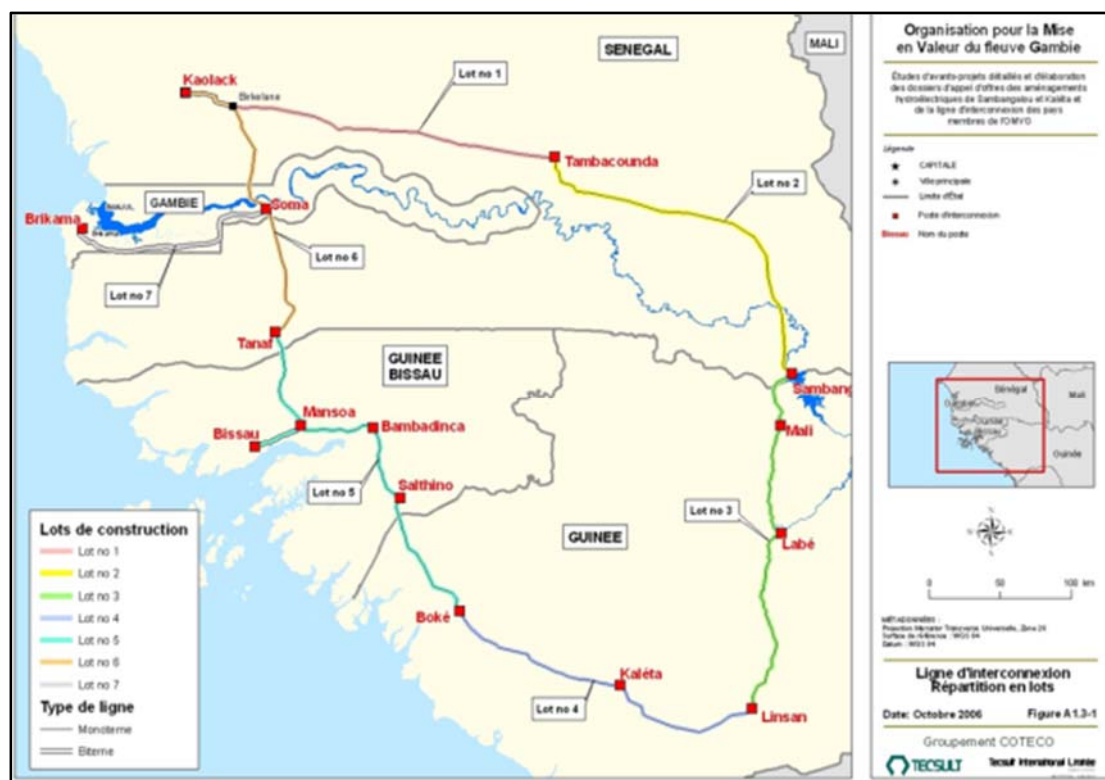


Figure 3.2 : Sections vs lots of lines for construction

Table 3.2 : Lots of 225 kV lines: Length<sup>2</sup>, Manufacturers and TFPs

| Lot | Section |      |                         | Builder       | TFP | Length (km)     |                 |
|-----|---------|------|-------------------------|---------------|-----|-----------------|-----------------|
|     | No      | Name |                         |               |     | Total           | RAP section     |
| L1  | L1a     | 01a  | Birkelane-Tambacounda   | KEC           | AFD | 257.89          | 222.55          |
|     | L1b     | 01b  | Kaolack-Birkelane       | KEC           | KFW |                 | 35.33           |
| L2  | L2      | 02   | Tambacounda-Sambangalou | Vinci-Cegelec | BID | 244.09          | 244.09          |
| L3  | L3a     | 03   | Sambangalou-Mali        | Vinci-Cegelec | BAD | 268.13          | 59.54           |
|     | L3b     | 04   | Mali-Labe               | Vinci-Cegelec | BAD |                 | 88.61           |
|     | L3c     | 05   | Labe-Linsan             | Vinci-Cegelec | BAD |                 | 119.97          |
| L4  | L4      | 06   | Linsan-Kaleta           | Sumec         | BEI | 244.23          | 115.38          |
|     | L4      | 07   | Kaleta-Boke             | Sumec         | BEI |                 | 128.84          |
| L5  | L5      | 08   | Boke-Saltinho           | Vinci-Cegelec | IDA | 315.01          | 98.04           |
|     | L5      | 09   | Saltinho-Bambadinca     | Vinci-Cegelec | IDA |                 | 55.20           |
|     | L5      | 10   | Bambadinca-Mansoa       | Vinci-Cegelec | IDA |                 | 53.79           |
|     | L5      | 11   | Mansoa-Bissau           | Vinci-Cegelec | IDA |                 | 35.23           |
|     | L5      | 12   | Mansoa-Tanaff           | Vinci-Cegelec | IDA |                 | 72.75           |
| L6  | L6a     | 13   | Tanaff-Soma             | KEC           | IDA | 172.84          | 91.68           |
|     | L6b     | 15   | Soma-Birkelane          | KEC           | KFW |                 | 81.52           |
| L7  | L7      | 14   | Soma-Brikama            | Vinci-Cegelec | IDA | 143.03          | 143.03          |
|     |         |      |                         |               |     | <b>1 645.56</b> | <b>1 645.56</b> |

<sup>2</sup> The lengths shown have been updated as of April 25, 2018 taking into account the alternative route chosen for the crossing of the Gambia River between Soma and Birkelane (L6b)

Table 3.3 : Lots of substations: Manufacturers and TFPs

| Country       | Lots | Substation             | Builder           | TFP                  |
|---------------|------|------------------------|-------------------|----------------------|
| Senegal       | P1a  | Kaolack                | KEC International | EIB                  |
|               |      | Tanaff                 | KEC International |                      |
|               | P1b  | Tambacounda            | KEC International | FDA/<br>BOAD/<br>FDE |
|               |      | Sambangalou (Kedougou) | KEC International |                      |
| Gambia        | P2   | Soma                   | Eiffage/Elecnor   | FKDEA                |
|               |      | Brikama                | Eiffage/Elecnor   |                      |
| Guinea-Bissau | P3   | Bambadinca             | Eiffage/Elecnor   | IDA/<br>WADB         |
|               |      | Bissau                 | Eiffage/Elecnor   |                      |
|               |      | Saltinho               | Eiffage/Elecnor   |                      |
|               |      | Mansoa                 | Eiffage/Elecnor   |                      |
| Guinea        | P4a  | Kalea                  | Eiffage/Elecnor   | EIB                  |
|               |      | Boke                   | Eiffage/Elecnor   |                      |
|               | P4b  | Mali                   | Eiffage/Elecnor   | IDB                  |
|               |      | Labe                   | Eiffage/Elecnor   |                      |
|               |      | Linsan                 | Eiffage/Elecnor   |                      |

### 3 RAP exempt area strategy

#### 3.1 Concept of exempt areas

The results of the parcel surveys conducted in the four countries showed that several sections of the right-of-way corridor do not include any assets owned by individuals. Investigators who have traveled through these areas did not identify or been informed by any populations of the presence of sacred sites or particular heritage sites along these sections of the corridor. These sections correspond to natural environments far from settlements or having a protection status without proven human occupation. The detailed examination of high-resolution orthophotos (10 cm) taken along the entire length of the corridor, confirmed that there is no apparent sign of any human occupation or farming activity. No structures or equipment have been observed along the length of these sections of the corridor. These sections referred to as "Exempt areas" are therefore not subject to World Bank OP 4.12 or ADB SO-2 and do not require RAP.

The concept of "exempt areas" is not new. This is an approach that has been used in the framework of the Electricity Sector Support Project (PASE, 2017<sup>3</sup>) financed by the World Bank. In this project, the corridor of the line has been separated into red, orange, yellow and green areas.

#### 3.2 Definitions of exempt and non-exempt areas

##### 3.2.1 Exempt areas

Exempted areas are sections of the 40 m wide right-of-way corridor and sites of certain positions for which there is no individual who owns, occupies or operates on the land, or any Aboriginal group<sup>45</sup> or other group of an ethnic, religious or linguistic minority, or any public / community infrastructure and equipment, cultural heritage, or sacred place that was identified during the parcel and socio-economic survey conducted along the du corridor<sup>6</sup>. The close examination of the high-resolution orthophotos of May 2017 also indicates that there are no visible signs of farming or human occupation other than pastoralism<sup>78</sup> in some areas along the exempt areas. Similarly, the analysis of orthophotos validates that there is no structure, infrastructure, community equipment, heritage site or anything else visible along these sections.

<sup>3</sup> PASE, 2017: Final Verification of No Resettlement Verification Report – Exempt areas. Electricity Sector Support Project: Hann-Cap des Biches Renewal Project. SENELEC, Ministry of Energy and Renewable Energy Development (MEDER), October 2017.

<sup>4</sup> African Development Bank Group, 2016: Development and Indigenous Peoples in Africa produced by the African Development Bank Group. Series on Safeguards and Sustainability; Volume 2 Publication 2, August 2016.

<sup>5</sup> The World Bank has conducted a social review of the project area and no one from the project area meets the requirements of the Bank's Operational Policy for Indigenous Peoples (OP 4.10).

<sup>6</sup> A socio-economic survey was conducted jointly with the parcel survey along the line corridor in the four countries.

<sup>7</sup> The investigators visited each of the villages near the corridor. They questioned the village chiefs to identify the people in the right-of-way to meet them and give them the survey questionnaire. Pastoralism is the only human activity observed in the field and visible on orthophotos in some exempt areas (see Annex 6: Lot 1a: Sec01-A18 and Sec01-A23). Pastoralism is an activity compatible with the presence of the 225 kV line and does not involve any physical relocation. It is well established that gardening, food and vegetable crops, animal husbandry, grazing or any other activity that does not interfere with the operation and maintenance of the line may continue and develop in the right-of-way. The draft Pastoral Code Act for Senegal contains no element prohibiting or indicating a constraint to pastoralism under power lines. On the contrary, Art L85 indicates that transhumant pastoralists' access to the spaces and resources of their rangelands is free. It is forbidden to occupy these spaces in such a way as to hinder the progress or stay of pastors on the move.

<sup>8</sup> If the project activities result in economic displacement of any kind, the relevant section of the transmission line corridor will be considered a resettlement area.

It is therefore clear that there will be no physical or economic resettlement of individuals along these sections of exempt areas. World Bank OP 4.12<sup>9</sup> and ADB SO2<sup>10</sup> should not apply to these sections.

The exempted areas identified along the OMVG line corridor are in remote areas and no one lives by. The land use is as follow:

- Public Land under the control of a national legal entity: Ministry; Regional structure; Local<sup>11</sup> authorities for: classified forest, forest of public domain and community forest.
- Natural wild shrub area or in natural forest regrowth: grassy savannas, shrubby savannas, wooded savannas, clear forests, dense forests, mangroves, fir trees, lowlands.
- Uncultivated land: bow-shaped, rocky outcrops, iron-leather breastplate shape, hilly hard access areas.

### 3.2.2 Non-exempt areas

In contrast, resettlement areas are those sections of the corridor where there are individuals who own, occupy or operate activities on the land with formal or customary ownership recognize by law<sup>12</sup>. These individuals will be affected by the project. Specific sections of the line corridor are considered resettlement areas when:

- A person who owns, occupies or uses the land was identified as a potential PAP and questioned during the field survey.
- There is evidence of occupation or agricultural activity on orthophotos.
- There is doubt about the presence of any PAP because of lack of information.

## 3.3 Nature and status of forests in exempt areas

The sections below describe the different types of forest areas in each country. As the transmission line will pass through the wooded areas, a number of trees will have to be cut. Each country has developed a protocol in collaboration with OMVG for tree cutting, taking into account the environmental and economical costs (see section 6.3).

### 3.3.1 Senegal

#### 3.3.1.1 Definition of forest

The forest estate in Senegal is described in the 1998<sup>13</sup> Forest Code (Annex 1). In the Forest Code, forests are land covered with trees, shrubs or brush with a minimum area of one hectare, of which the exclusive or principal products are wood, bark, roots, fruits, resins, gums, exudates and oils, flowers and leaves.

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<sup>9</sup> World Bank, 2001: Operational Manual of the World Bank, Operational Policy 4.12 Involuntary resettlement of persons, December 2001.

<sup>10</sup> African Development Bank Group (2013): Integrated Safeguards System of the African Development Bank. Policy statement and operational safeguards. Operational Safeguard 2 - Involuntary Resettlement: Land Acquisition,

Displacement and Compensation. Series on Safeguards and Sustainability, Volume 1 - Number 1, December 2013.

<sup>11</sup> Local communities are not traditional or customary structures. They are decentralized structures of the State: Region, Commune, Rural Community. These local authorities have financial autonomy and are freely administered by elected councils (Regional Council, Communal Council and Rural Council). Nine areas of expertise have been transferred to local communities, including the environment and natural resource management. As such, each community regulates, through its deliberations, the affairs of its territory and receives a clear mission, defining its responsibilities. The RAP of each country describes more precisely the legal status of these decentralized structures.

<sup>12</sup> The place of customary law in the land management of each country is explained in each of the sectoral RAPs of substations and lines.

<sup>13</sup> From the Senegal Forest Code, 1998: Title I: National Forest Domain; Chapter 1: Forests and the Forest Domain, page 27.

Continue to be considered as forests for a period of ten years from the day the destruction is recorded, the forest formations having undergone a cut or a fire causing their total destruction.

Are also considered as forests:

- lands that were recently covered with forest and recently cut or burned but are subject to natural regeneration or reforestation;
- uncultivated land intended for reforestation;
- land cultivated by the owner or the tenant for forest activities;
- any degraded land unsuitable for farming and requiring forest restoration activities;
- lands intended to be reforested for recreation reasons.

### 3.3.1.2 State forest estate

State forest estate are classified areas comprising classified forests, sylvo-pastoral reserves, reforestation and restoration perimeters, national parks, nature reserves and special reserves.

- Classified forests are established for the purpose of their conservation, enrichment and soil regeneration by any appropriate means of management or protection.
- The sylvo-pastoral reserves are natural formations where restrictions are brought, especially on industrial crops, in order to allow exploitation of the biomass compatible with their wooded state.
- Reforestation or restoration sites are bare or insufficiently forested lands on which there is serious erosion or it is likely to occur, and whose reforestation or restoration is recognized as being necessary from an agronomic, economic or ecological point of view. These lands are temporarily classified for protection, re-establishment or reforestation. The goals achieved, they can be developed or removed from the regime of classified forests.
- Integral nature reserves are areas constituting a representative collection of natural formations, classified for ecological or scientific reasons. In these areas no hunting, fishing, farming, exploitation, grazing or management activities are permitted.
- Special reserves are areas where, for scientific, tourist or ecological reasons, certain restrictions, temporary or permanent, relating to hunting, fishing, the capture of animals, the exploitation of plants and products of the soil, and from the basement, to the construction of infrastructures, are necessary for scientific, tourist or ecological purposes.
- National parks are areas where restrictions or prohibitions on hunting, the capture of animals, the exploitation of plants, products of the soil or subsoil are enacted for the purpose of nature conservation. Where possible, national parks are available to the public for education and recreation.

### 3.3.1.3 Forest of Regional Interest

Forests of regional interest are forests outside the State forest domain and within the administrative boundaries of the region. They include communal forests and community forests.

- Communal forests are forests located outside the State forest estate and within the administrative boundaries of the municipality which is the manager.
- Community forests are forests outside the state forest domain and within the administrative boundaries of the rural community that is the manager.

### 3.3.1.4 Forests in exempt areas in Senegal

In Senegal, the longest sections of exempted areas are in the Southern Tamba Forest. The other sections of exempted areas are in areas of unclassified forests of regional interest under the administrative control of Communes or Rural Communities. The forest areas are mainly shrub / tree savannas in the north, between Kaolack and Kedougou, and dense forests in Casamance.

In the exempt areas in Senegal, arrangements will be made to comply with Senegal's forestry laws.

- In the national domain, the exploitation can only be carried out after obtaining an exploitation permit issued by the forest service following the payment of taxes and royalties. In addition, cuts not included in a management plan as well as cuts in unmanaged forest must first be authorized by the Forest Service.
- Outside the areas of the State forest estate, particularly in community forests, the exercise of rights is transferred to the local authorities, which consequently dispose freely of the revenues resulting from the exercise of these rights.

### 3.3.2 Gambia

#### 3.3.2.1 Forest estate in Gambia<sup>14</sup>

In the area of forest management, the Gambian Government has adopted the "Forest Act, 1998", which aims to ensure the maintenance and development of forest resources in order to strengthen the contribution of forestry to the socio-economic development of the country. According to the « *Forest Act, 1998* », forest means an area of at least 10% of trees, grown or planted naturally, and 50% or more of regeneration cover of shrubs and trees and includes public forest parks, community forests and protected forests. Forests in Gambia are classified in the following categories:

- State forests that include:
  - Forest parks
  - Forest reserves
- Community forests,
- Private forests that include:
  - Private natural forests;
  - Private plantations.

#### 3.3.2.2 Forests in exempt areas in Gambia

As described in section 4.2.1 of this note, the main exempted areas in Gambia are in three forest parks: Furuyar Forest Park, Kahlenge Forest Park and Mutaro Kunda Forest Park and in community forests. Forest parks are designated forests managed by the Ministry of Forests for forest production, demonstration of forest management techniques, forestry training of personnel and other persons involved in forestry, applied research and conservation.

Community forests are forests owned and managed by designated communities for the production of timber, fuel wood and non-timber forest products, forest grazing, protection and conservation. Private forests are natural or planted forests on rented land.

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<sup>14</sup> From the Forest Act, Gambia, 1998



### 3.3.3 Guinea Bissau

#### 3.3.3.1 Guinea Bissau Forest Estate <sup>15</sup>

Decree 14/2011 of 22 February on forests defines in its article 2 paragraph 3 that a forest is a natural formation or an artificial system of formations consisting of mangroves, palm groves, gallery forests and other types of vegetation such as sub humid, dense, moderately dense, subtropical regenerating forests and wooded and herbaceous savannas.

Article 10 of this law stipulates that classification under the forest regime must be motivated by the need for conservation of forest resources and this is the duration that the State considers necessary to protect the general interest or the safeguarding of certain natural formations.

Forest law enforcement and compliance with other complementary international agreements is primarily the responsibility of the Ministry of Agriculture, Forestry, Hunting and Livestock. This ministry has several directorates, including the General Directorate of Forests.

#### 3.3.3.2 Forests in exempt areas in Guinea Bissau

Along the corridor of the OMVG line, the areas are short and offer few opportunities to start work for contractors. They constitute only 13% of the length of the corridor between Boke and Tanaff. They are mainly wooded savannas and clear forests on the public domain.

### 3.3.4 Guinea

#### 3.3.4.1 Guinea's forest estate <sup>16</sup>

The forest estate consists of forest land bearing vegetation other than that planted exclusively for agricultural purposes, or requiring facilities for soil conservation, regularization of hydrological systems, increasing forest production or maintaining ecological balances.

This forest estate may belong to the State, to the Communities or to private individuals or legal entities. The forest estate is composed:

- of the State Forest Estate;
- forest domain of decentralized communities, districts and villages;
- of the private forest estate;
- unclassified forest estate.

Excavation, quarrying or mining operations, construction of lines of communication, whose implementation is envisaged in the forestry sector, are subject to the authorization of the Ministry in charge of Forestry, as well as, where applicable, a cutting or clearing permit. This authorization determines the protection and restoration measures to be taken by the beneficiary, in accordance with the provisions of the texts of application of this Code.

A new Forest Code, replacing that of 1999, was adopted on April 24, 2017 by Parliament. This revised code contains new provisions. Among these, the setting of the forest revenue rate for the local authorities and the rate of use of these amounts for community work of forest interest (Article 192); the obligation to replace, in timber equivalent in quantity and quality, any forest area cleared or deforested (art 122) as well as the introduction of categories of logging permits (timber and industry, fuel wood) and license categories and valuations of non-wood forest products of plant origin.

<sup>15</sup> From Decree 14/2011 of 22 February on the forests of Guinea Bissau

<sup>16</sup> From the Guinea Forest Code, 1998.

The new code ensures better monitoring of the forest heritage with the creation of a paramilitary body responsible for enforcing forestry regulations.

#### 3.3.4.2 Forests in exempt areas in Guinea

The forests in the exempted areas in Guinea are forests of the state forest estate and forests of the forest estate of the decentralized communities.

### 3.4 Summary of exempt areas for all lines

The total length of the interconnect lines is 1,645.56 km. Of this total, there are 812.41 km of exempt areas <sup>17</sup>. This represents 49.38% of the entire length of the right-of-way corridor. In contrast, resettlement areas cover 832.79 km, which is 50.62% of the total length.

The map in Figure 2.1 shows the distribution of the main exempted areas along the entire corridor of the interconnection line. Table 2.1 presents the summary of exempt areas and resettlement for each of the construction lots.

<sup>17</sup> Note that the lengths of exempt of resettlement areas are not necessarily continuous. Detailed information on the position and length of these exempt areas will be sent to the contractors

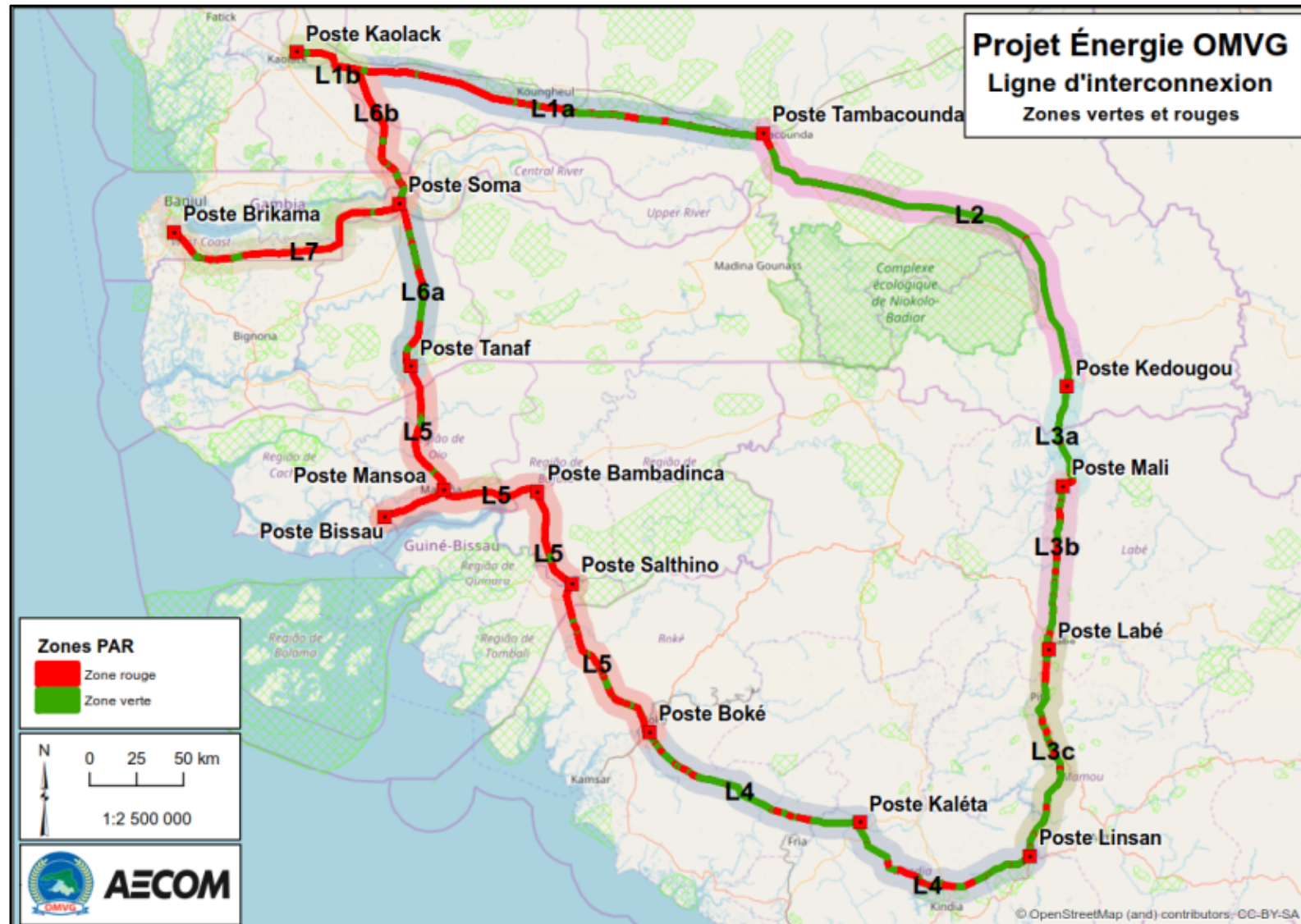


Figure 2.1 : Exempted areas along the OMVG interconnection line corridor

Table 2.1 : Summary table of exempt areas for all OMVG lines<sup>18</sup>

| Lot |     | Section |                         | Builder       | TFP | Length (km) |             | Exempted area |       | Resettlement area |       |
|-----|-----|---------|-------------------------|---------------|-----|-------------|-------------|---------------|-------|-------------------|-------|
|     |     | No      | Name                    |               |     | Total       | Per section | km            | %     | km                | %     |
| L1  | L1a | 01<br>a | Birkelane-Tambacounda   | KEC           | FDA | 257,88      | 222,55      | 66,26         | 29,78 | 156,29            | 70,22 |
|     | L1b | 01<br>b | Kaolack-Birkelane       | KEC           | KFW |             | 35,33       | 4,02          | 11,38 | 31,31             | 88,62 |
| L2  | L2  | 02      | Tambacounda-Sambangalou | Vinci-Cegelec | BID | 244,09      | 244,09      | 226,50        | 92,80 | 17,59             | 7,20  |
| L3  | L3a | 03      | Sambangalou-Mali        | Vinci-Cegelec | ADB | 268,12      | 59,54       | 196,50        | 73,29 | 71,63             | 26,71 |
|     | L3b | 04      | Mali-Labe               | Vinci-Cegelec | ADB |             | 88,61       |               |       |                   |       |
|     | L3c | 05      | Labe-Linsan             | Vinci-Cegelec | ADB |             | 119,97      |               |       |                   |       |
| L4  | L4  | 06      | Linsan-Kaleta           | Sumec         | EIB | 244,23      | 115,38      | 183,74        | 75,23 | 60,48             | 24,77 |
|     | L4  | 07      | Kaleta-Boke             | Sumec         | EIB |             | 128,84      |               |       |                   |       |
| L5  | L5  | 08      | Boke-Saltinho           | Vinci-Cegelec | IDA | 315,01      | 98,04       | 41,68         | 13,23 | 273,33            | 86,77 |
|     | L5  | 09      | Saltinho-Bambadinca     | Vinci-Cegelec | IDA |             | 55,20       |               |       |                   |       |
|     | L5  | 10      | Bambadinca-Mansoa       | Vinci-Cegelec | IDA |             | 53,79       |               |       |                   |       |
|     | L5  | 11      | Mansoa-Bissau           | Vinci-Cegelec | IDA |             | 35,23       |               |       |                   |       |
|     | L5  | 12      | Mansoa-Tanaff           | Vinci-Cegelec | IDA |             | 72,75       |               |       |                   |       |
| L6  | L6a | 13      | Tanaff-Soma             | KEC           | IDA | 173,20      | 91,68       | 44,14         | 48,14 | 47,54             | 51,86 |
|     | L6b | 15      | Soma-Birkelane          | KEC           | KFW |             | 81,52       | 20,71         | 25,52 | 60,81             | 74,48 |
| L7  | L7  | 14      | Soma-Brikama            | Vinci-Cegelec | IDA | 143,03      | 143,03      | 28,86         | 20,18 | 114,17            | 79,82 |
|     |     |         |                         |               |     | 1 645,56    | 1 645,56    | 812,41        | 49,38 | 833,15            | 50,62 |

<sup>18</sup> Note that the indicated exempt area lengths for each lot are not necessarily continuous. Detailed information on the position and length of the exempt areas will be sent to the Manufacturers.





## 4.2 Exempt areas along Vinci / TTE lots

### 4.2.1 Lot L7

On lot L7, the main exempted areas are in forest parks crossed by the line corridor<sup>19</sup>(Figure 4.2). These forest parks are: Furuyar Forest Park, Kahlenge Forest Park (Annex 3, page 12 : Lot 7 Sec14-A15-A4) and Mutaro Kunda Forest Park. The cut trees will be recovered and the cut areas will be restored in accordance with the protocol that will be established between the forestry department and the OMVG.

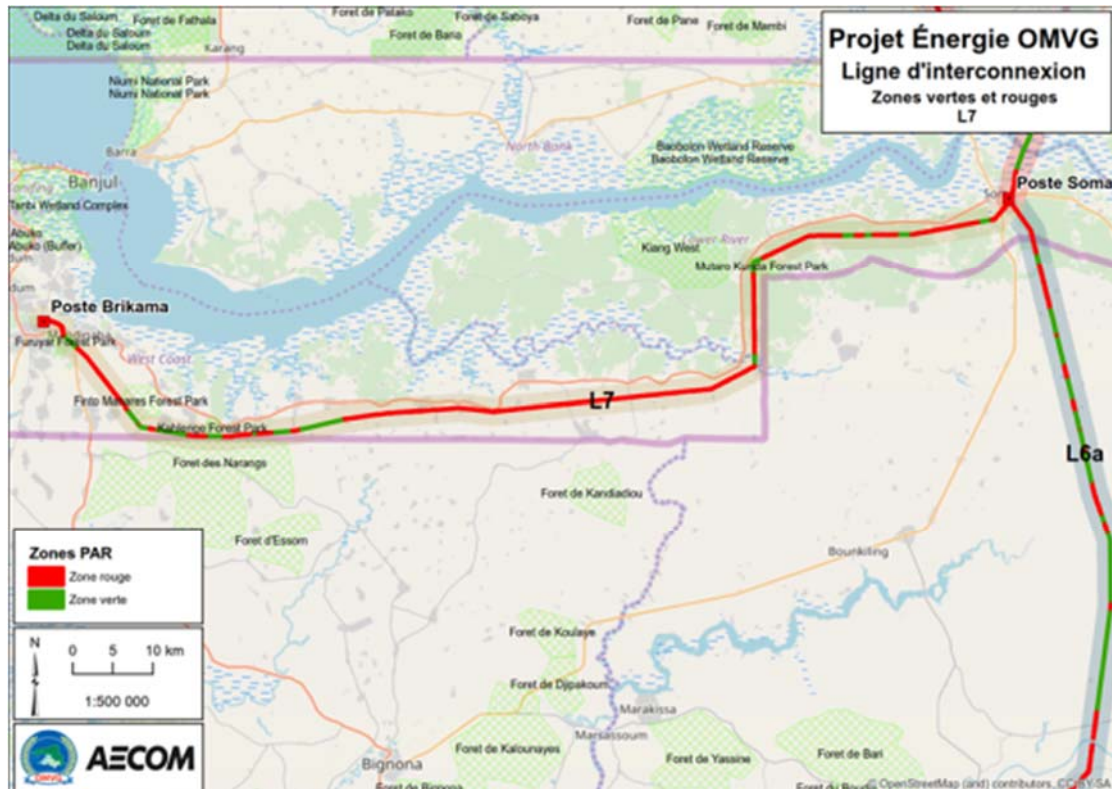


Figure 4.2 : Exempted areas along lot L7<sup>4</sup>

### 4.2.2 Lot L5

In Guinea Bissau, the line corridor crosses several plantations of cashew, mango and oil palm. These plantations are exploited under customary law by individuals who will be subject to economic resettlement.

More specifically, of the 315 km line of lot L5, the length of cashew plantations in the line's right-of-way totals some 70 km (Annex 3, page 10: Lot 5 Sec12-A12). In addition to the cashew plantations, the corridor also crosses several mango plantations and areas of oil palms easily identifiable on orthophotos. The few sections of exempted areas between plantations are areas of wooded savanna or unoccupied or unmanaged open forest, for which there is no economic relocation to be expected (Annex 3, page 9 : Lot 5 Sec12 – A02-A03). Figure 4.3, which shows an overview of the areas exempted and relocation along the L5 lot, highlights the dominance of the road areas on the L5 lot.

<sup>19</sup> Forest parks are designated forests that are solely managed by the Ministry of Forest for forest production, demonstration of forest management techniques, forestry training of personnel and other persons involved in forestry activities, for applied research purpose and for conservation.



Figure 4.3 : Exempted areas along lot L5

### 4.3 Exempt areas along the Vinci / Cegelec Morocco lots

#### 4.3.1 Lot L2

The lot L2 corridor, which extends between the Tambacounda substation and the Kedougou substation, is 92.8% exempt areas (Figure 4.4). The corridor crosses the Diambor classified forest and bypasses the Niokolo-Koba National Park (Annex 3, page 4: Lot 2 Sec02-A07). This sector of Senegal, crossed by the OMVG line, consists of natural areas of wooded savannas and practically unoccupied and unexploited forests (Annex 3, page 3 : Lot 2 Sec02-A03). Deforested areas will be reconstituted in accordance with a protocol to be established between OMVG and the Regional Directorate of Water and Forests of Senegal. Except for a few specific resettlement areas, no PAPs will be compensated along these exempt areas.

#### 4.3.2 Lot L3

The Lot 3 corridor has several long sections of exempted areas. This is particularly the case for Lot L3a between Kedougou and Mali (Figure 4.5). This section of the OMVG line crosses a relatively wild, sparsely populated area made up of bowels and open forest (Annex 3, page 5 : Lot 3 Sec03-A04). Between Mali and Labe (L3b), the density of human occupation is higher, but there are still several sections of exempted areas between the villages (Figure 4.6). Along the lot L3c between Labe and Linsan, we still find long sections of exempted areas (Figure 4.7). The density of human occupation is quite high, but concentrated in small villages. Between the villages, the line corridor passes on iron-leather breastplate shape, which are unoccupied uncultivated lands, and in forests (Annex 3, page 6 : Lot 3 Sec04-A20). The forests that will have to be cut will be the subject of compensatory reforestation. A protocol for the implementation of reforestation will be developed between the OMVG and the government authorities responsible for the Guinea forest. This protocol will specify in particular the species of trees to be the subject of compensatory reforestation. No individual is involved and will receive compensation for lost natural forest areas. World Bank Group specific guidelines for power transmission projects are provided in section 6.2.5 of this note.



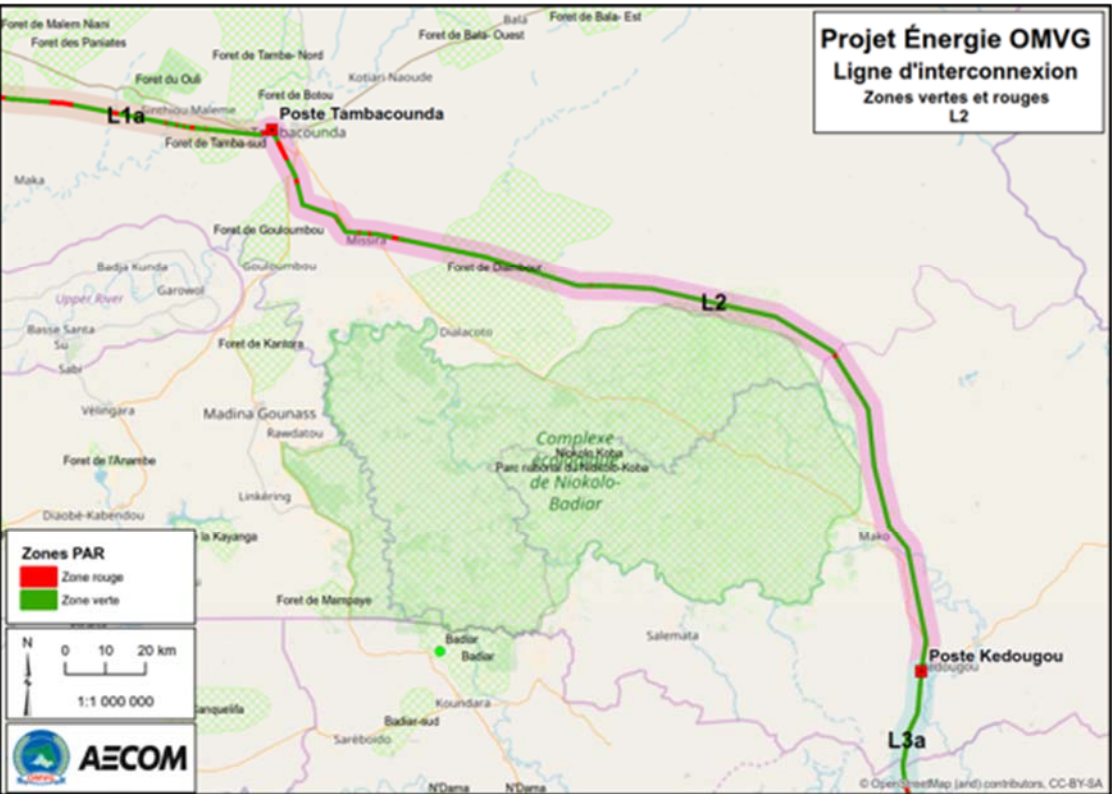


Figure 4.4 : Exempted areas along the lot L2

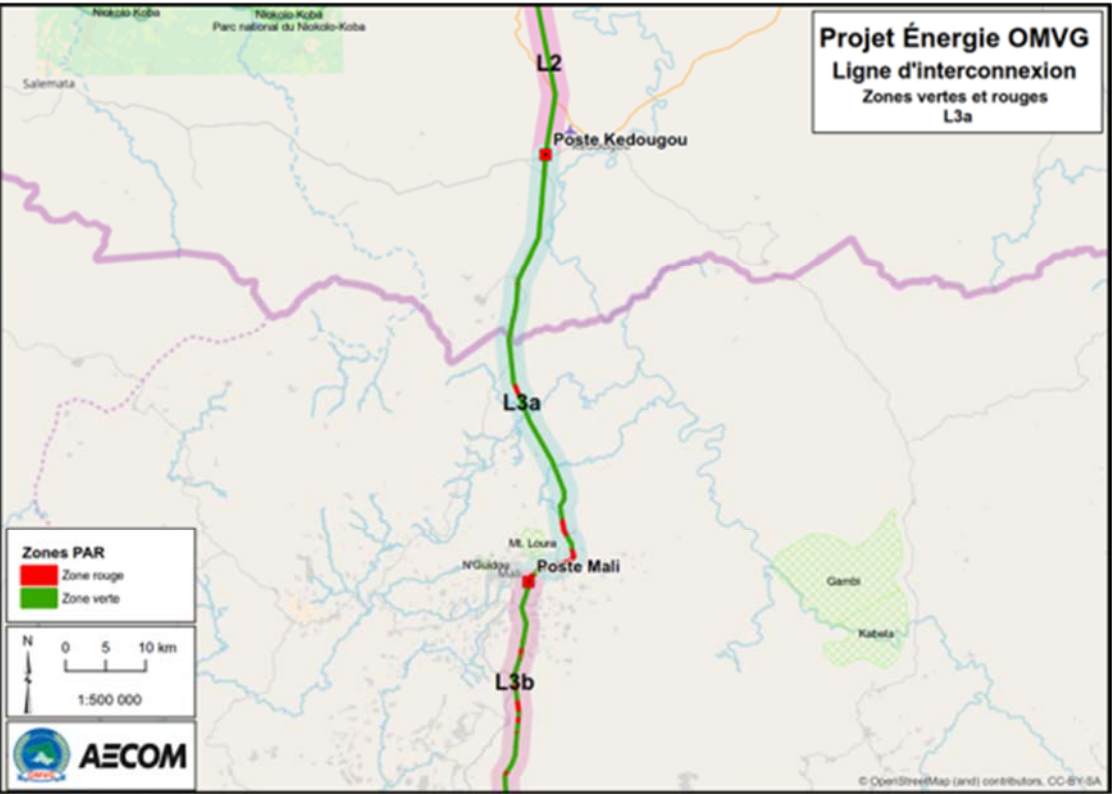
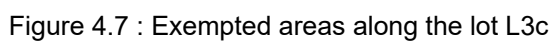
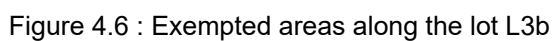


Figure 4.5 : Exempted areas along the lot L3a



#### 4.4 Exempt areas along the Sumeç lot (L4)

The exempted areas constitute 75.23% of the length of lot L4 which crosses a very rugged area of Guinea between Linsan and Boke (Figure 4.8). The land on which the 225-kV line will be built is essentially bowals and forests (Annex 3, page 7: Lot 4 Sec06-A04 and page 8: Lot 4 Sec07-A13).

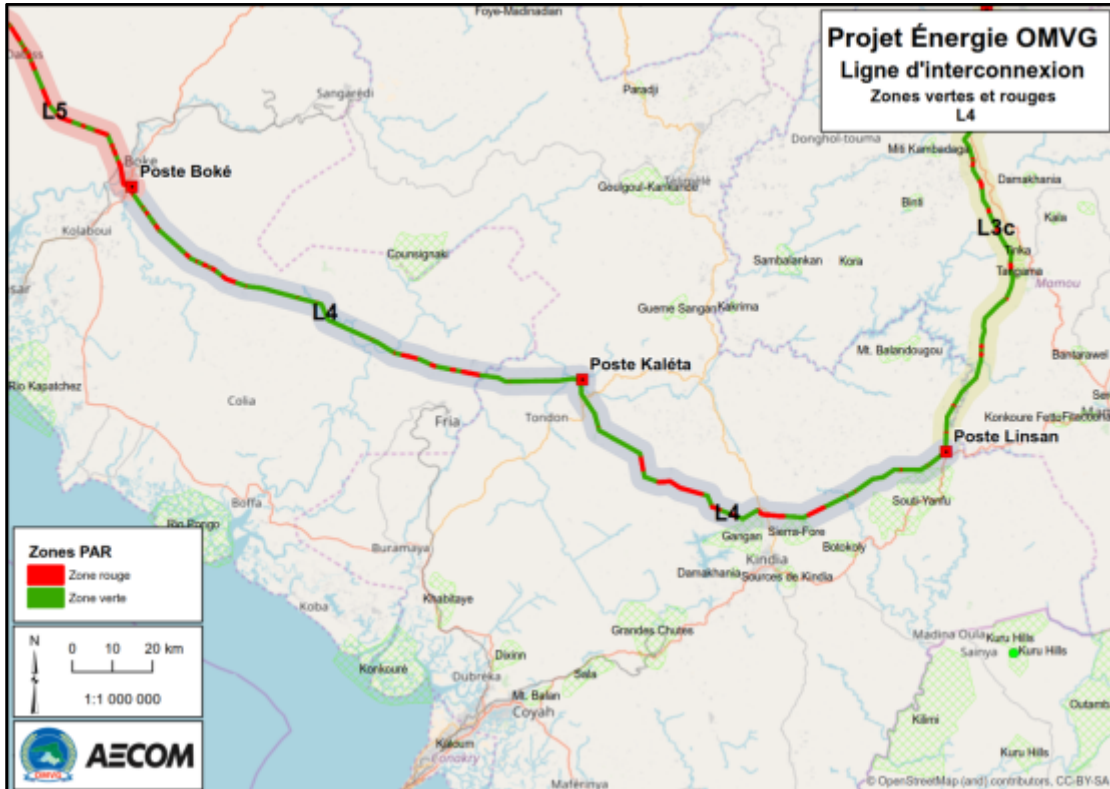


Figure 4.8 : Exempted areas along the lot L4



## 5 Processing substations exempted

### 5.1 Lot P1 Senegal (KEC)

#### 5.1.1 Decree of public utility (DPU)

The President of the Republic of Senegal issued a decree of public utility (DPU) on January 19, 2017, valid for a period of 3 years (Annex 2a). This decree indicates in particular that as part of its development program, the OMVG plans to carry out an energy project that includes the construction of a hydroelectric facility in Sambagalous in Senegal, on the Gambia River, and an interconnected electric power transmission network connecting hydroelectric facilities to the power grids of the four member countries. For the realization of this important project, which groups together Gambia, Senegal, Guinea and Guinea Bissau, it should be declared of public utility. The draft decree drawn up pursuant to the provisions of Law No. 76-67 of 02 July 1976 on expropriation for reasons of public utility and other public utility land transactions has been prepared to declare the OMVG Energy Project to be of public utility.

#### 5.1.2 Kaolack substation

##### 5.1.2.1 Land use

The Kaolack substation is located approximately 5 km northeast of Kaolack City, near Kahone Township, Mbadakhouné District, Gossas Department, Fatick Region. From Kaolack, the station's location is accessible via the RN-6 to Kaffrine and taking the left exit to Kahone. This planned location for the Kaolack substation is on land adjoining a thermal power plant belonging to the Senegal National Electricity Company (SENELEC).

The project consists of an extension of the existing substation to receive the additional equipment required for the OMVG 225 kV line. Figure 5.1 below presents a detailed view of the area planned for the extension of the station within the SENELEC field.



Figure 5.1 : Site of the Kaolack substation on the SENELEC land

### 5.1.2.2 Provision of land to the OMVG

The OMVG facilities will be placed inside the enclosure of the existing SENELEC station. As a result, there are no agricultural uses, homes or other structures owned by third parties. The shoreline dwellings closest to the station are more than 100 m. The only assets on the site are those of SENELEC (partner and beneficiary of the OMVG project). SENELEC has made available to the OMVG the site required for the extension of the existing station in Kaolack. The confirmation letter sent by SENELEC to the OMVG High Commissioner can be found in Annex 2b of this note.

### 5.1.3 Sambangalou substation (Kedougou)<sup>20</sup>

#### 5.1.3.1 Land use

The Sambangalou substation (in Kedougou) is located in a grassland, shrub or tree savanna area. Figure 5.2 shows that no agropastoral activity is practiced. No dwelling or structure occupies the site or its surroundings. The waterfront houses closest to the station are located in Kedougou more than 5km away. The assets on the site are forest resources in the public domain. No occupant or operator has been identified on the 9 hectares of the site.

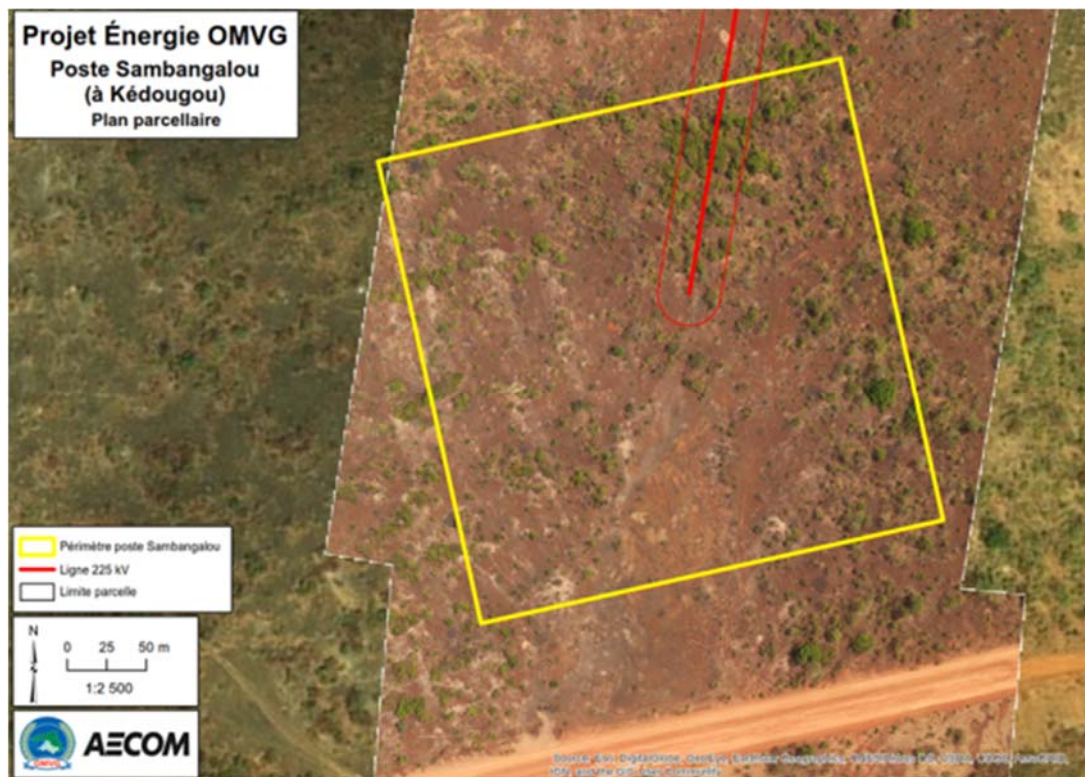


Figure 5.2 : Sambangalou substation site (at Kedougou)

A team of PMC investigators visited the substation site on December 19, 2017. It has been noted that the planned lot for the position is vacant and unexploited. There is no affected person. The report of this visit can be found in Annex 2c.

#### 5.1.3.2 Assignment of the land to the OMVG

The authorities of the Municipality of Bandafassi met to deliberate and agreed to the assignment of the substation site as a public utility land for the use of OMVG and of its partners for the installation of the electricity transformation equipment of the interconnection network. The act of deliberation is attached in Annex 2d. The cadastre plan of the land reserved for the position is in Annex 2e.

<sup>20</sup> The site planned in the DAO for the Sambangalou substation has been moved near Kedougou.

## 5.2 Lot P2 Gambia (Eiffage/Élecnor)

### 5.2.1 STATEMENT OF PUBLIC UTILITY IN GAMBIAT

Gambia as issued on November 7th 2016 a statement of public interest for the OMVG Energy Project. This Statement (Appendix 5a) can be summarized as follows:

#### STATEMENT OF PUBLIC INTEREST CONCERNING THE AREAS COVERED BY THE OMVG ENERGY PROJECT IN THE ISLAMIC REPUBLIC OF THE GAMBIA

In fulfilment of the Executive approval for the declaration of "Right of Way" for OMVG Power Transmission Interconnection Lines as Public Property, the Honourable Minister of Lands and Regional Government, Under the Gambia River Basin Development Organization (OMVG), declares the areas earmarked as being of public interest for power transmission as follows:

- A. The road right of way to the surface area underneath the power transmission lines stretching from Soma to Brikama, and also from Soma to the border with Senegal at Farafenni, as State Land.
- B. National Water and Electricity Company (NAWEC) Substations at Jarra Soma, in the Lower River Region, and at Brikama in the West Coast Region respectfully.
- C. The above areas have been declared to be the property of the State and made available to OMVG.

The modalities and conditions for this provision shall be stipulated in specific international conventions on joint projects. The following are forbidden at the reserved areas:

- Any new occupation in any capacity Whatsoever
- Any transaction and transfer in any capacity Whatsoever of developed or undeveloped land, in the said areas.

### 5.2.2 The Soma Substation exempt of RAP

#### 5.2.2.1 Land Occupation:

The substation is located 2 km out of the Trans-Gambian highway, in « *Lower River Region (LRR)* » in the Jarra West district. The site is surrounded by:

- The village of Karantaba on East side. The first houses are 600 metre away from the substation
- A new district of the Soma town on the West side. The first houses are located approximatively 100m away.
- The « South Bank Road » 200 m to the North and the villages of *Kani kunda* and *Mango Garden*.
- Farming land on the South side.

You can access the site by the paved road on the south bank of the river. The substation site is located 200 meters from the paved road. The land at Soma substation is vacant and unexploited. There is no building, no structure and no trace of any farming activities (Figure 5.3). The soil of the site is essentially of laterite and mainly uncultivated. The surface is partially covered by poor shrub as it can be seen in the following pictures.





#### 5.2.2.2 Clearance autorisation

As requested by OMVG, the Forestry Department of the Republic of Gambia has given permission for forest clearing for the construction of the interconnection line. The official document can be found in Annex 5b.

#### 5.2.2.3 Land Ownership

This piece of land is owned by the National Water and Electricity Company (NAWEC). The surface of the site is 90 000 m<sup>2</sup> (300m x 300m). This site was reserved for the construction of the Soma OMVG sub-station (Annex 5c).

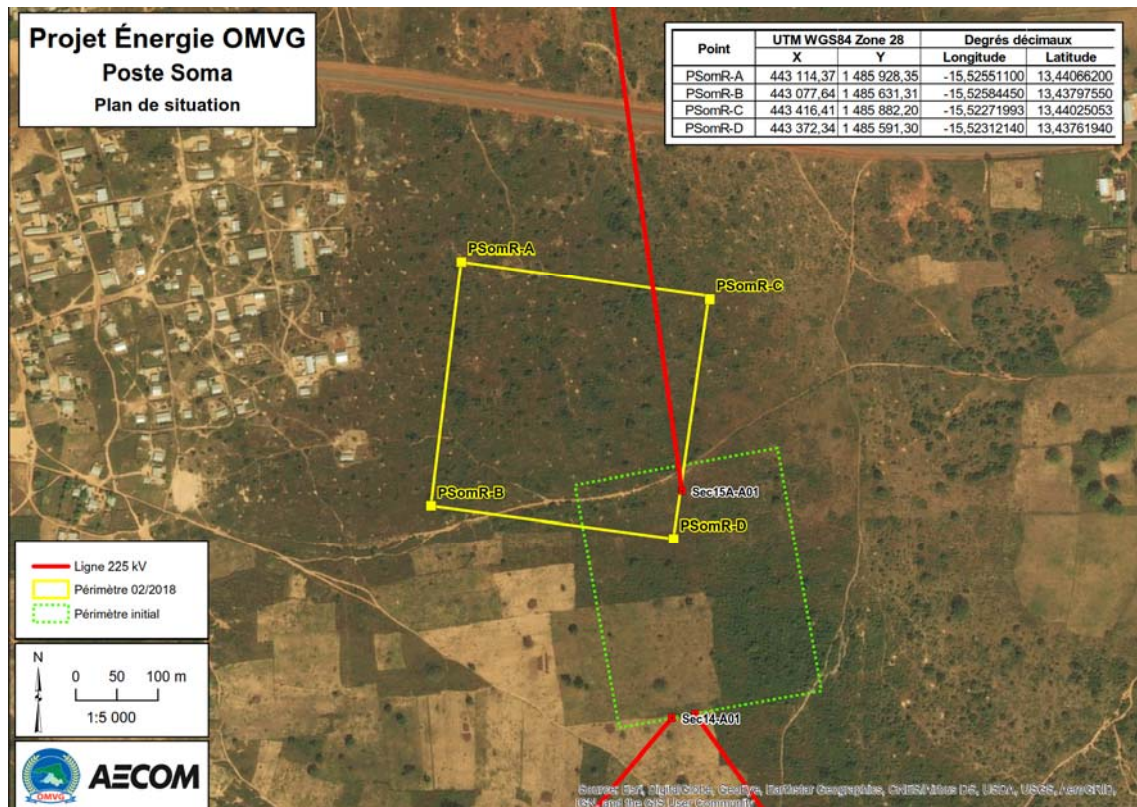


Figure 5.3 : Site of the SOMA sub-station

### 5.3 Lot P3 Guinea-Bissau (Eiffage/Elecnor)

#### 5.3.1 Decree of public utility (DPU)

The government decree N°/ 2017 promulgated on July 5, 2017 stipulates, in article 7, that the authorities of Guinea Bissau have reserved an area of 90,000 m<sup>2</sup> for each of the lands of the four future transformer stations of the OMVG (Bissau, Mansoa, Bambadinca and Saltinho) and for a 40 m wide corridor along the entire 225 kV line in Guinea Bissau. This decree of public utility is presented in Appendix 3a.

### 5.3.2 Clearing permit

The General Directorate of Forests and Wildlife of the Ministry of Agriculture, Forestry and Livestock issued a Deforestation Order (N02 / GDGFF / 2017/2018) on February 6, 2018 (Annex 3b). This official document informs that the OMVG Project is superiorly authorized to proceed with the felling of 9 hectares of forests, in the southern, eastern and northern provinces, for the construction effect of 4 processing stations and for the conduction of high voltage electrical current. The General Directorate of Forests and Wildlife informs that the OMVG project will cover all the financial costs concerning the inventory and the reforestation project of deforested areas. It is also indicated that, as part of this deforestation activity, all felled tree species will be drained and used by the DGFF. The works will be monitored and supervised by the respective Regional Offices of Forests and Wildlife and by the command of the Nature and Environment Protection Brigade.

### 5.3.3 Saltinho substation

#### 5.3.3.1 Land use

The area originally planned for the substation has been relocated and its area has been reduced to avoid planting cashew trees and minimize the impact on the forest. At this new location, the site is in an undeveloped and undeveloped degraded forest. The nearest building is 200 m north-east along the national road (Figure 5.3). During the parcel survey carried out on the spot, the investigators of the firm MSA found that the site of the substation is free from any occupation. No PAPs have been identified within this area. There is no sacred or heritage site within the perimeter. The restricted perimeter of the Bissau substation is therefore considered as an exempt area because it does not trigger the OP-4.12 or the ADB SO-2. Similarly, the access road was relocated to avoid crops and fruit trees.

#### 5.3.3.2 Substation cadastral Plan

A cadastre plan for the Salinho substation site was prepared by the Directorate General of Geography and Cadastre of the Ministry of Public Works, Housing and Urban Planning. This cadastral plan is presented in Appendix 3c. It was sent to the coordinator of the national unit OMVG of Guinea Bissau.

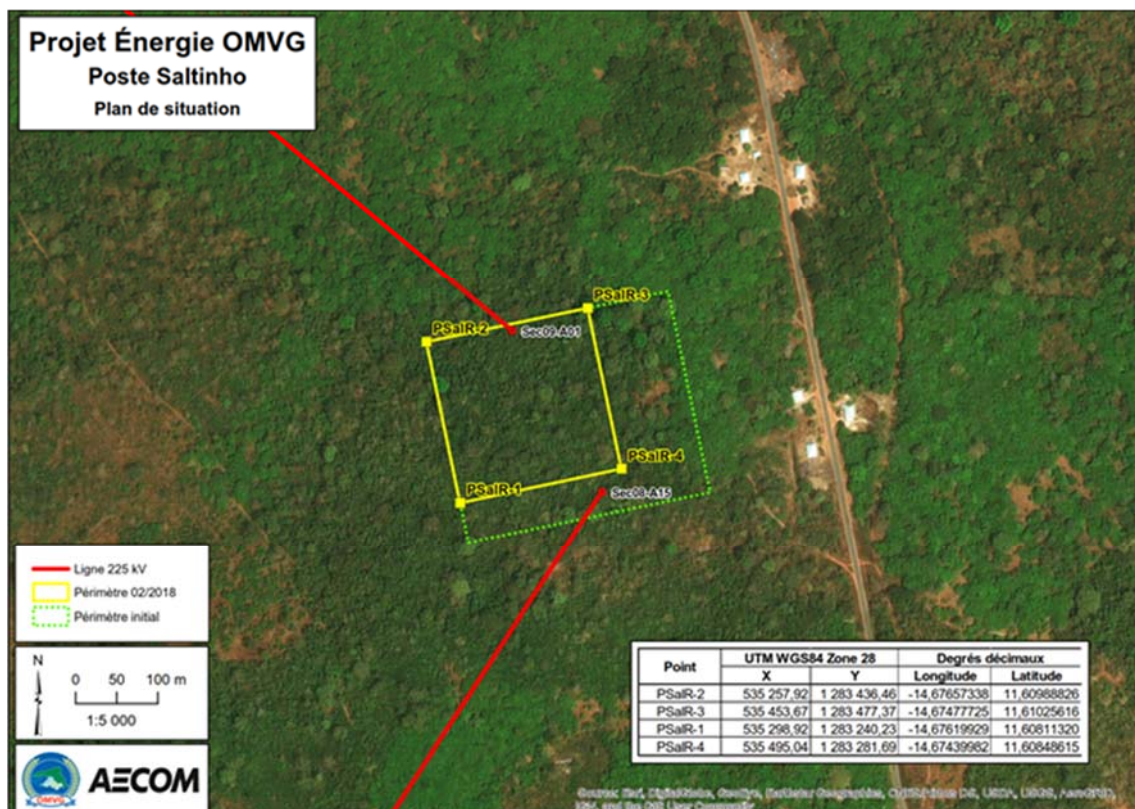


Figure 5.4 : Perimeter of the Saltinho substation site



### 5.3.4 Bissau substation

#### 5.3.4.1 Land use

The Bissau substation is located in the autonomous sector of Bissau about 9 km north on the road to Antula. The substation is located between two streams east and west at approximately 1500 and 500m respectively. The nearest houses are located about 500 m to the southeast.

This area of Bissau is uninhabited and untapped. It has no buildings or agricultural structure. The site is covered by a grassy shrubby savanna. Figure 5.4 shows that the site is free from any occupation or human exploitation.

The perimeter of the land initially planned in the DAO has been reduced in order to minimize the impact on the environment. Figures 5.4 and 5.5 show the current perimeter of 4 ha used for the development of the substation compared to the originally planned perimeter and the land allocated to the OMVG substation in the 2015 urban plan.

#### 5.3.4.2 Assignment of the land to the OMVG

The site for the Bissau substation in the Detailed Design Study (DDS) and in the Tender Document (DAO) was the subject of a first expropriation agreement signed July 11, 2008 between the "Câmara Municipal" of Bissau and the owner of the land in 2008 Mr. Francisco Antonio Sila (Annex 3d). Another expropriation agreement took place on 17 April 2015 between the "Câmara Municipal de Bissau" and Mr. Francisco Antonio Sila, as a traditional occupant (Annex 3d). ). Since 2015, it is therefore the municipal Câmara of Bissau which has the rights on the ground envisaged for the substation of Bissau.

On February 8, 2018, in a letter addressed to the "Célula Nacional da OMVG" of Guinea Bissau, the "Câmara Municipal of Bissau" confirms the reservation of a 4-hectare site in the district of Ndamé-Tété for the Bissau substation of the OMVG. It is this 4-hectare site within the perimeter that is shown in Figure 5.4. This 4-hectare site is located within the perimeter reserved for the Bissau substation in the Antula Ndamé-Tété district plan shown in Figure 5.5.

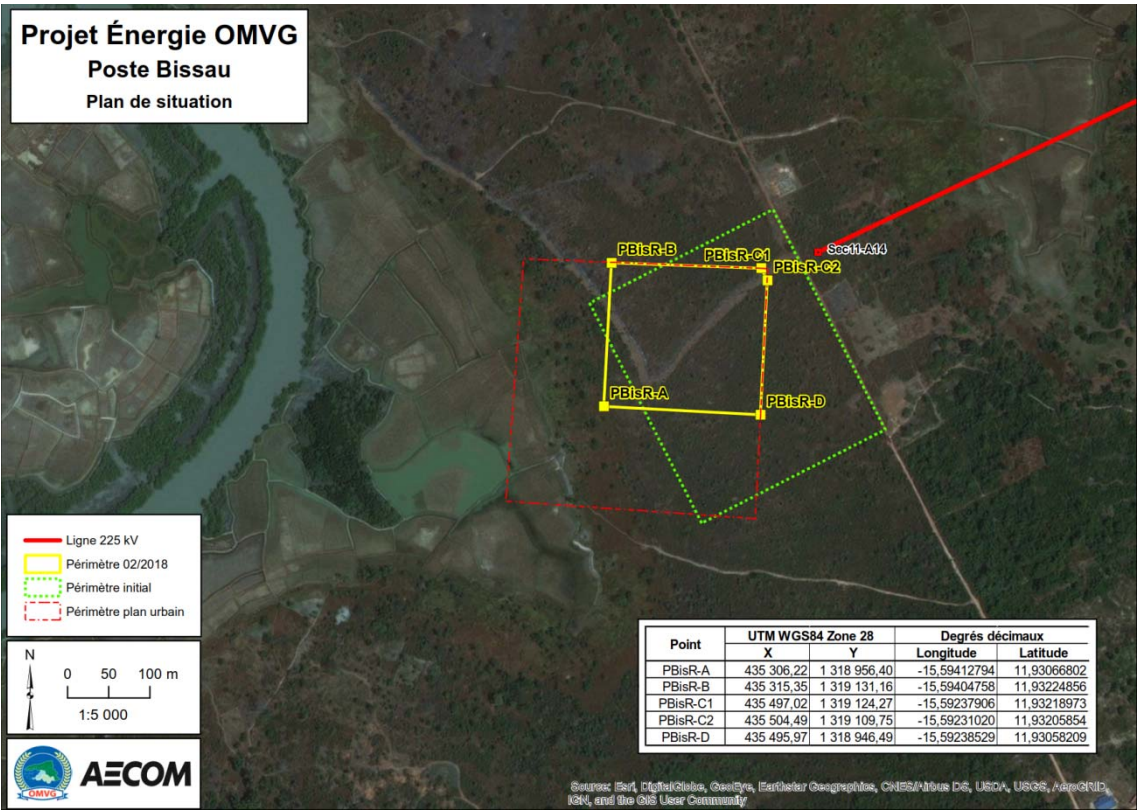


Figure 5.5 : Unoccupied and undeveloped land at the Bissau substation site

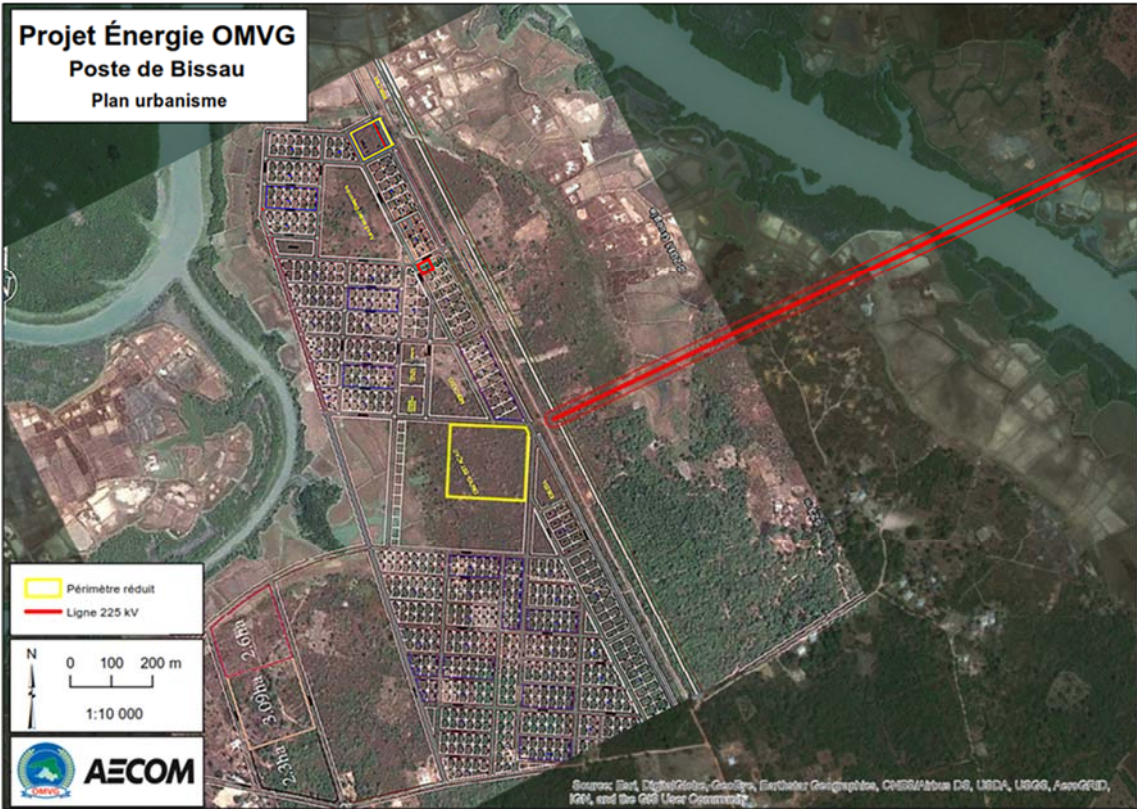


Figure 5.6 : Website of Bissau substation integrated into the 2015 urban plan

## 5.4 Lot P4 of Eiffage/Elecnor

### 5.4.1 Decree of public utility for Guinea

A decree of public utility D / 2009/110 / PRG / SG was issued in 2009 by the Republic of Guinea (Annex 4a). This decree declaring public utility areas covered by the Energy Project OMVG in Guinea. Here are some excerpts from this decree:

*"As part of the Energy Project of the Organization for the Development of the Gambia River (OMVG), are declared of public utility for operations of development of hydraulic power and distribution of energy, the following areas :*

- *The sites of the five (5) processing stations, with a surface area of 9 hectares per station, ie 45 hectares located in the localities of Mali, Labé, Linsan, Kaléta and Boké.*
- *The route of the transmission line of 575 kilometers long and 40 meters wide, crossing the Prefectures of Mail, Labe, Pita, Dalaba, Mamou, Kindia, Dubréka, Boffa, Fria and Boké is divided into six sections.*

These areas are declared state property and made available to the Energy Project of the Gambia River Basin Development Organization (OMVG). *The terms and conditions of provision will be defined in the specific international conventions relating to common works.*

*Prohibited on these reserved areas:*

- *Any new occupation for any reason whatsoever;*
- *Any transaction and assignment for any reason whatsoever of built and undeveloped land included in said areas.*

*The occupants of these areas will be evacuated as and when needed for the development of the Public Power. The State undertakes to compensate and relocate, in accordance with the procedure in force in this matter, the occupants of these areas before their eviction. "*

### 5.4.2 Agreement in principle for cutting and pruning trees in Guinea

In response to a request from the Minister of Energy and Hydraulics of Guinea, the Ministry of Environment of the Republic of Guinea, in a letter dated May 16, 2018 (Annex 4b), agrees in principle to the cutting or pruning of forest trees that will be affected by construction work on the OMVG interconnection line.

However, the authorization for the clearance of rights of way from the line corridor and interconnection stations shall comply with the terms of the provisions of Joint Order A / 2017/6671 / MEEF / MEF of 12 December 2017, fixing forest royalty rates and the selling price of timber from state forest plantations.

Therefore Mr. Minister, kindly ask your competent technical services to contact the National Directorate of Water and Forests for all the formalities of preparation of clearance documents.

### 5.4.3 Linsan Substation

#### 5.4.3.1 Land occupation

The Linsan agglomeration is about 50 km northeast of Kindia and about 40 km west of Mamou. The substation is located 1.5 km northwest of Linsan City on the Garafiri Road. As can be seen in Figure 5.6, the 15-hectare reserved area for the Linsan substation is uninhabited and has no buildings or other structures. Similarly, no agro-pastoral activity is practiced on the site of this substation. The perimeter is 50% occupied by a wooded savanna and 50% by a bowal that is to say an area of lateritic cuirass with practically no vegetation cover.



#### 5.4.3.2 CLSG Compensation Agreement

The 15-hectare Linsan substation site was the subject of a compensation agreement for the loss of property resulting from the activities of the Côte d'Ivoire-Liberia-Sierra Leone Electric Interconnection Project. Guinea, hereinafter referred to as the CLSG Project. This compensation agreement was concluded on February 28, 2018 by, and between, TRANSCO CLSG and the Linsan, Walia and Tafory Communities in the Linsan Sub-Prefecture. Through this agreement, the Communities concerned agreed to purge the site of its customary rights and to give the land to the CLSG for GNF 780 million. The details of this agreement are presented in Appendix 4c. The RAP of the Linsan substation was implemented by the CLSG before being handed over to OMVG.

#### 5.4.3.3 Provision of the site to OMVG

The land is deemed to have been indemnified on February 28, 2018 by TRANSCO CLSG and the property rights have been transferred to OMVG. The certificate of provision of land by the CLSG project at OMVG and the cadastre plan are presented in Annex 4d of this note.

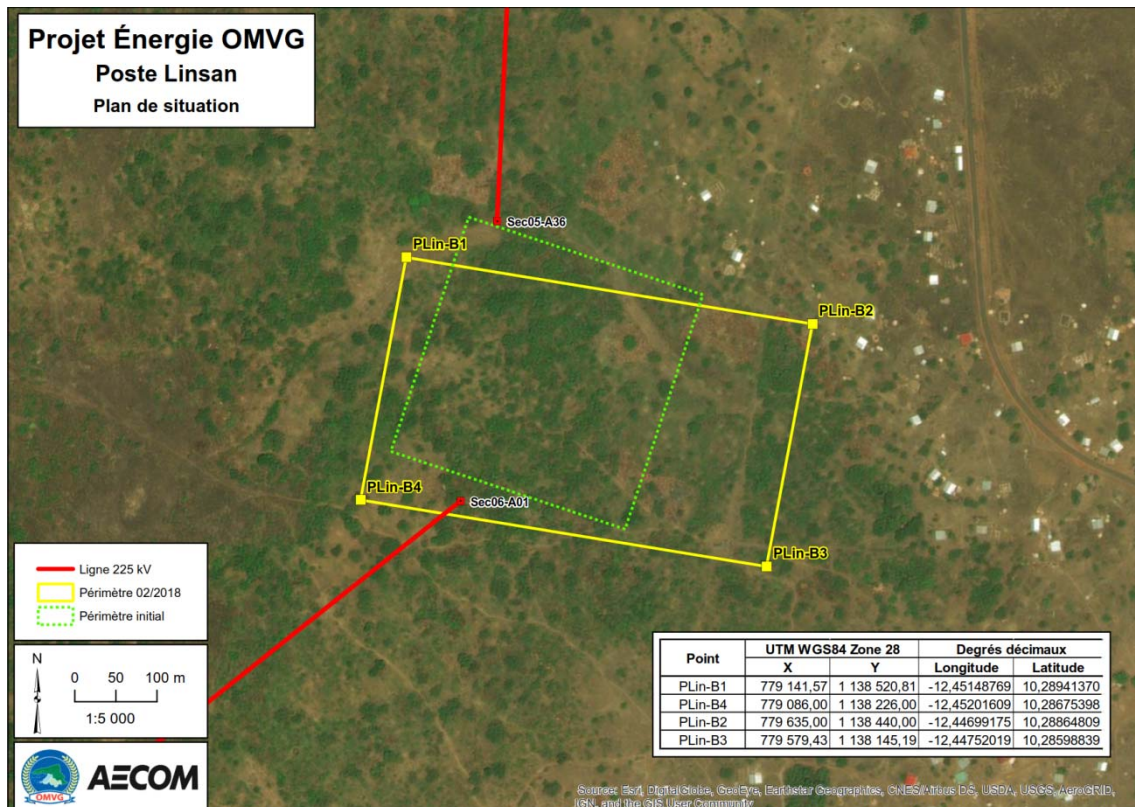


Figure 5.7 : Land occupation at the Linsan substation site

#### 5.4.4 Kaleta substation

The Kaleta station is located 32 km northeast of Fria and 65 km northwest of Kindia. The exact location is on a plateau south of the Kaleta Central. This sector is in the Lower Guinea Natural Region. At the administrative level, the location of the Kaleta substation is in Khorira sub-prefecture, Dubréka prefecture, Kindia region.

The land is owned by the Guinea Energy Company (EDG) and is currently used as an energy transformation substation at the Kaleta Dam. The OMVG Kaleta substation is an extension of the existing substation which will be mostly within the current perimeter of the substation. No individual will be affected by the project and no compensation is expected for this position. An agreement between EDG and OMVG is appropriate for the installation of OMVG equipment in the Kaleta substation. Figure 5.7 shows the current layout of the Kaleta station.

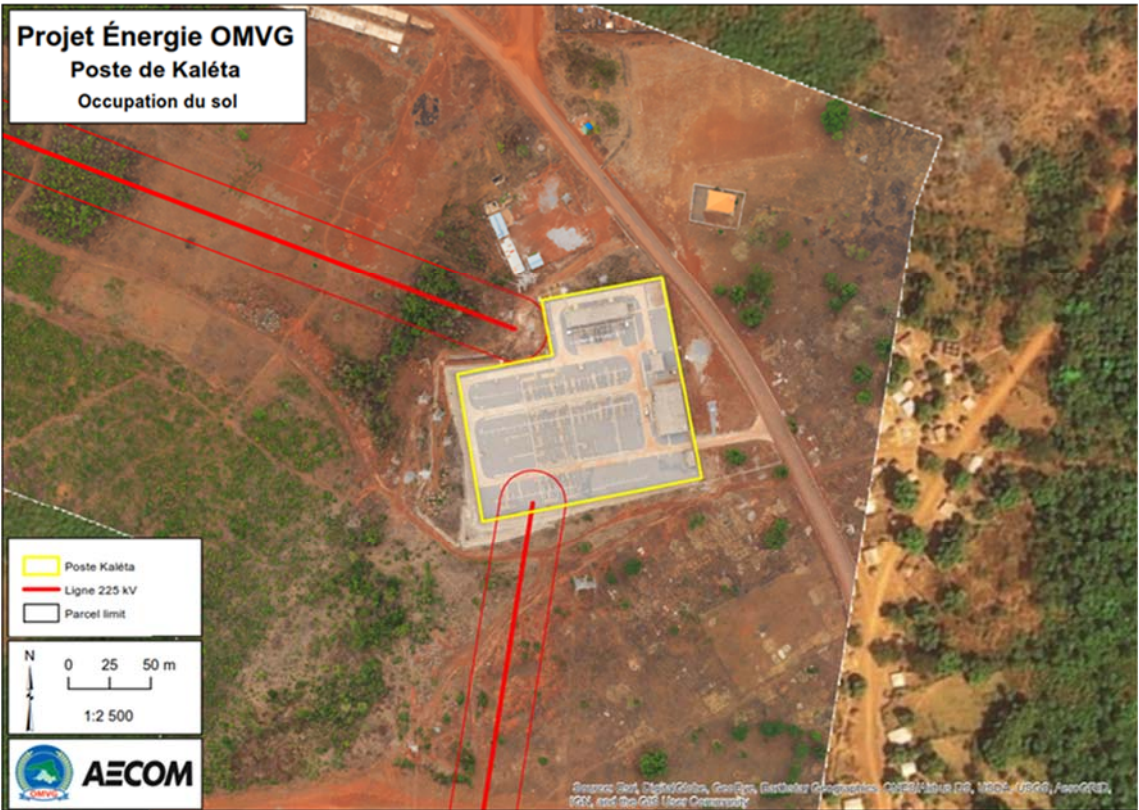


Figure 5.8 : Current layout at the Kaleta substation

## 6 Directives and recommendations to Builders

### 6.1 Choice of areas exempted by the Builders

Each of the lots of line has a succession of exempt areas and resettlements of different lengths. These areas can be viewed on the online tool used for tracking parcel surveys and extracting data for RAPs <sup>21</sup>. Each Builder must use this online tool to accurately identify the exempted areas that concern him and on which he wishes to start the work. Each of the Builders is responsible for mounting their file to obtain the required permits and authorizations.

### 6.2 Prerequisites for starting the work

Although the sections of exempted areas do not include resettlement constraints, the fact remains that, in order to comply with the ESMPs of the project and to make sure the authorities and local people are well informed and agree several conditions must be fulfilled before the start of destructive work in the field by the Manufacturers.

#### 6.2.1 Communications with local authorities and populations

Communication with the people is the responsibility of the LCMC. The Builder, under the responsibility of the IC, will have to get in touch with the LCMC concerned who will take charge of the organization of sensitization and information sessions with local authorities and neighboring populations. It is essential that the local populations and authorities (village chief, mayor, sub-prefect, etc.) be informed of the location and start date of the work and made aware of the safety and health risks and the use of local labor. Authorities and local populations will be asked about the presence of sacred sites or other heritage sites along the exempt area to validate the choice of this area.

#### 6.2.2 Obtaining state-specific permits or authorizations to each State<sup>22</sup>

As indicated in the project ESMP and included in each of the ESMP, Builders are required to comply with the laws and regulations of the country. They must obtain the necessary permits and authorizations before the start of construction work in the exempt areas. It is the responsibility of the Builder to inform himself of all the required permits and to take the necessary steps to obtain all authorizations. At the request of the Manufacturers, the SNC and the LCMC concerned may provide support as a facilitator for obtaining these permits. As an indication, the list of permits or authorizations normally required before starting work may include:

- ESMP validated by the TFPs and the competent regional authorities before start of implementation
- Authorization to intervene in forest classified by the Ministry in charge of forests.
- Permit for clearance of the right of way: clearing, deforestation
- Permit for the installation of bases-lives and storage areas
- Permit for opening and operating borrow pits or quarries
- And others ?

The memorandum of understanding with the Ministry in charge of forests is a prerequisite for starting work in forests.

#### 6.2.3 Protocol for compensating reforestations

Deforested areas in the right-of-way and along access roads will be subject to compensatory reforestation. The procedures leading to obtaining authorizations for the clearing of rights-of-way and implementation of compensatory deforestation will be included in a protocol to be

<sup>21</sup> All stakeholders of the Manufacturers, PTF, OMVG, UGP and IC have received the links and passwords to access this site.

<sup>22</sup> Permits and authorizations required may differ from country to country. The Builder is responsible for checking the permits and authorizations to be obtained in the country that concerns him.

established between the OMVG and the entities responsible for forest management in each of the States. Protocols will be established between the OMVG and the forest organizations in each state.

These protocols are agreements that must define the conditions and requirements that the OMVG must meet to obtain authorization to deforestation of the right-of-way of the line. These protocols should normally include details of: forest inventory of open areas in the right-of-way; identification of compensating forest areas; reforestation method; selection of a contractor for reforestation work; implementation and monitoring of reforestation; Cost estimate. Currently, the OMVG is in discussion with the officials of the Directorate of Water and Forests of Senegal to establish a first protocol for the clearing of the rights of way. Similar protocols will have to be established in each country.

It is the OMVG that is responsible for developing these compensatory reforestation protocols in each country and for funding them.

#### 6.2.4 Authorization to access mining areas

If necessary, the Builder will be responsible for informing the managers of the mining companies and obtain the required authorizations before starting work in or near a mining area.

#### 6.2.5 Specific World Bank Guidelines

The World Bank has issued ESS guidelines for logging and power line development. These EHS guidelines, which have been taken into account in the ESIA (Environmental and Social Impact Studies) and the ESMP of the project, must also be included in the ESMPs of the Manufacturers and actually implemented afterwards. These guidelines must also be taken into account by the OMVG in the development of protocols for obtaining permits and authorizations and compensatory reforestation in each country.

##### 6.2.5.1 Environmental, health and safety guidelines for the transport and distribution of electricity <sup>23</sup>

Right-of-way construction can transform habitats, depending on topographic features and existing vegetation, as well as the height of the transport lines. Examples of habitat alteration resulting from these activities include fragmentation of forest habitat; habitat loss for wildlife, including nesting; the appearance of exogenous invasive plant species; and noise and visual disturbances related to the presence of machinery, construction workers, pylons and other associated equipment. The most relevant measures recommended preventing and controlling the adverse effects of deforestation of line rights-of-way on terrestrial habitats include:

- resettling the transmission and distribution right-of-way, access roads, lines, pylons and substations so as to avoid critical habitats, using rights-of-way and utilities already established for transportation and the distribution of electricity, and using existing roads and tracks as access routes, wherever possible,
- installing transportation lines over existing vegetation to avoid clearing land;
- no undertaking of construction activities during breeding periods or other seasons and times of the day deemed sensitive;
- replanting of native species in disturbed areas;
- removing invasive plant species during regular vegetation maintenance (see Right-of-Way Maintenance section below)

##### 6.2.5.2 Environmental, Health and Safety Guidelines for Forest Exploitation <sup>24</sup>

Deforestation along the line right-of-way and compensatory reforestation will involve the replacement of existing vegetation cover with native and / or exogenous species. This may result in a decrease in habitat diversity and the corresponding loss of wildlife species. The loss of biodiversity in logged natural forests can be caused by several factors. Some species of

<sup>23</sup>IFC, 2007: Environmental, health and safety guidelines for the transport and distribution of electricity. World Bank Group.

[https://www.ifc.org/wps/wcm/connect/1a00aa0048855d788f0cdf6a6515bb18/004\\_Electric%2BPower%2BTransmission%2BAnd%2BDistribution.pdf?MOD=AJPERES&CACHEID=1a00aa0048855d788f0cdf6a6515bb18](https://www.ifc.org/wps/wcm/connect/1a00aa0048855d788f0cdf6a6515bb18/004_Electric%2BPower%2BTransmission%2BAnd%2BDistribution.pdf?MOD=AJPERES&CACHEID=1a00aa0048855d788f0cdf6a6515bb18)



plants or animals may be driven out of the work area because of the potential for disruption caused by logging and harvesting activities. Other species may not survive habitat alterations caused by deforestation of rights-of-way. For example, species that depend on forest cover may not be able to cross open spaces through roads or the right-of-way of the line and be cut off from an essential resource for their survival. The most relevant recommendations drawn or adapted from the WB's Forest Directive to limit and prevent biodiversity loss in both lost and compensated forest are:

For the clearing of rights-of-way and access roads, it is necessary to:

- keep / maintain trees or groves within the deforested right of way for regeneration purposes, and provide sites for burrows or nests, food sources, vegetation cover and corridors for wildlife, including raptors. Appropriate conservation of undergrowth species should also be considered, and strains, slaughter waste and wood debris should be left on site to protect wildlife habitat;
- develop riparian areas crossed by the line corridor to preserve water quality and wildlife habitat;
- schedule deforestation activities outside the breeding and nesting seasons for threatened or endangered species;
- verify that any area of natural or modified habitat does not contain sensitive habitats;
- verify the presence of threatened or endangered species in the right-of-way and in the immediate vicinity of each side (including the chimpanzee);
- leave the natural vegetation cover at the roadside;
- avoid treating natural vegetation with pesticides.

In the case of compensatory reforestation or disturbed areas:

- promote the diversity of plantations should be promoted (i.e. trees of different ages and species);
- avoid the deliberate or accidental introduction of wildlife species and exogenous, non-native flora, in areas where they are not normally found, this can pose a serious threat to biodiversity that must be avoided. Instead, tillage and replanting temporary access roads should be done to facilitate reforestation, preferably with native species.

The Consulting Engineer will ensure that these specific measures are incorporated into the Manufacturer's ESMPs and properly implemented.

#### 6.2.6 ESMP Approval by Donors

The builders are contractually obliged to respect the requirements that concern them indicated in the project's ESMP. These requirements and the ESSH commitments of the Manufacturers must be clearly defined in the ESMPs of each of the Manufacturers.

##### 6.2.6.1 Initial ESMP approved by IC

The initial ESMP (before mobilization) of each of the Manufacturers has been approved by the IC. This first ESMP sets the usual objectives, methods, standards and general measures to ensure the health and safety of local populations and workers, as well as environmental and

<sup>24</sup> IFC, 2007 : Environmental, health and safety guidelines for the transport and distribution of electricity. World Bank Group.  
[https://www.ifc.org/wps/wcm/connect/1a00aa0048855d788f0cdf6a6515bb18/004\\_Electric%2BPower%2BTransmission%2BAnd%2BDistribution.pdf?MOD=AJPERES&CACHEID=1a00aa0048855d788f0cdf6a6515bb18](https://www.ifc.org/wps/wcm/connect/1a00aa0048855d788f0cdf6a6515bb18/004_Electric%2BPower%2BTransmission%2BAnd%2BDistribution.pdf?MOD=AJPERES&CACHEID=1a00aa0048855d788f0cdf6a6515bb18)



environmental mitigation measures and which apply to this type of project for all sites. Special measures and additional information specific to each of the substation sites will be added as the staff mobilization progresses and real start on the field. In addition, the IC may request clarification or specific additional instructions from Builders in addition to the ESPM. It is IC's role to ensure that Manufacturers implement their own PGESC.

#### 6.2.6.2 Updated ESMP to be approved by the relevant TFPs

However, before starting the actual construction work (excavation, foundation, assembly, etc.), Builders will have to update their ESMP to make it more in line with TFP expectations and more specific to field conditions. Instructions will be sent on this subject to the Manufacturers. The updated version of the ESMPs will need to be approved by the relevant TFPs before the work starts in the exempt areas.

#### 6.2.7 Fortuitous discovery of element of cultural or religious heritage

As stipulated in ADB Operational Safeguard 1 (Environmental Assessment and when the proposed location of the project is in an area where it is likely to find tangible cultural heritage, incidental discovery procedures must be incorporated into the ESMP. Unforeseeable discoveries will only be affected when an assessment by a competent specialist is made and that measures in adequacy with this SO are identified. In practice, it is in the Manufacturers' ESMP that the procedure to be followed in case of accidental discoveries of artifact or sites with tangible or intangible heritage elements (funerary site, sacred site, etc.). This procedure must be applied by Builders in both exempt and resettlement areas.

#### 6.2.8 Guidelines for access to exempt areas

Access to the exempted areas must be made by existing paths or tracks or by new runways within the corridor section considered to be an exempt area.

### 6.3 Authorization to start the consulting engineer

The Builder may obtain formal authorization to start the work in an area exempt from RAP only after having demonstrated that he has obtained all the required authorizations and local authorities and directly affected local communities are well informed and sensitized.

## 7 Management of complaints and disputes in exempt areas

On sections of exempted areas, no individual with customary or formal rights has been identified or did not report to the investigators during the parcel survey conducted in December 2017 and January 2018. In addition, on these sections, examination of high-resolution orthophotos revealed no evidence of human occupation or agricultural activity. Field identification of PAPs and orthophoto analysis was done systematically and conscientiously. From our point of view, these exempt areas are free.

However, given the extent of the land and the difficulties of access and communication in certain places, it is still possible for PAPs to come after the start of construction to indicate that they have been forgotten and to claim compensation. Also, if the project activities lead to economic displacement of any kind, the relevant section of the transmission line will be considered a non-exempt area with resettlement.

In these cases, the complainant will be taken care of by the LCMC and his complaint will be dealt with in accordance with the litigation and redress procedure developed for the OMVG project and described in the project RAP. It should be noted, however, that the OMVG is responsible for ensuring the establishment of an easily accessible complaints management mechanism, effective and fair to the people concerned. Depending on the case, the work may be stopped on the land in question, the time to settle the dispute.

## 8 Summary and conclusion

The situation is urgent; some contractors are ready and waiting for the release of rights-of-way and substations to start the work. This exempted area approach along the OMVG line corridor is intended to allow construction work to commence sooner in these areas do not require physical or economic relocation and are not subject to the various TFP safeguard policies for involuntary resettlement.

In practice, following the approval of this strategy by the TFPs, the OMVG will have to reduce the manufacturers and agree with them on the implementation of this approach, which is not the one originally planned. A signed PV (present value) of the stakeholders will have to materialize the agreement reached.

Next, the IC will ensure that the work proceeds well in the specified exempt areas, ensuring that the prerequisites are met and the required permits are obtained.

It is also clear that current execution of works, if project activities affect a person or a local community (displacement, loss built or economic loss) unit, the relevant section of the transmission line will be considered a non-exempt area.

The early start of construction work on these exempt areas will reduce the risk of delays to the OMVG Energy project schedule and claims from the Builders. It will also provide greater leeway over time to ensure the production, approval and implementation of RAPs in the resettlement areas under the best conditions.

## **Annex 1**

### **Examples of exempt areas**

## **Annex 2**

### **Senegal Substations (Lot P1 de KEC)**

2a: Decree of Public Utility for Senegal

2b: Provision to the OMVG of the land for the Kaolack substation

2c: PMC report of the parcel survey carried out at Sambangalou substation

2d: Act of deliberations of the Municipality of Bandafassi

2e: Sambangalou substation

## **Annex 3**

### **Guinea Bissau Substations**

- 3a: Decree of Public Utility in Guinea Bissau
- 3b: Deforestation permit for the four substations in Guinea Bissau
- 3c: Cadastre plan of the land of Saltinho Substation
- 3d: Expropriation Agreement of July 11, 2008
- 3e: Land assignment letter to the OMVG

## **Annex 4**

### **Guinea Substations**

4a: Decree of Public Utility in Guinea

4b: Agreement in principle for cutting and pruning trees in Guinea

4c: Compensation Agreement for the Linsan substation site

4d: Certificate of provision at OMVG of the Linsan substation