

## 7. Action Plan




As of June 2022, the Concessionaire has solved some actions layed out from the previous biannual report’s action plan. Even though there are still some actions in process of being implemented, the Concessionaire is making efforts to close those gaps. The action plan has been updated based on the site visit carried out in July 2022 and the desktop review. The status of the activities is shown in Table 7 and has been evaluated with the following color coding.




● Solved    
 ● On Track    
 ● Pending    
 ● New action





**Table 7. Action Plan**






ID	Proposed Action	Deadline	Arup’ s Observations on Status (as of June 2022)	Status
1	<p><b>Property Acquisition- Compensation mechanisms:</b> The Concessionaire is complying with the resettlement processes and land acquisition according to the national Resolution no. 545, 2008 – ANI and the appendixes 7 and 8 for the Concession Agreement. The Concessionaire should evaluate economic, legal, and social aspects of the new resettlement properties and follow up the adaptation of their owners for at least one year.</p> <p>Arup request the Concessionaire to report in the next period all the strategies are being implemented for the relocation processes in UF 5, the approval of the EER regarding delays in the construction schedule and the results of the negotiation process (“amigable componedor”).</p> <p>UF: 5 PS/EP:PS5</p>	Biannual – Next E&S report.	During this period, the Concessionaire continued working on relocation of Social Units. To date, the 58% of social units are relocated in UF 5. The signed agreements have helped to guarantee the socioeconomic compensation to the affected communities.	<span style="color: yellow;">●</span>
2	<p><b>Archaeology:</b> On June 18<sup>th</sup>, 2019, archaeological rescue activities started in the area denominated “El Indial” (Tesalia intersection UF 2 – UF3.1). Considering that it is not possible to estimate a date of termination of the archaeological activities, since it depends on the findings of each exploration, the Concessionaire has an EER approved on December 20<sup>th</sup>, 2019, that gives additional 2 months and 24 days to complete works once archaeological activities are completed. Arup request the Concessionaire to continue to report the progress and management of the archaeological activities and findings.</p> <p>UF: All</p>	Biannual – Next E&S report.	To date, the Concessionaire continued working on periodical monitoring over Indial polygon. Arup considers that there is no potential risk that could affect the Project, however, is important to continue the monitoring activities over the zone.	<span style="color: yellow;">●</span>




	PS/EP:PS8			
3	<p><b>Environmental sanctioning process- Trompeta Bridge:</b> In November 2018, ANLA opened a punitive process related to the construction of the Trompeta’s bridge piles in UF 1. Which is within the licensed area, but the construction activity was not allowed in the environmental license. In Arup’s opinion considering that the UF 1 construction activities were finished, the sanctioning process does not represent a high risk in the development of the project. The Concessionaire must review the legal process and report the advances and response issued to the environmental authority in the next monitoring report.</p> <p>UF : 1 PS /EP: PS1</p>	Biannual – Next E&S report.	There are no changes in the process. During the evaluated period, the Concessionaire did not receive or submit additional information to the environmental authority (ANLA). Arup will continue tracking this process until its official closure.	●
5	<p><b>Working conditions – work force layoff:</b> Due to the end of construction works some of the UFs, during the evaluated period the Concessionaire began to implement the staff layoff programs which included different trainings.</p> <p>Arup request the Concessionaire to report all the programs, activities, statistics and effectiveness of the implemented measurements.</p> <p>UF: ALL PS/EP: PS2</p>	Biannual – Next E&S report.	The concessionaire reports that 90% of its personnel are hired under indefinite term contracts, to have severance pay at the time of layoff. This implies that, under local labor regulations, the type of termination allows to apply for subsidies offered by compensation entities while the worker relocates. The Concessionaire reports that it manages communication and follow-up meetings to give advance notice to workers. This is a good measure according to Arup. However, for this period there is no summary of statistics of workers who have gone through this process or any analysis of the peaks in which there could be massive hiring or layoffs according to the project schedule. Arup expects to receive this information and therefore the action remains as “on track” for the next period.	●
6	<p><b>Water treatment in Tesalia Tunnel:</b> Due to the increase of infiltration water flow in the Tesalia Tunnel, the Concessionaire must (i) redesign the water treatment system, (ii) request ANLA a modification of the environmental license and (iii) construct the new system to comply with the discharge flows amount and quality.</p> <p>UF: 2.2 PS/EP: PS1, PS3</p>	Immediately – Next Technical report.	Considering the Tesalia tunnel construction activities are finished, the Concessionaire has decided to close the license modification with ANLA and start arrangements with Corpocaldas, the competent environmental authority now in the process. At the time of writing, the Concessionaire is elaborating the draft request for Corpocaldas to proceed with the watercourse occupation permit required to manage the changes in infiltrated water from Tesalia Tunnel. As it was informed by the Concessionaire, the official communication is planned to be file by July 2022. This action remains “on track” until the process with Corpocaldas is complete.	●
7	<p><b>Water management – El Cairo aqueduct:</b> During the evaluated period, the Concessionaire received the PQR No. 10-78 (May 5<sup>th</sup>, 2019) related to the petition of information of the community El Cairo about the water flow of a waterbody near the entrance portal of Tunnel Tesalia. Arup request the Concessionaire to submit all the technical studies about the watercourse lithology and water quality characterization and a</p>	Immediately – Next Technical report.	As of June 2022, El Cairo community has guaranteed access to water from the Tesalia stream (Q5). Currently, the Concessionaire is managing a modification permit process in order to include two (2) new alternatives sources for water supply. However, an especial document has been required for Corpocaldas to continue the process. Arup expects updated information in the next report regarding the process.	●

	<p>report all the implemented measurements that guarantee the water availability and quality.</p> <p>UF: ALL</p> <p>PS/EP: PS1, PS3</p>		<p>Arup will continue tracking this process until the official closure of the PQRS and final notification from Corpocaldas is related.</p>	
8	<p><b>Environmental sanctioning process- ready mix concrete plant:</b> The Concessionaire has an environmental sanction procedure with ANLA (Resolution 02094, October 21<sup>st</sup>, 2019) that have not ended in economic sanctions but are a risk for the project's environmental compliance and reputation. Corresponding the operation of a ready-mix concrete plant not approved in the environmental license of UF 2.</p> <p>UF: ALL</p> <p>PS/EP: PS1, PS3</p>	<p>Biannual – Next E&amp;S report.</p>	<p>There are no changes in the process. The Concessionaire did not receive or submit additional information to the environmental authority (ANLA). The Concessionaire has received legal advice and is working on a strategy to solve the issues. In addition, corrective actions were taken at this site by that time. This action remains “on track”.</p>	
9	<p><b>COVID-19 outbreak:</b> Arup request the Concessionaire to continue to submit information about the results of the implemented measures according to the government and national authorities, how Covid 19 outbreak has impacted the Project and its environment and which programs are being included in the project in compliance with IFC PS 1, 2 and 4.</p> <p>UF: All</p> <p>PS/EP: PS1</p>	<p>Biannual – Next E&amp;S report.</p>	<p>The Government of Colombia decreed the end of the sanitary emergency as of June 30, 2022. Arup identifies no further significant impacts to the Project, personnel or the IA communities involved. Therefore, this action is marked as “solved” , although the Concessionaire is reminded of the observation that they must send reports of actions taken in compliance with PS2 and PS4.</p>	
10	<p><b>Flow rates decrease near Tesalia Tunnel:</b> In August 2020, the communities (including El Cairo) raised several PQRS related to an alleged decrease in groundwater flow rates and the water supply near the Tesalia Tunnel. Immediately, the Concessionaire activated the mitigation measures approved in the Environmental License to guarantee communities water access and start developing a hydrogeological study to determine if this impact is caused by the construction of the Tunnel. Arup requires the Concessionaire to continue to provide the information related to (i) the hydrological and technical studies that determine the cause, impacts, and risks, (ii) mitigation and compensation implemented measures, (iii) interagency strategies, and the (iv) communications with environmental authorities, communities, and stakeholders. Also is necessary to consider a scenario analysis and action plan in case of this issue is scaled up to a Court and the precautionary principle is declared.</p> <p>UF: 2.2</p>	<p>Immediately – Next Technical report.</p>	<p>The Concessionaire is still carrying out the appropriate control measure of the situation. They continue carrying out workshop with communities nearby and advancing on the (i) pilot studies to connect communities to the region water supply and (ii) land acquisition to reduce water pressure in the area.</p> <p>Even though the Concessionaire has presented advances on this matter, information related to the additional information to be submitted by the Concesionaire to ANLA was not shared with Arup. The information was planned to be submitted on February 2022. Therefore, Arup is expecting a copy of that information for the next technical report. In Arup’ s opinion, this item will be on track until there is a definitive notification from ANLA.</p>	


	PS/EP: PS1-3-4			
15	<p><b>Land acquisition and compensation KPI near the Tesalia tunnel:</b> During a previous field visit carried out by Arup, the Concessionaire reported that it was contemplating the acquisition of land near the Tesalia tunnel to reduce water pressure in the area due to crop cultivation. They also commented on implementing environmental compensations in that same property. The Concessionaire proposes this measure to contribute to the prevention of future impacts to the water body. This is also expected to contribute in some manner to the ecological restoration of the area. Arup recommends impact indicators for this measure if it is allowed and compensations for forestry use are implemented. They can be considered for water quantity and flows as well as for the development of plant species (e.g., percentage of survival).</p>	Biannual – Next E&S report.	<p>The Concessionaire has submitted the KPI proposed within the environmental management plan approved by CORPOCALDAS as an example of the KPI established. Arup finds they are appropriated to measure the net gain of biodiversity and enrichment of the area. However, they are not calculated given the compensation has not yet begun. Therefore, in order to see whether they will show the reality of its positive impact, Arup will continue tracking this through time. Compensation and biodiversity measures are essential to evaluate compliance with IFC PS No. 6.</p>	
16	<p><b>Quarterly Social Management Program (PGSC):</b> According to “Technical appendix 8: Social Management”, Arup requests to the Concessionaire the updated information about “Plan de Gestión Social Contractual” quarterly reported to ANI.</p> <p>UF: All</p> <p>PS/EP: PS 1, 2, 4, 5 and 8.</p>	Biannual – Next E&S report.	<p>The Concessionaire submitted the general Social Management Plan where is described the social programs that manage the impacts caused by the Project; however, Arup requires the quarterly report submitted to the Owner’s supervisor.</p>	
19	<p><b>Update on Environmental Compensations:</b> For previous period, Arup did not receive an update on the progress status of the Concessionaire’s environmental compensation decreed by ANLA and local authorities. This is important for compliance with both national and international standards. Even though there are no effects on the schedule or fines up to June 2022, Arup must receive this information to validate the development of each of the compensation measures agreed by the Concessionaire.</p> <p>UF: All</p> <p>PS/EP: PS6</p>	Biannual – Next E&S report.	<p>Considering the update information provided by the Concessionaire regarding environmental compensation plans, Arup finds most of them have not been executed yet, even though UF 1, 2, 3 and 4 are completed regarding constructive activities. Two (2) main reasons were identified (i) lack of Supervisor’s approval and (ii) the availability of economic resources from the ANI environmental sub-account.</p> <p>Considering the above, Arup will continue requesting updated information to each plan regarding:</p> <p>Alternative approaches to entities (CARs, ANLA, Supervisor, etc.) and further announcements from them.</p> <p>All information related to the current environmental compensation budget, environmental sub-account from ANI and workshops held with the Supervisor in order to reach a consensus in this issue.</p> <p>More detail information concerning other environmental activities to be developed aside form only the land acquisition. In other words, to report measurable conservation outcomes such as number of trees to be planted, fauna/flora monitoring, and so on.</p> <p>In the first half of 2022 the Concessionaire sent updates of compensation plans as fulfillment of indicator according to Environmental Management</p>	

			Plans. However, Arup will require environmental compensation updates for all applicable UFs. These updates should not only include indicator performance but description on how the compensations will mitigate the impact the Project has on biodiversity and which specific actions (planting, restoration, rehabilitation, etc.) will take place as this is what matters for compliance with PS6.	
20	<p><b>Control over forestry use:</b> For this period, Arup conducted a field visit and did not find evidence that the control measures for forestry use are being applied. The concessionaire is requested to validate this situation and report it for the next monitoring period.</p> <p>UF: All PS/EP: PS6</p>	Biannual – Next E&S report.	<p>The Concessionaire submitted information last period; however, Arup finds it is not enough to evidence of the strict measures this activity may have. Even though Arup knows that forestry use has been decreasing through time considering the Project’s progress, it is important that this specific activity is described within the PDF Biannual report from the Concessionaire. Also, it would be favorable the Concessionaire clarifies whether forestry use activities continue being carried out in the Project, the projection they have and provide photographic record to follow-up appropriate compliance.</p> <p>No significant update was reported this period as cut trees register was not sent. However photographic record of forestry use was sent for UF5.</p>	
21	<p><b>Free, Prior, and Informed Consent with indigenous community:</b> For the next period, Arup recommends the Concessionaire should update the status of prior consulting response given by Minister of Interior.</p>	Biannual – Next E&S report.	The Concessionaire explained, during the virtual meeting, the answers given by the national authority, Minister of Interior; however, the evidence were not submitted. The action is on track.	
22	<p><b>Organizational chart and trainings:</b> Arup requests updated information related to the organizational chart of the Concessionaire and EPC as well as the disclosure and trainings associated to the Disaster Management Plan and Contingency Plan.</p> <p>UF: All PS/EP: PS1</p>	Biannual – Next E&S report.	The Concessionaire presented updated information on the organizational chart, particularly on the social team responsible for the implementation of PGSC, as well as trainings on the Disaster Management Plan. The actions is on track until evidence on trainings and disclosure associated with the Contingency Plan.	
23	<p><b>Accidents:</b> Considering the increase of accidents, especially from the contractors, Arup requests from this time forth the Concessionaire should report within every biannual report supporting information related to the breakdown of each of the accidents presented (type of accident, causes, consequences, action plan). Arup invites the Concessionaire to be proactive in H&amp;S activities in order to prevent and minimize accidents in the Project.</p> <p>UF: All PS/EP: PS2</p>	Biannual – Next E&S report.	The Concessionaire submitted detailed accident information for the period, which is in line with Arup’s requirements in the latest ESAP. However, due to the case that occurred in May 2022 with the death of a guard, Arup requires information regarding the investigation conducted by the Concessionaire, additional measures to be taken in the future and management with the family members who were dependents of this worker.	

24	<p><b>ZODMEs control:</b> Arup requests the Concessionaire to inform and clarify the reasons for the changes presented in the ZODMEs updated data, especially if they are related to capacity or new ZODMEs included in the Project. The Concessionaire should compare data from previous reports to have traceability of information.</p> <p>UF: All PS/EP: PS3</p>	Biannual – Next E&S report.	<p>The Concessionaire has shared a document with the observations needed to clarify the changes presented in volumes. However, following the ZODMEs information presented per UF, Arup finds that percentage changes considering the UF and some desisting process in progress with environmental authorities. Considering the abovementioned, Arup requests the Concessionaire to evaluate whether the need to find alternative places and/or strategies to dispose material in case of contingencies. This evaluation should be extrapolated to all UFs considering most of them are already in O&amp;M stage and, the Project is not exempt from contingencies. Reasons evaluated, strategies considered and quantitative data should be reported for the next report.</p>	
25	<p><b>Fauna protection and follow-up:</b> Aside from the wildlife repelling and rescue, Arup found no information regarding the implementation and effectiveness of fauna passages along the Project. Arup considers it as one of the most important parts of biodiversity assessment since it can be displayed through number they caused no impacts on biodiversity because of the Project construction. Therefore, Arup emphasizes about submitting this information, including analysis of the results obtained.</p> <p>UF: All PS/EP: PS6</p>	Biannual – Next E&S report.	<p>The Concessionaire sent a summary report on the planned wildlife crossings for UF5. Arup finds this report very valuable given the information it provides. However, to measure efficiency of the wildlife crossings that are already constructed and functional, Arup requires the run over reports for all UFs. The reports need to indicate the type of animal run over, the type and distance to the nearest wildlife crossing.</p>	
26	<p><b>Ongoing Reporting to Affected Communities:</b> Arup finds important to strengthen stakeholder engagement and risk and impact management, to report the communities on the area of influence about the Concessionaire implementation of measures about issues that involve ongoing risk to or impacts on them or matters of their concern.</p> <p>UF: All PS/EP: PS1</p>	Biannual – Next E&S report	New Action	
27	<p><b>Exotic invasive species:</b> UF2.2 has reported presence of the exotic invasive species <i>Litobathes catesbeianus</i>. The Concessionaire’s environmental team will need to report presence of this species in sites where it has not been reported yet. The information should be reported within the Anexo B. IFC as a compliance of the IFC PS 6.</p>	Biannual – Next E&S report	New Action	
28	<p><b>Internal Grievance Mechanism:</b> The Concessionaire reports having no significant claims from workers. However, Arup emphasizes for the following period to send information regarding the registration of these complaints in the Internal</p>	Biannual – Next E&S report	New Action	

	<p>Complaints Mechanism. Complaints can be attached by type, major cause, whether they come from the EPC, Contractors, or the Concessionaire itself. Arup also expects to receive a report summarizing the management of each measure.</p> <p>UF: All PS/EP: PS2</p>			
29	<p><b>GHG emissions:</b> The GHG calculation should be wider, including more aspects rather than only fossil fuel consumption. The quantification should be based on international methodologies such as GHG Protocol and include a document of data interpretation and Concessionaire’s good practices. Also, considering the IFC PS3 requirements and the stage of the Project, Arup requires the Concessionaire to present the cost-effective alternatives to reduce GHG emissions during the operation of the Project.</p> <p>UF: All PS/EP: PS3</p>	Biannual – Next E&S report	New Action	
30	<p><b>Water consumption:</b> Arup requires the Concessionaire to present the strategies that aimed at conservation measures, alternative water supplies, water consumption offsets, among others. The Concessionaire may support a part of these requirements by presenting the strategies to comply with PS3 (KPI follow-up and monitoring evidence). Other strategies to reduce water that are not cover by the PUEAA should also be submitted by the Concessionaire.</p> <p>UF: All PS/EP: PS3</p>	Biannual – Next E&S report	New Action	
31	<p><b>Site visit improvements:</b> During the site visit carried out in July 2022, Arup found the following aspects to be improved:</p> <ul style="list-style-type: none"> <li>• Management of concrete leftovers in El Condor concrete plant. Performing maintenance and structural improvements are required to prevent soil contamination.</li> <li>• Isolation by using a mesh to protect watercourse occupations. Considering isolation must remain until the area is re-conformed and re-vegetated.</li> <li>• Covering the pipeline which leads the infiltrated water from the Tesalia tunnel to the El Guaico stream in order to protect the pipeline and prevent damage to it that could lead to the detour of infiltrated water to a final discharge point.</li> </ul>	Biannual – Next E&S report	New Action	



	UF: 2- 5 PS/EP: PS3			
32	<b>Piezometer network:</b> Specific evidence of the maintenance carried out for the piezometric network considering most of them reports clogging. UF: 2 PS/EP: PS3	Biannual – Next E&S report	New Action	
33	<b>Update on Exculpatory Events (EERs):</b> The Concessionaire received updates for 3 ongoing EER processes (RoW availability in UF5, mobility affectations in UF5, May 2021 public order and Affectations due to illegal mining). Of these, 2 were approved, 1 was denied and the other has no accurate information. For the next monthly construction report, Arup requests the Concessionaire to send detailed updates and the ANI/Supervisor declaratory minutes if applicable. UF: All PS/EP: PS1, EP2, EP3	Biannual – Next E&S report	New Action	