













5. Environmental and Social Action Plan



The Action Plan has been prepared considering the initial ESAP agreed with the Concessionaire and the Lenders for the Financial Close, findings from the site visit, and information submitted by the Concessionaire up to March 20th, 2024. The Concessionaire should fulfill each action within the established deadlines in concordance with international standards and local legislation. The status of each action will be evaluated according to the next color code:





-  **Solved:** Indicates actions that have been addresses by the Concessionaire and Arup has confirmed that the criterion/indicators that monitor the action have been fulfilled.
-  **Pending or delayed:** Indicates actions that have remained opened for several consecutive periods. The significance of the pending deadline is assessed based on the risk that the action poses on the Project.
-  **On track:** Indicates open actions that have been updated periodically by the Concessionaire and are currently monitored by Arup.
-  **New action:** Indicates new actions that have been opened during the current monitoring period.

Action ID	Proposed Action:	Status (March 2024)	Original Proposed Deadline	Color Code
1	<p>Environmental Liabilities:</p> <p>In 2018, Via 40 received 2 environmental licenses with outstanding environmental and social liabilities from the previous operator of the road. In accordance with Appendix 6/Chapter VII of the CA, the Concessionaire must comply with the pending obligations of the environmental licenses and perform an official closure with ANLA.</p> <p>As of November 2022, the Concessionaire has 12 environmental liabilities pending closure in the LAM 1838 process and 7 liabilities in the LAM2370 process. Activities for 3 out of 12 liabilities of LAM1838 have finished, but V40 is waiting for the official closure act from ANLA. 4 out of 7</p>	<p>Evidence of Compliance: Summary of pending environmental liabilities and tentative dates of closure.</p> <p>Status: The Concessionaire was able to perform most of the activities assigned in the liabilities, but most of them were not officially closed with the ANLA in February 2024 due to pending documentary evidence.</p> <p>This action is marked "on track" until the Concessionaire can confirm the closure of the two environmental license files with the ANLA.</p>	Summary of the first post-financial closure monitoring and periodic updates until official closure from the ANLA.	

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	<p>liabilities of LAM2370 are already finished, but V40 is waiting for the official closure act from ANLA. The Concessionaire commented that the Project team is prioritizing the closure of files to avoid ANLA incurring additional requirements retroactively, since at least 4 new items have arrived in 2022. V40 has accelerated the closure of these items by prioritizing the completion of the oldest actions and assigning specific responsible parties per UF and for the entire corridor. Responsibility is also clearly distributed between EPC and the Concessionaire for each of the liabilities.</p> <p>Arup recognizes that, while this could not be concluded before financial close, it is important to include this aspect in the ESAP as part of the periodic follow-up activities.</p> <p>UF: All PS/EP: PS1, PS3, PS4, PS5, PS6.</p>		First E&S monitoring report after the financial close.	
2	<p>Environmental Permits:</p> <p>Sections that require PAGAs must process all required permits with the environmental authorities. As of November 2022, Arup has identified at least 92 permits pending approval compared to 189 permits pending as of January 2022. To date, 10 permits have not been requested to the environmental authorities yet, but Arup does not identify a major risk for the Project's expected progress.</p> <p>The Concessionaire has already approved PAGAs for All UFs and permits for 8 ZODMEs. The UF2 environmental license modification is still pending. Because of this, a new Schedule (B9), was created, which has not been approved by the Owner's Supervisor or the Lenders. Arup recommends accelerating the processing of required approvals to avoid incurring new changes.</p> <p>Arup recognizes that, while this activity could not be concluded before financial close, it is important to include it in the ESAP as part of the periodic follow-up activities.</p> <p>UF: All PS/EP: PS1</p>	<p>Evidence of compliance: Periodic summary of the progress on environmental permits by UF.</p> <p>Status: The Concessionaire shared evidence of the progress made in terms of permits for the period. Up to March 2024, Arup does not identify a major risk of delays related to E&S permits.</p> <p>This action will continue to be permanently monitored until the end of the construction stage, which is why it will remain "on track."</p>	<p>First E&S monitoring report after the financial close.</p> <p>Periodic follow up for each E&S monitoring report until all permits are secured.</p>	 

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3	<p>ZODMEs:</p> <p>The Concessionaire received approval for 8 ZODMEs that are already in operations. There are also 4 other ZODMEs under study or assessment. Through the updated mass balance, it seems that the Project has the adequate ZODME capacity approved so far. Temporary disposals are no longer required, and the staff is already evaluating more potential zones to have as backups. This action must be monitored until the Concessionaire secures all the ZODMEs required for the Project.</p> <p>UF: All PS/EP: 3</p>	<p>Evidence of compliance:</p> <ul style="list-style-type: none"> • Approvals of the ZODMEs under study or assessment. • Updated mass balance for ZODMEs. <p>Status: Up to March 2024, the Concessionaire has a ZODME capacity of 5,120,537 m³ and has used 3,001,446 m³ (58.6%). The Project's current disposal requirement amounts to 4,334,292 m³, so the disposal capacity is sufficient to accommodate this. The Concessionaire submitted status updates and permits for each of the ZODMEs, although this number may be lower as there is reuse of materials for construction uses, Arup does not identify any major risk related to excavation material management.</p> <p>This action is classified as "on track" given that the Concessionaire has four additional zones in the pipeline.</p>	Periodic updates until all ZODMEs required for the Project are approved and closed.	
			First E&S monitoring report after the financial close.	
4	<p>Environmental offset plans and 1% Investment Plan:</p> <p>The Concessionaire should submit offset plan for each UF with information including size, type, and location of offsets including the 1% Investment Plan, associated activities, and the status of each one.</p> <p>As of December 2022, the Concessionaire reports a total of 523 Ha, equivalent to at least 553,500 individuals to be compensated between the requirements of the 7 UFs and the UF0. Progress is 3.8% of individuals planted, with higher advances in UFs 3, 6, 7 and 8. The 1% Investment Plan and the offsets associated with the UF2 license are on hold as the water concessions are not active yet. The 1% Investment Plan is a requirement to invest 1% of the Project's CAPEX in additional environmental programs that arises when a water concession is required under an environmental license. This could impact the original amounts to be offset, so Arup highlights this action as part of PS6 Compliance to monitor from financial close onwards.</p> <p>UF: All PS/EP: PS6</p>	<p>Evidence of compliance: Updated summary of the status of each environmental offset plan for the Project including location, type of offset, and advance percentage including the 1% Investment Plan, associated activities, and the status of each one.</p> <p>Status: The 1% plan does not apply to the Project at this time as UF2 is on hold.</p> <p>Arup finds that the integrated offset plan for the obligations of UFs 1 through 7 meets the requirements of PS6 by meeting the principles of "equivalent or better," additionality, and by establishing indicators to evaluate results on site. The plan was submitted to the CAR and is currently under the authority's review. Arup will report once it has been approved and execution starts.</p> <p>Although the execution of these plans does not pose a risk to the Project at this time, this action remains "on track" as updates are required for each monitoring report until all offsets are completed.</p>	First E&S monitoring report after the financial close	
			Updates for each monitoring period until all offsets are completed.	



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5	<p>Cultural assets identification and management: The Concessionaire has identified cultural assets with information given by Fusagasugá and Melgar authorities. Flandes to Girardot cultural authorities' response is pending. Since cultural assets are not always documented or legally protected, the Concessionaire should consult other sources such as the community, cultural institutes, and groups of interests about the presence and significance of these assets. In addition, the Concessionaire stated management of Cultural Heritage assets in UF 3 and 4 is not required. It is important to clarify the Project's impact on them to conclude if management strategies are needed.</p> <p>UF: All PS/EP: 8</p>	<p>Evidence of compliance:</p> <ul style="list-style-type: none"> • Advances in the management of cultural assets aligned with PS8. • Documents related to the Project's impact on Cultural Heritage assets in UFs 3 and 4. • Consultation process with the community, cultural institutes, and groups of interests to identify the presence and significance of cultural assets. <p>Status: Orquídea, Cristo, Indio Sutagao, Mohán and Helicopter monuments were classified as assets of cultural interests impacted by the Project. To date, the Concessionaire has reported activities to protect the Indio Sutugao monument. During the reporting period, the Concessionaire reported on a meeting with Melgar municipality's Secretary of Tourism to give them information about construction activities in the roundabout where the Mohán monument is located and resuming activities related to the monument. For upcoming periods, Arup expects updated information on the measures taken by the Concessionaire to protect the assets of cultural interest impacted by the Project and the actions to allow their access to interested stakeholders.</p> <p>This action is marked "on track."</p>	First E&S monitoring report after the financial close.	
			Updates for each monitoring period until all cultural heritage-related activities are finished.	

Action ID	Proposed Action:	Status (March 2024)	Original Proposed Deadline	Color Code
10	<p>Noise pollution monitoring and mitigation measures: Arup identifies that the noise monitoring results in the baseline conducted in 2017 for the Project already have values that exceed the limits of the national and international standards. Considering this, the Concessionaire should ensure that these values are not further exceeded. Arup considers it appropriate that the Concessionaire and the EPC conduct at least an intermediate monitoring campaign for the construction stage and a monitoring campaign when the construction stage concludes. This action will allow to validate that the work activities do not contribute to these values and improve or at least maintain the baseline conditions. Arup is expecting the Concessionaire to submit evidence of the noise monitoring and comparisons with the baseline data. If the increase is not clearly attributable to the Project, the justifications, and the prevention and/or corrective actions taken should be also submitted.</p> <p>UF: All PS/EP: PS3</p>	<p>Evidence of compliance: Follow-up plans for noise monitoring considering the baseline measurements in each UF of the Project.</p>	First E&S monitoring report after the financial close.	
		<p>Status: The Concessionaire has pending monitoring campaigns in UF5 to UF7. According to their environmental team, these campaigns will be completed in May 2024.</p>	Updates for each monitoring period until the construction phase is completed.	
11	Water and energy consumption data	Status: Action solved in the April-June 2023 period.	First E&S monitoring report after the financial close.	
12	H&S Management System – Review and implementation of the action plan	Status: Solved during the June-September 2023 period.	Follow-up H&S reports and continuous adjustments from lessons learned for each monitoring report after the financial close until the implementation is completed.	

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13	<p>Archaeological Management Plan “Hacienda Tequendama”: Arup required the Archaeology Preventive Management Plan for Hacienda Tequendama as well as the ICANH’s approvals from the Concessionaire.</p> <p>UF: 7 PS/EP: PS8</p>	<p>Evidence of compliance:</p> <ul style="list-style-type: none"> Monthly progress reports on the HT Conservation Plan and the ICANH’s responses that occurred during the reporting period. ICANH’s final approval for the final report of HT Conservation Plan and all Preventive Archeology Programs. CVs of the staff hired during the reporting period for HT activities. Records on the ICANH’s visits performed during the reporting period and responses given by the Concessionaire during the same period. <p>Status: between September 2023 and February 2024, five excavations in the AI of HT protected area were carried out. In Cut 1 (09+0900 – 110+0200 RC) there were relevant archeological finding related to funerary contexts, dental pieces, funerary items made up of vessels, grinding stones and lots of ceramic fragments and lithic elements. There were more than 4,800 materials which were collected and guarded in the laboratory. These were delivered to the laboratory and in the process of analysis. In Cut 2 (109+0900 – 110+0200 RC) and Cut 3 (PR 109+0900 – 110+0200 RC) no materials were found. More information regarding Cuts 4 and 5 was not shared with Arup.</p> <p>In February 2024, the ICANH visited the Project to verify the activities carried out as part of the PMP. During the visit, scientific and preservation analysis were carried out at 18 preselected points. The methodology for recording and documenting the archeological material was selected. It was also decided that there will be a procedure for stabilizing a slope near Chusacá toll, since it could affect a rock with art contexts. In the meeting, staff from the EPC and GIPRI were present. The ICANH requested a workplan for the upcoming activities. Once this is delivered by GIPRI; the activities for the PMP could begin. For the next period, these workplan should be shared with Arup.</p> <p>The action is mark “on track.”</p>	<p>First E&S monitoring report after the financial close.</p> <p>Updates for each monitoring period until all cultural heritage-related activities are finished.</p>	<p>●</p> <p>●</p>

Action ID	Proposed Action:	Status (March 2024)	Original Proposed Deadline	Color Code
14	Resettlement Plan Update	Status: Solved during the June-September 2023 period.	Review of progress in framework, methodologies, schedules, functions, and responsible parties for the first E&S monitoring report after the financial close.	●
15	Resettlement Plan – monitoring site visits:	Status: Solved during the June-September 2023 period.	Review of the Resettlement Plan for the second E&S monitoring report after the financial close.	●
16	Resettlement Plan – vulnerable groups identification	Status: Solved during the June-September 2023 period.	Review of the Resettlement Plan for the second E&S monitoring report after the financial close	●
17	Resettlement Plan - Compensations to third parties	Status: Solved during the October-December 2023 period.	Review of progress in framework, methodologies, schedules, functions, and responsible parties for the first E&S monitoring report after the financial close.	●
			Review of the Resettlement Plan for the second E&S monitoring report after the financial close.	●
18	Resettlement Plan - Depreciation costs.	Evidence of compliance: Solved during the October-December 2023 period.	Review of progress in framework, methodologies, schedules, functions, and responsible parties for the first E&S monitoring report after the financial close.	
			Review of the Resettlement Plan for the second E&S monitoring report after the financial close.	●
19	Resettlement Plan: The Concessionaire must consider an independent third-party consultant to support the RAP completion audit to certify PS5 compliance. The completion audit report should contain recommendation from the PS5 Guidance Note "Annex B Completion Audit Table of Contents".	Evidence of compliance: <ul style="list-style-type: none"> Resettlement Plan. Definition of the methodology required to guarantee the registration and traceability of the actions implemented (application of the different compensation factors) during the development of the Resettlement Plan. 	Second E&S monitoring report after the financial close.	●

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	<p>UF: All PS/EP: PS5</p>	<ul style="list-style-type: none"> The completion audit will evaluate the effectiveness in achieving the objective of guaranteeing that each SU affected by the project manages to re-establish or improve housing conditions and/or means of subsistence. Definition of the conditions to guarantee that the completion audit is carried out by an independent consultant specialized in the application of ND5 in these types of projects. A Supplementary Resettlement Action Plan in case PS5 gaps are not closed. <p>Status: During this quarter, Via Sumapaz started the implementation of the RAP. New staff was hired to perform the planned activities. To date, all people affected by the Project in vulnerable conditions have been identified. The Concessionaire visited a SU in which the monitoring process has been closed to verify their current life conditions and assess the need for reestablishment support. The affected third parties' baseline is currently being established. The RAP Committee was formed, Cases of SUs that need additional support for reestablishing their life conditions and livelihoods will be discussed by the Committee's meetings who will decide the measures to be applied for each SU.</p> <p>Evidence on all activities undertaken by the Concessionaire were delivered. To strengthen the monitoring process to the RAP, Arup requests quarterly reports on the RAP progress, that includes the performance on the KPIs established for each Program for upcoming periods.</p> <p>This action is marked "on track."</p>	<p>Execution of the final audit: Within six months after the completion of the implementation of the Resettlement Plan.</p>	●
20	Climate Change Risk Assessment - CCRA	Status: Solved during the October-December 2023 period.	Monitoring Period October-December 2023	●
21	Emergency Preparedness and Response – disclosure and training	Status: Solved in the July-September 2023 period.	October 2023	●
22	Evidence of protocols to improve Traffic Management Plans	Status: Solved in the July-September 2023 period.	October 2023	●

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23	<p>Involuntary resettlement: For the upcoming reports, the Concessionaire should share updated information and evidence on:</p> <ul style="list-style-type: none"> • Number of Social Units (USR and USP) that are impacted by displacement. • Socioeconomic compensations' payment progress. • Number of SU to be relocated and relocated. • Number of properties to be acquired by expropriation processes and number of SU in them as well as the Socioeconomic Compensations that are identified for them. <p>UF: All PS/EP: PS5</p>	<p>Status: The information requested was provided by the Concessionaire. However, this documentation is reported as part of the RAP (Action 19). Therefore, this action will be closed.</p> <p>This action is marked as “solved.”</p>	Updates for each monitoring period.	
24	<p>Potential impacts to Azafranal community: Vereda Azafranal (Silvania municipality) members have blocked the road in UF6 on two occasions: November 2022 and April 2023. The community presented claims about cracking in their housing alleging it was caused by Project's work. Several grievances have been raised on this matter by the community and the Concessionaire has concluded that it is not responsible for the alleged damages using <i>Actas de vecindad</i>. However, it is important to technically assess and determine the causes of the problem.</p> <p>Since August 2022, work on some fronts have been stopped due to an increase in land movements. Land movement in Silvania could pose risks to the communities.</p> <p>For the upcoming periods the Concessionaire should share:</p> <ul style="list-style-type: none"> • The report about the threats to the community. • The study to determine the cause of cracking issues. • Grievances received on this matter and management made by the Concessionaire. • Evidence on the periodic reports and information given to the community. 	<p>The Concessionaire agreed to do a study to determine the cause of the cracking, which was originally scheduled for July 2023, with a report about the threats to the community scheduled for August 2023. However, it was not delivered by this date. In September 2023, the community blocked the road again given that studies were not finished nor shared with them. In addition, the community is requesting that the stakeholders responsible for the Project respond to the cracking in the housing, stabilize the ground, and adjust the crossing to Azafranal Alto vereda.</p> <p>During this monitoring period, activities with Azafranal community were carried out. Before-works and follow-ups <i>actas</i> were recorded in the communities' assets; 278 <i>actas</i> were recorded in total. On October 19th, 2023, the Concessionaire also disclosed the study to determine the causes of the cracks. Communities were also informed that there were prior geological conditions unrelated to the Project, and the community agreed to cease the blockades under four conditions related to monitoring, meetings, and socialization. Two other meetings were held with the community on November 2nd and 20th, 2023 to inform the community on the stability of the slopes and to begin follow-ups on <i>actas</i> that requested on November 2nd, 2023.</p> <p>It is recommended that the Concessionaire reinforces the message to the community that the Project is not responsible for land movement and clarifies the purpose of <i>Actas de Vecindad</i></p>	Updates for each monitoring period.	

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	<ul style="list-style-type: none"> Evidence on the working tables with other stakeholders. <p>UF: All PS/EP: PS1, PS4</p>	<p>records. For the upcoming periods, the Concessionaire should continue giving information to Arup about activities with the community pertaining to this situation along with the report on threats to the community.</p> <p>The action is marked “on track.”</p>		