

URGENT

No. 0630/ ๒๒๕



Ministry of National Resources and Environment
92 Phahonyonthin Soi 7,
Samsen Nai, Phayathai,
Bangkok 10400 Thailand
Tel/ Fax: (66) 2298 6605

๒๒ January B.E. 2558 (2015)

Dear Mr. Guttman,

Re: Thailand Response to a Prior Consultation of Don Sahong Hydropower Project

Thailand acknowledges the receipt of MRCS Letters No L-OSV435/14 dated 2 July 2014 regarding a Prior Consultation of the Don Sahong Hydropower Project by the Government of Lao PDR.

Taking into account the potential benefits and contribution of the Don Sahong Hydropower Project to Lao PDR and the region as a whole, the Royal Thai Government fully aware of how important the project plays in development path of Lao PDR. However, in response to Procedures for Notification, Prior Consultation and Agreement (PNPCA) process, Thai National Mekong Committee (TNMC) held six National Information Sharing Meetings on the Don Sahong Hydropower Project during 10 November 2014 - 7 January 2015. The objectives of the meetings are to gather information, concerns, and suggestions from the public. The major concern raised during the meetings is on the potential transboundary impacts from the proposed project, including ecological system, fisheries ecology, fish migration, seasonal crop, tourism, river bank erosion, and in particular local economy and livelihood of Thai people.

In this connection, we would be very much appreciated if the timeframe of PNPCA should be extended for 6 more months in order to provide sufficient time for further assessment of the potential transboundary impacts of the Don Sahong Hydropower Project. The details of public views and concerns are reflected in the Format for Reply to Prior Consultations enclosed herewith for your reference.

According to the 1995 Mekong Agreement, the Royal Thai Government wishes to reiterate that we recognize the sovereignty and right of the Government of

/Lao PDR

Enclosure: Annex II(B) MRC PNPCA Form/Format for Reply to Prior Consultation

Mr. Hans Guttman
Chief Executive Officer
MRC Secretariat
184 Fa Ngoum Road, Unit 18
Ban Sithane Neua, Sikhottabong District,
Vientiane 01000, Lao PDR

Lao PDR in making any decisions toward the implementation of the project. We also anticipate that in moving the Project forward, the proper impact assessment as well as appropriate mitigation measures should be conducted for the sake of our environment and quality of life of the people in the region. In this regard, we stand ready to entirely cooperate with the Government of Lao PDR and the Mekong River Commission on this matter.

Therefore, we would like to request the Mekong River Commission Secretariat to convey our response and concerns about a Prior Consultation of the Don Sahong Hydropower Project to Lao PDR. Your kind cooperation regarding this matter would be appreciated.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Mingquan W.', is positioned above the typed name.

Mrs. Mingquan Wichayarangsaridh

Permanent Secretary

Ministry of Natural Resources and Environment
Member of the MRC Joint Committee for Thailand

Mekong River Commission

Procedures for Notification, Prior Consultation and Agreement

Form/Format for Reply to Prior Consultation

1. Replying state: Kingdom of Thailand

2. Date of Reply: 22 January 2015

3. Replying Ministry/Agency:

Name: Ministry of Natural Resources and Environment
Address: 92 Phahonyothin Soi 7, Phayathai, Bangkok 10400
Telephone: +66 (0)2271 6000 ext 6621,
FAX: +66 (0)2298 6605

4. Contact person/facilitator:

Name: Mr. Nirut Koonphol
Director of Bureau of Mekong Management
Address: Department of Water Resources,
180/3 Rama 6 Road, Soi 34, Samsaen Nai, Phayathai,
Bangkok 10400 Thailand
Telephone: +66 (0)2271 6000 ext 6621,
FAX: +66 (0)2298 6605
E-mail Address: nirut2@gmail.com

5. Name of the proposed use/project:

The Don Sahong Hydropower Project

6. Location of the proposed use:

On the Hou Sahong channel of the Mekong River approximately 2 km. upstream
(north) of the Lao-Cambodia border

7. Nature

7. Nature of the proposed use:

Intra-basin use in the part of the mainstream during wet and dry season

8. Date of receipt of the documents

8 July, 2014

9. Reply to Proposed Use

In response to the Procedures for Notification, Prior Consultation and Agreement (PNPCA), the Thai National Mekong Committee Secretariat (TNMCS) organized six National information Sharing Meetings on the Don Sahong Hydropower Project in eight provinces situated along the Mekong River during 10 November 2014 – 7 January 2015. Moreover, the finalized meeting was also held in Bangkok on 7 January 2015. The followings are the main concerns over the Don Sahong Hydropower Project which were raised during the meetings:

9.1 The participants are of the views that data and information provided are insufficient to assess the potential transboundary impacts of the Don Sahong Hydropower Project to the Mekong river ecological system, such as flow regime, fisheries ecology, fish migration, seasonal crop along the river bank, tourism, river bank erosion, local economy and livelihood of Thai people. Additional data and information are, thus, required for further consideration and assessment of both positive and negative impacts in order to develop the appropriate mitigation measures.

9.2 Concerning the issues of fisheries ecology and fish migration, the Thai stakeholders are of the view that (1) the construction of the dam at the Don Sahong Hydropower Project outlet could block the pathway of local fish migration up and downstream, resulting in significant decrease of the large number of seasonal migratory fishes in the upstream areas which will impose a threat to Thai local fisheries as well as food security of the region, and

(2) the proposed

(2) the proposed fish friendly turbine introduced by the developer has not been scientifically proven to cure the problem. It neither convinces the local people that their concerns on impacts to fisheries and the amount of fishes in the Mekong River would be covered by this technology. Lesson learned and experience sharing from other countries on this technology is essential for further and better justification.

9.3 Considering magnitude of the Project and its location which situated in the biodiversity rich and environmentally sensitive area near the border line of Lao PDR and Cambodia, the Thai stakeholders expressed their views that the study reports did not sufficiently address an issue of transboundary impact assessment. Therefore, it is highly recommended that such study should be properly conducted and disseminated to the public.

9.4 Regarding the possible damage that might be caused by the Don Sahong Hydropower Project on the river ecosystem and livelihood of local people, the public deeply expressed their concern on the compensation of such damages, if occurred. In this connection, the relevant authorities responsible for the compensation should be clearly identified.

9.5 The Thai stakeholders suggested that representatives from concerned authorities of Lao PDR should be invited to join the Thai national prior consultation. It would be the good opportunity for Lao PDR to provide further information and clarify the points of concerns raised by Thai stakeholders regarding the Don Sahong Hydropower Project.

9.6 With the aforementioned information and concerns, timeframe of PNPCA is therefore proposed to be extended for 6 more months beyond the original timeframe.