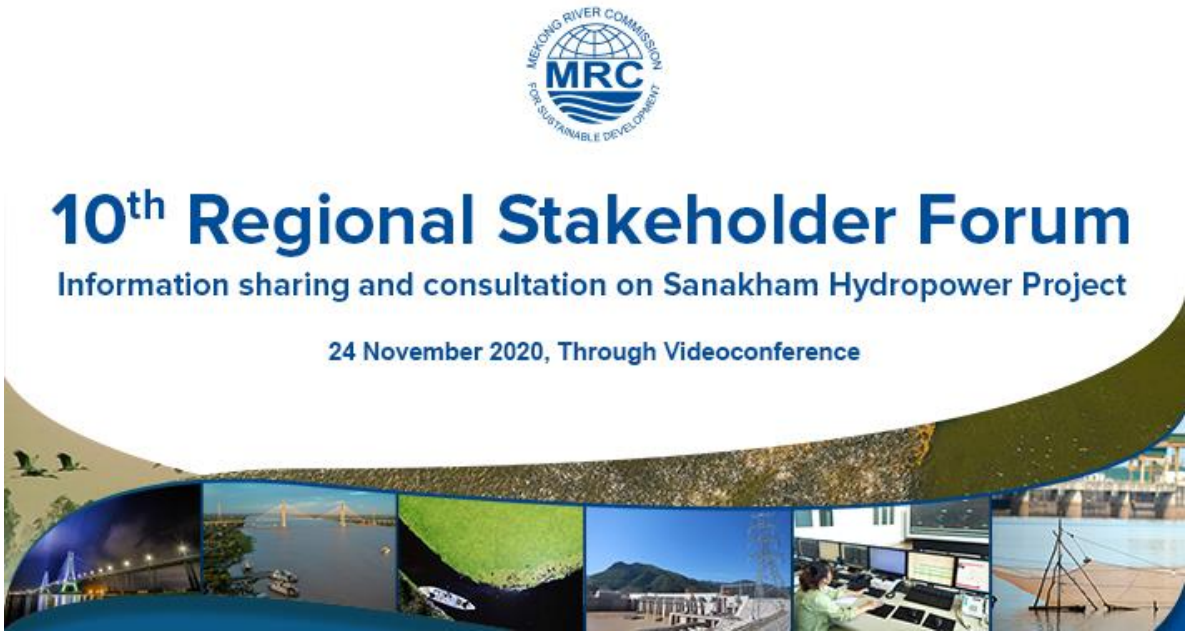

The 1st Regional Information Sharing and Consultation on Sanakham Hydropower Project Prior Consultation Process

FORUM REPORT

December 2020

Prepared by
The Mekong River Commission Secretariat

This report is a record of the proceedings of the 10th Regional Stakeholder Forum organised by the MRC Secretariat (RCS) on 24 November 2020 via videoconference with 04 physical meeting hubs in Paske, Siem Reap, Bangkok and Hanoi.

In case of questions regarding this report, please contact Ms. Duong Hai Nhu, stakeholder engagement specialist at nhu@mrcmekong.org

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I. Background

On 9 September 2019, the Mekong River Commission (MRC) Secretariat received notification from the Lao National Mekong Committee submitting the Sanakham Hydropower Project (SNHPP) for Prior Consultation (PC) under the Procedures for Notification, Prior Consultation and Agreement (PNPCA). Documentation for the SNHPP was submitted around one month after submission of the Luang Prabang Hydropower Project (LPHPP). At the Preparatory Meeting for the 26th Council Meeting on 25 November 2019, the MRC Joint Committee decided to shift the PC process for the SNHPP to begin after completion of the PC process for LPHPP. Following completion of the LPHPP PC process on 30 June 2020, the Joint Committee agreed to commence the PC process for the Sanakham Hydropower project on 30 July 2020.

The PNPCA process provides stakeholders with available data and information of proposed projects. The process is designed for the notified countries to make recommendations and for the proposing country to accept certain measures to avoid, minimise and mitigate potential adverse transboundary impacts and find a better way to share benefits.

A ***Technical Review Report*** produced by the MRCS, which includes findings from the national information sharing/stakeholder consultation meetings, is presented to the Joint Committee for their consideration. After that, notified countries submit their **Official Reply Forms** to the MRC Secretariat to have their comments recorded. The final stage is for the Joint Committee to hold a meeting to discuss the project's Prior Consultation with the aim of reaching an agreement to achieve optimal use and to issue a decision that contains agreed-upon conditions for the project. A ***Statement*** by the JC and ***Joint Action Plan***, such as the one for Pak Beng, Pak Lay and Luang Prabang projects, is a mechanism to consider additional measures for the notifying country to consider, and for the MRC to follow up in terms of recommendations and monitoring.

The MRC considers the organisation of stakeholder consultations as an important and integral part of the hydropower project prior consultation process. It was agreed between the Member Countries that the process needed to ensure a mechanism to raise awareness and to involve people who will be directly and indirectly affected, as well as local and national government agencies, private sector / developers, the regional donor and academic communities, media, and the wider public represented by civil society and non-governmental organisations.

The organization and proceedings of consultation meetings play an important role in contributing and providing useful suggestions and recommendations for the TRR and Reply Forms and its next steps.

At the regional level, the MRC Secretariat holds at least two regional stakeholder forums on PNPCA prior consultation to (1) share information on the proposed hydropower project, (2) to obtain viewpoints and comments during drafting of the Technical Review of the proposed project, and (3) to provide a platform for multiple-stakeholders to exchange opinions and recommendations to minimise transboundary impacts for the reasonable and equitable use of water and related resources in the Mekong River Basin.

The first Regional Information Sharing & Consultation on Sanakham Hydropower Project organized on 24 November 2020, back-to-back to the 27th MRC Council Meeting.

II. Approach of the forum

1. Forum objectives

The 1st Regional Information Sharing & Consultation on Prior Consultation process for the proposed Sanakham Hydropower Project will focus on

- timely information sharing on the project
- reinforcing the common understanding of the MRC mandate, the PNPCA process, and its benefits
- reaffirming stakeholder engagement in good faith and the enhanced MRC mechanism
- soliciting preliminary views on the project
- obtaining concerns, comments and suggestions for the Technical Review Report.

All Sanakham hydropower project documents have been available on MRC website since 11 May 2020[1]. A 30-page overview of the project and its submitted documents has been produced[2]. In support of accurate public understanding of the PNPCA, a set of frequently asked questions (FAQs) around the prior consultation process of mainstream hydropower projects and its expected outcomes has been updated and published on the MRC website[3]. Another improvement is that both the Overview and FAQs have been translated into riparian languages of Cambodian, Lao, Thai and Vietnamese.

2. Forum proceedings

To facilitate timely information sharing and transparency for an effective consultation and discussion, information had been made available on the MRC's website and maintained as source of reference http://www.mrcmekong.org/news-and-events/consultations/regional-stakeholder-forums/the-10th-mrc-regional-stakeholder-forum/

The forums are always opened to interested participants and free of charge.

The virtual 10th forum was well attended. Participants had several options to join the forum through (1) forum's livestream on MRC Facebook, or (2) physically participate at the meeting hubs (Pakse, Siem Reap, Bangkok and Hanoi), or (3) Webex videoconference link.

The team has documented around 100 comments, questions and recommendations raised during the forum via online tools, facebook comments, Webex chatbox and from meeting hubs.

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[1] http://www.mrcmekong.org/topics/pnpca-prior-consultation/sanakham-hydropower-project/

[2] http://www.mrcmekong.org/assets/Consultations/Sanakham/Overview-of-Sanakham-project-and-its-submitted-docs.pdf

[3] http://www.mrcmekong.org/frequently-asked-questions-about-prior-consultation-of-sanakham-hydropower-project/

The Lao Vice Minister of Natural Resources and Environment and Alternative Council Member for Lao PDR, H.E Madame Bounkham Vorachit, delivered opening remarks. Senior officials from the Lao National Mekong Committee (including Lao JC Member, Mr Chanthanet Bualapha) and Ministry of Energy and Mines (including Deputy Director General for Energy Policy and Planning Department) took part in the event, delivered presentation and constructively responding to stakeholders' comments, together with representatives of the developer.

The format and structure of the virtual forum combined concise presentations, with lengthy and constructive interaction in questions and answers sessions were positively received by attendees. For the most part, comments from stakeholders, even from critical ones, were raised constructively and respectfully. Despite the logistical challenges of online platform with four meeting places, the conversation and dialogue were extensive which showed great interest by stakeholders in the process and the seriousness that they took in providing this engagement. Comments received therefore should be seriously considered and replied to.

Stakeholder engagement process for the PNPCA prior consultation has been emphasized on spirit of good faith with constructive discussion and recommendations. The forum was opened to all stakeholders including those who have opposite position about hydropower development in the Mekong basin, aims at sharing accurate information, minimizing misunderstanding and misperceptions of powers and functions by any parties.

Questions, comments, suggestions, responses, and follow-up actions have been recorded and presented in the following section.

III. Summary of forums' outcomes

1. Forum's outcomes

The forum was structured into 4 parts:

i. Presentation on PNPCA process, previous prior consultation cases and its Joint Action Plans, roadmap for Sanakham project - by the MRCS,
ii. Introduction to the Sanakham project - by Lao PDR
iii. Presentation on preliminary findings of Technical Review Report for the Sanakham project - by the MRCS
iv. Several rounds of Q&A session

The discussion focused on ***the needs to have updated quality data and information for better assessment of potential transboundary and cumulative environmental impacts and changes of environmental flows relating to ecosystem, livelihood and social consequences***. The ***baseline data and information is out of date, from 2010-2011, that created uncertainty in the quality of the study, limiting the ability to address the current situation of the Mekong river***.

Like previous projects, suggestions have been made to ***refer to MRC Council Study, TbEIA guidelines, working version of updated PDG and SHDS to update baseline data and information***, to develop and assess as well as improve the project. ***Climate change*** is

considered as cross-cutting issue, especially for planning and design of the hydropower project. ***Cascade dam operation and joint monitoring*** intervention attract public's concerns in consideration of existing water fluctuation and riverbank erosion.

On 24 November 2020, the ***Cambodian CSOs*** sent their ***Joint Statement*** to the MRC Secretariat in calling the MRC to consider their concerned ***transboundary impacts on the lower Mekong river*** and in particular, the ***Cambodian's Tonle Sap great lake***. The Joint Statement emphasizes sediment reduction reaching the Mekong Delta, ecosystem harms, fishery biomass declination, migratory fish elimination that leading to food insecurity in communities in Laos and Cambodia.

Lao PDR representatives (both the JC Member, the representative of MEM and the developer) made commitments to seriously consider all practical recommendations. In reflecting comments and suggestions made, representatives from Lao PDR, Datang and MRCS acknowledged and addressed views and concerns with following key points:

- ✓ For Lao Government, hydropower is still priority but during hydropower development process, four aspects are focused on including hydropower sustainability policy (technical design, dam safety), economics growth, environmental aspects and social impacts.
- ✓ Sanakham is considered as low-impact run-of-river dam comparing to larger storage dam
- ✓ Several hydrological physical model tests have been run and the result showed less significant impact below the dam, but all concerns have been noted and more tests will be conducted.
- ✓ Regarding dam safety, Government of Laos is in process of developing a Law on Dam Safety, this Law will strengthen the government ability to supervise the studies, design, construction and operations of all hydropower projects.
- ✓ Lao PDR is soon joining the International Commission on large dams, as a step, the Lao Association of dams has been setup with multi-stakeholder participation throughout the country.
- ✓ With regard to recommended flow for fish passage, they consider the need to balance many different factors including the environmental protection and cost benefits.
- ✓ For sediments, the current 17 sluices for sediment flashing will be further considered for lowering the gates and/or more sluices, in consideration of related costs.
- ✓ For ecology and water quality, GoL took notes of concerns and comments, in relation to industry development.
- ✓ Beyond this feasibility stage, further studies, monitoring, data collection will be conducted in the detail design stage, including the use from MRC data.
- ✓ Lao PDR will learn best practices from other previous projects, i.e. fish pass of the Xayaburi, Lee trap removal from Donsahong, joint environment monitoring programme (water in-, out-flow monitoring and water quality), monitoring and recording patterns of upstream and downstream fish migration), regular hycos data sharing in Lao PDR, including lessons learnt from bilateral joint projects with Member Countries.
- ✓ For the developer, they appreciate all comments and suggestions that provide deeper understanding of the public concerns. They will work further with relevant counterparts to provide reasonable responses to minimize impacts.
- ✓ Chinese dam developer commits to comply to international standard in addition to Chinese standard.

2. General comments and recommendations

Below are some general comments and recommendations collected during the SNHPP forum.

PNPCA

- The quality of submitted documents are not as good as previous PC submitted documents → PNPCA should have a guideline for using quality data for assessment
- Concerns on parties' responsibility regarding transboundary impacts to downstream
- How will TRR recommendations being used by developers and Government of Lao PDR?
- More commitment so that public concerns should be taken into account by decision maker and feedback should be provided to the public
- MRCS should make a chapter collecting public concerns and suggestions in the TRR
- It needs to make a reference for the sources of data used by the developer
- MRCS should provide simultaneous translations for public consultations.

Hydrology and Hydraulics

- Whether SNHPP can affect the annual reverse flow of Tonle Sap or not?
- Concern on dry season flow along the Mekong, especially in the context of Lao dam cascade. What is the acceptable level of water to fulfill the definition of reasonable and equitable water use? Are there any mitigation measures on the impacts from HPP operation on different sectors?
- Low flow analysis and impact is missing, especially extreme low flow level during 2015-2016 and 2018-2019.
- Does the TRR consider the interaction between hydrology and geomorphology impacting to the river, increasing erosion and deposition in the impoundment and in the downstream?
- Request the Government of Laos and developer to extend the study area of hydraulic model further downstream till the Kaeng Khud Khu (Chiang Khan) area.

Sediment and river morphology

- Concerns on management of sediment releases and morphological changes downstream to Lao – Thai border.
- What are lessons learnt from Xayaburi sediment monitoring by JEM in the Xayaburi impoundment? Will they be used in the SNHPP?
- Why does erosion occur from 50-70 km upstream of the SNHPP as presented in the TRR?

Water quality and aquatic ecology

- How does GoL plan to protect the free-flowing river, ecosystem downstream and upstream?
- Concern on shallow of the deep pools, irregular water level fluctuation, bad water quality during dry season (moss), loss of fish species, reduction of riverbank agriculture production
- How will the environmental conservation be ensured?
- Comprehensive assessment on the environmental flow impact is needed.

Fisheries and fish pass

- The project cost of over USD 2 billion, how much is the fish pass to the project cost?
- How will upstream migratory fish population sustain, in consideration of the proposed water flow 6.6m3/s and the proposed fishway entrance > 1km from the proposed dam while the water flow attraction needs to be greater than 300m3/s?
- What is survival rate of fish larvae pass through spillway and turbine?
- How will developer maintain the water velocity > 0.3m/s to sustain downstream migratory fish population, in the proposed 81km impoundment?
- What are mitigation measures for transboundary impacts on food security, nutrition, livelihoods, and tourism?
- Recommend MRC to conduct more impact study on fish species, fish larvae migration.
- Suggest to include the study on Thai-Lao fish conservation zones in the impact assessment
- Concern on success and efficiency of fish pass. Are there any lessons learnt from the JEM?

Dam safety

- Considering the closeness to the Lao-Thai border, is there clear information on dam break studies and contingency planning? Have there been consultation with Thai authorities and local communities on safety protocols?
- How is the MRC Hydropower Mitigation Guidelines applied to hydropower projects?

Navigation

- Are the locks similar in the whole cascade? When should the second lock be added?
- Regarding the filling and emptying system of ship lock between 16kN vs 10kN (recommended in PDG), what are the likely negative impacts of having it at 16kN?

Socioeconomics

- Data is not sufficient. There is a gap on the compensation regarding transboundary impact on socioeconomic and environment towards downstream communities → there should be an integrated platform for data exchange amongst the HPPs for cumulative assessment.
- The submitted documents seems focus only on technical information, not on social impact. The project should be postponed and conduct more detail impact studies.
- Is there a transboundary compensation mechanism under the SNHPP? How are the GoL and developer going to compensate the affected downstream communities?
- Heritage Impact Assessment must be included from the beginning? It is to safeguard both natural and cultural heritage, rights of future generations.

During the technical review of the project's submitted documents, the MRCS specialists and experts will consider the suggestions and recommendation provided by the stakeholders in the processing of updating the TRR.

3. Comment matrix for the SNHPP at the 10th MRC Regional Stakeholder Forum

Details of questions, comments, suggestions, and follow-up actions regarding the Technical Review of the SNHPP made at the forum are recorded in the table below. The 3rd column of the matrix reflected MRCS actions to further address those comments and suggestions during preparation of the draft TRR.

	Comments, recommendations	Response, feedback and follow-ups
	PNPCA and overall project	
1	It has been 10 years since Xayaburi HPP PC process that gaps of data and information remained a problem. It is recommended to use the up-to-date data/ information for the PC process. It seems the quality of submitted documents are worse than previous PC submitted documents.	Under PC process, it is recommended that the proposed project is submitted as earlier as possible, and all the projects so far are submitted at the feasibility study stage. There are both pros and cons to have documents be submitted at this stage. It allows us to review and provide recommendations which can help adjust the design of the project, while it expects that some data and information are still being monitoring/studied. However, in each PC process, all available information, from MRC and other sources, are encouraged to be used.
2	The PNPCA should have a guideline for using the quality of data for the assessment.	To be discussed further
3	What is the role of the MRC in the PNPCA process to support the national governments?	Technical meetings provide platform to discuss findings to reach an agreement to achieve optimal use and to issue a decision that contains agreed-upon conditions for the project. A ***Statement*** by the JC and ***Joint Action Plan*** will be prepared as a mechanism to consider additional measures for the notifying country to consider, and for the MRC to follow up in terms of recommendations and monitoring.
4	What is the starting date of the SNHPP PC process? who agreed on this and based on what criteria?	The starting date of the SNHPP is 30 July 2020. It was agreed by the Member Countries, at the 1st

	Comments, recommendations	Response, feedback and follow-ups
		PNPCA Joint Committee Working Group (JCWG) meeting as tasked to discuss this issue.
5	The PNPCA informs the impact assessment on community, social, environmental located in the upstream and downstream of the dam in the Lao PDR but did not study the transboundary impacts at the downstream countries such as Thailand, Cambodia, Viet Nam and Lao PDR that lie downstream. Thus, the question is about the responsibility for this impact.	In the TRR, all disciplines have a review on transboundary impacts, especially in the socioeconomics impacts.
6	What can define a water use as "reasonable and equitable" since the projects to build a dam on the Mekong mainstream are increasing until it is more than necessary for use.	
7	Will there be enough energy demand in Thailand with energy produced from SNHPP? It seems that the main buyer is Thailand.	The Power Purchase Agreement being discussed between project owner, developer and Thailand.
8	The conclusion of the PNPCA process after 6 months is misleading. It needs to be made clear that if necessary and by the decision of the MRC JC its can be extended.	
9	How does MRC and do the developers and Lao authorities deal with the TRR recommendations?	TRR recommendations include findings from the national information sharing/stakeholder consultation meetings to support discussion of the project's Prior Consultation with the aim of reaching an agreement to achieve optimal use and to issue a decision that contains agreed-upon conditions for the project. Its recommendations are included in the JC *Statement* and *Joint Action Plan*, a mechanism for the notifying country to consider additional measures, and for the MRC to follow up in terms of recommendations and monitoring.
10	Could it be considered to delay the project development until the issues are addressed?	The issue being discussed, especially under circumstance of covid-19.

	Comments, recommendations	Response, feedback and follow-ups
11	It is suggested that concerns of the local community, inputs and proposed mitigations be included into the study and shared to the public. And these concerns should be taken into account by the decision maker.	This is main objective of our public participation and regional stakeholder forums.
12	It is suggested to enhance the participation of stakeholders in order to address all concerns of the community.	
13	It is proposed to make sure that the HPP should not be constructed prior to completing the consultation process.	It's one of PNPCA requirements
14	Question whether the feasibility study in the submitted documents is the working document or approved document? If it is approved, what is the approving level?	*(Feedback by Lao delegate)* It is official document approved in 2015, it has been updated since then to now. Thus, it is still working documents.
15	MRC has spent much money for data collection, but data seem to be not used much. On transboundary and cumulative impacts of HPP, it is appreciated for the MRC team's comments in TRR that the developer should use the right and sufficient data for assessment. In the TRR, it should be clearly mentioned which models were used to assess these issues.	To be considered in the 2nd draft TRR
16	The TRR should mention the sources of data the developer should use.	To be considered in the 2nd draft TRR
17	It is appreciated to receive the summary of the TRR but requested whether the MRCS can provide more information.	To be further discussed in following events
18	What is the status and lessons learned from the Xayaburi HPP?	Water flow and quality monitoring is being implemented under the Joint Environment Monitoring Programme with lesson learnt to be shared in 2021
19	The best way to mitigate environmental issues is to stop building dams, as supported by many scientists and environmental studies.	To be further discussed
20	Strongly agreed for Laos PDR to develop hydropower dam for country economic development but doubted on real demand for energy supply or possibility to find other sources of energy such as solar energy.	To be further discussed

	Comments, recommendations	Response, feedback and follow-ups
21	Comparing the overall data and reports submitted by the developer of Sanakham Dam, how does the quality and depth of data and information compared to previous documents/reports submitted as part of recent PNPCA processes such as Pak Lay and Pak Beng dams.	MRCS and Member Countries are working closer with GoL and developer to improve and fill data gaps for better review and impacts assessment.
22	It is a good practice to mention the likely impacts when certain standards or guidelines are not followed.	To be discussed in the TRR.
23	MRC has been implementing a pilot JEM operation of Xayaburi and Don Sahong dams in 2020-2021 to monitor the real impact, is there a possibility to wait for the result of the monitoring and the result should be used to inform the design of new project study.	The JEM experience and lesson learnt are being used as a reference for dam development on the Mekong river basin.
24	Why has Developer not used the MRC's rich data, protocol, guidelines, model, and so on? Is this meant that the SNHPP is not well-qualified or not in line with the MRC guideline. Thus, it should be dropped.	MRCS has encouraged developer to update data gaps with MRC's rich data and models.
25	Suggest the MRCS to make another chapter/topic that collect common concerns/interests of stakeholders in the report.	The TRRs always have a section reflecting public concerns and interests.
26	The MRCS organizer should provide simultaneous translation for the public.	To be considered for future events.
27	Has the SNHPP developer undertaken continuous baseline data collection on hydrology, sediment, fish migration and biodiversity and the river navigation?	Not yet. The discussion is in process regarding data gap filling
28	Are riparian communities considered stakeholders as their livelihood depends on the health of the river, and since dam building disrupts fish migration routes and sediment flow?	Yes, they are important stakeholders that's why public consultations are compulsory and necessary step of the PNPCA process.
29	The new BDS has a sustainable development framework with specific targets and traffic light evaluation framework. Please can you advise if the SNHPP will be assessed by these indicators by the MRCS?	All developments in the Mekong basin will be assessed by the BDS indicators for sustainable development strategy in the region.
	Hydrology and Hydraulics	
30	Based on the submitted document, can MRC conclude that this SNHPP can affect the annual reverse flow of Tonle Sap or not?	To be included in the TRR

	Comments, recommendations	Response, feedback and follow-ups
31	On HPP operation, if the impact assessment is not well defined, are there any mitigation measures on the impacts from HPP operation on different sectors. There is concerns on the flow along the Mekong river during the dry season.	To be included in the TRR and following discussions
32	What are the impacts of water level changes due to SNHPP and how the Government of Laos will manage them in the context of the Lao dam cascade?	
33	What is the acceptable level of water to fulfill the definition of reasonable and equitable water use? What is the meaning of reasonable and equitable?	The definition of reasonable and equitable use as well as acceptable water level are being discussed amongst member countries
34	Does the review look at hydro-peaking operation from the proposed dam? As the lowest dam in the cascade, should SNHPP have a regulation or peaking role?	
35	In the Summary of TRR, the Secretariat mentioned that the potential to alter the hydrological regime under run-of-river operation mode is a short period of time. However, the model-based results in geomorphological show that over the long time the gradually increasing of erosion and deposition in the impoundment and in downstream as well (page 31-TRR summary). In turn, the interaction between hydrological and geomorphological within the river will alter the hydrological as well. Did the Secretariat consider this issue? How to determine and definite the short-term impacts on hydrological?	To be included in the TRR and discussed in detail in next forum.
36	Does SNHPP developer continue to undertake baseline data monitoring regarding hydrology, sediment, fish migration and biodiversity and the river navigation?	MRCS is working closely with developer to fil data gap.
37	Article 5 & 6 of the 1995 Mekong Agreement states about maintaining the reverse flow of the Tonle Sap, how could dams such as Sanakham one, maintain the reverse flow of the Tonle Sap? Indeed, it will change the hydrological regime of the Mekong. How would the MRC address this to the Government of Laos?	To be discussed further
38	Request the Government of Laos and developer to extend the study area of hydraulic model further downstream till the Kang Khud Kut area.	Noted and proposed to GoL
39	Low flow analysis and impact is missing. Extreme low flow level during 2015/16 and 2018/19 should be considered in the analysis to assess transboundary impacts	To be considered in the TRR

	Comments, recommendations	Response, feedback and follow-ups
	and develop operation plan to mitigate the impacts during emergency/severe drought.	
40	Will the Lao PDR government or operator in the future share the operational flows and storage of the dam with MRC in order to use the dam also to improve flood and drought management downstream?	
	Sediment and river morphology	
41	How will Government of Laos and the developer manage sediment releases and morphological changes downstream to the Lao-Thai border?	To be included in the TRR
42	After 1 year of Xayaburi HPP operation, are there any study/result on the sediment trap in this HPP? What are the lessons learned from the sediment depositions monitored in the JEM in the XBR impoundment and will they be used in the SNHPP?	Lesson learnt on Xayaburi is being discussed and shared in the upcoming event
43	Please explain why erosion occurs from 50-70 km upstream of the SNHPP as presented in the TRR.	
	Water quality and aquatic ecology	
44	How to maintain the water quality to ensure the fish population viability?	
45	How does the Government of Laos plan to protect the free-flowing river (e-flow) to protect the ecosystem downstream of the dam and up to Vientiane?	To be followed
46	CSOs concern on issues that deep pools have become shallow, irregular water level fluctuation, bad water quality during dry season (moss), loss of some fish species, reduction of agriculture production for farmers living along river.	Note and considered in the TRR
47	What is the impact on biodiversity?	To be included in the TRR
48	What study has the MRCS done on the e-flow? can you clarify what exactly needs to be considered to carry out a comprehensive assessment?	
49	How will the environmental conservation be ensured?	
50	Can a Thai study on biodiversity be included into the assessment (review)?	To be discussed further
51	Why did not the MRCS's TRR mention the ISH work done on the environment?	To be considered in the TRR
52	It is too early to talk about water quality problems whether it is acceptable or not at this stage. The cumulative impact assessment is not assessed sufficiently.	CIA is included in the review process

	Comments, recommendations	Response, feedback and follow-ups
53	On the environmental flow, is there any MRC guideline to address this issue?	
54	Suggest having a comprehensive assessment on the impact on environment.	To be included in the TRR
55	What will happen with the water temperature and quality changes after the turbines? How can it be made acceptable for fisheries migration?	
56	The SNHPP environmental flow needs to be in line with the Xayaburi dam. Has this been considered?	
	Fisheries and fishpass	
57	How will the dam be operated to ensure up and downstream fish migration?	
58	The project cost is 2,073 million UDS, how much will fish passage cost (%) to the total project cost?	
59	Upstream Fish Migration: • The proposed water flow 6.6m3/s at fishway entrance is it for year-round or dry season (low river flow) or rainy season (high river flow)? Please clarify this? We suggest to developer to reconsider water flow volume? • In order to attract and pass fish to fishway entrance need to use water flow greater than 300m3/s. The proposed water flow 6.6m3/s and the proposed fishway entrance >1km from the proposed Dam, how will migratory fish population sustain? Please clarify?	To be explained in detail in the TRR
60	Downstream Fish Migration • There is a need water velocity > 0.3m/s to allow fish egg and fish larvae drift downstream to complete their fife circle. The proposed 81Km impoundment, how will developer maintain the water velocity> 0.3m/s to sustain migratory fish population? Please clarify? • What is survival rate (%) of fish larvae pass through spillway and turbine?	
61	Please elaborate restoration program in the proposed mitigation measure.	
62	How will transboundary fishery resources affected, and impacts on food security and nutrition and livelihoods?	To be included in the socioeconomic impact review
63	What are the mitigation measures for impacts on fishery, agriculture and tourism etc.?	To be included in the TRR

	Comments, recommendations	Response, feedback and follow-ups
64	Recommend MRC to conduct more study about impact on fish species.	Noted and to be considered
65	What are the mitigation measures on impact to fishery?	To be included in the TRR
66	Any study related to the fish migration on the efficiency of fishway?	To be considered in the TRR
67	Does project study about impact on fish larvae in the downstream? And how much fish larvae migration to the dam site?	Yes. It's included in the TRR
68	Is there any study on the obstruction of downstream fish larvae migration?	
69	There are a lot of studies from Xayaburi HPP. These should be shared with others as a baseline.	MRCS is working on an event to share experience and lesson learnt for hydropower projects
70	Suggest to include the studies on fish conservation zones done between Thailand and Laos carried out by the Thai NGO into the impact assessment.	Noted and to be considered
71	It is a concern that although fish can successfully pass the dam, but its behaviour could be changed, how can this change be assessed?	To be included in the TRR
72	Suggest the developers or Government of Laos to consider the cumulative impact assessment on fishery and other in general.	CIA is included in the review. Noted and proposed to GOL.
73	Are there any lessons learned from the JEM fishes can pass through the fishpass?	Lesson learnt is being documented and will be sharing soon.
74	There have been extensive scientific studies which conclusively state that fish migration routes are essentially impossible to address the hundreds of fishes' migration. How can fish migration be addressed properly, knowing that the 100s of different species have different needs? How can a dam then be sustainable?	To be discussed further and followed.
75	Based on previous experiences of dam constructions in Lao PDR, did the fishpass help fish migrate upstream?	Lesson learnt is being reviewed and documented
	Dam safety	
76	Considering the closeness to the Lao-Thai border, is there any clear information on dam break studies and contingency planning?	To be proposed to GoL and included in the TRR
77	Have there been consultation with Thai authorities and local communities on safety protocols so far?	To be discussed further with GoL, due to covid, some national consultations have been delayed.

	Comments, recommendations	Response, feedback and follow-ups
78	How will the MRC's "Hydropower Mitigation Guidelines" be applied to hydropower projects?	The MRC's Hydropower Mitigation Guidelines, which include three technical volumes, address a range of known risks during hydropower development through an assessment of five major themes (river hydrology and downstream flows, geomorphology and sediments, water quality, fisheries and aquatic ecology and biodiversity, natural resources, and ecosystem services.) Hydropower developers, their consultants and relevant government agencies can make use of these technical guidelines to help optimize benefits and mitigate social and environmental impacts from hydropower projects throughout their lifecycle, especially the volume 3 of case study, which explores on the cascade operation and management aspect.
	Navigation	
79	Are all the locks of the hydropower plants in the cascades on the Mekong mainstream similar?	The developers should follow the MRC PDG for example about the size of the ship lock of: 120mx12mx4m (length/width/depth) The developers are encouraged to have similar arrangement of the lock equipment to avoid any confusion for the users.
80	When should the second lock line be considered to be added?	According to the MRC PDG 2009, the construction of a second line of parallel locks should be considered when the number of lockages per year reaches at least 80 percent of

	Comments, recommendations	Response, feedback and follow-ups
		the total maximum possible yearly lockages over a period of 3 successive years.
81	Regarding the filling and emptying system of ship lock, between the 16 kN vs 10 kN (the latter recommended in PDG), what are the likely negative impacts of having it at 16kN?	Using the ship lock is the balance between lockage time and lockage safety. The design should conform to the requirements for maximum transit times and allow for the smooth and safe lockage at the same time. The requirement of 10kN is to make sure that the filling is not too fast to create any wave that can shake the boats inside the chamber especially the small ones.
	Socioeconomics	
82	How can mitigation measures be developed, in particular for transboundary measures? Make sure that there are studies on the impact mitigation on the downstream communities.	To be included in the TRR
83	It is suggested to conduct transboundary impact assessment on socio-economic and environment of downstream.	Noted and it's included in the TRR
84	Data is always not sufficient. This project is very closed to Thailand and will impact to the Thailand side, the closer, the more impact. For example, since Xayaburi HPP's operation there has been no information sharing between the two countries (Thailand and Laos) yet. There is no warning system to the local communities. There is no law due to this issue. There is a gap on the compensation.	To be considered in the TRR. MRCS is working closely with developer to address data and information gap.
85	On the completeness of submitted documents, it seems focus only on technicality, but not on social impact on downstream of project. This project should be postponed and conducted in more detail.	The socioeconomic review will consider multi dimension impacts in connection with other factors.
86	Propose to do the project in Pak Chom location because this will get more benefit to Thailand.	Noted
87	There should be an integrated platform for data exchange amongst the HPPs for cumulative assessment.	MRCS is working on such an event.

	Comments, recommendations	Response, feedback and follow-ups
88	Is there a transboundary compensation mechanism under the SNHPP at national and regional level? How are the developer and Government of Laos going to compensate the impacts of SNHPP and other HPPs on downstream communities, particularly in Cambodia?	TRR will review transboundary impacts and propose recommendations including the safety and sustainable aspects.
89	Are riparian communities considered stakeholders, as their livelihood depends on the health of the river, and since dam building disrupts fish migration routes and sediment flow?	Yes, they are. Public concerns and interests are important in considering the impacts to environment and livelihood.
90	Heritage Impacts Assessment - HIA must be included from the beginning. It is to safeguard both natural & cultural heritage. This is the rights of future generations.	Noted and to be discussed further and followed.

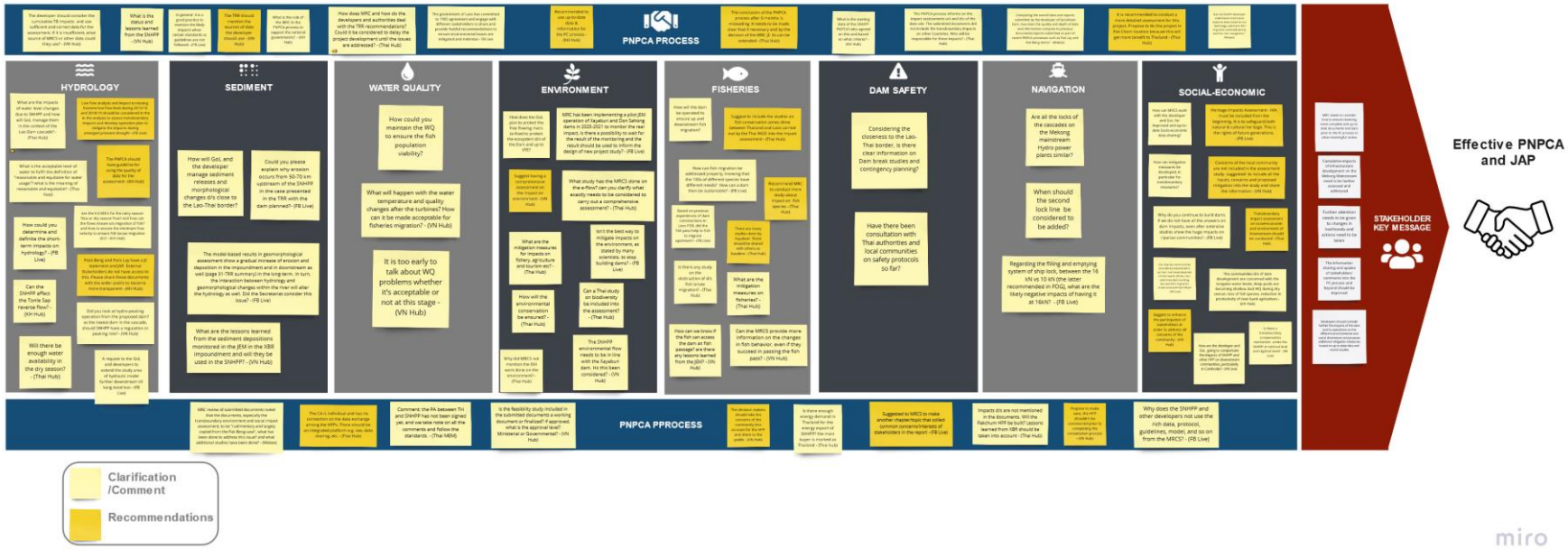

Figure 1. Snapshot of comments and suggestions

IV. Conclusion and next steps[4]

This forum is just one of many steps during the prior consultation process for the Sanakham Hydropower Project. More follow-ups will be conducted to discuss further comments and suggestions raised at the forum, through national consultations, JCWG meetings, technical meetings with developers. They all have been documented, reported and will being reflected in the upcoming 11th Regional Stakeholder Forum.

Some key points for further discussion and consideration are:

- ***Purposeful review***: MRC needs to consider how to ensure receiving more complete and up-to-date documents and data prior to the PC process to allow purposeful review.
- ***Meaningful participation***: The information sharing and uptake of stakeholder's comments into the PC process and beyond should be improved.
- ***Substantial cumulative impacts***: Cumulative impacts of infrastructure development on the Mekong mainstream needs to be further assessed and addressed
- ***Ensured food security and livelihoods***: Further attention needs to be given to changes in livelihoods and actions need to be taken
- ***Practicable mitigation measures***: Developer should consider further the impacts of the dam and its operation on different environmental and social dimensions and propose additional mitigation measures based on up-to-date data and recent studies.

Key milestones of the Prior Consultation for the proposed Sanakham Hydropower Project

Official starting date	30 July 2020
1st JCWG meeting on SNHPP PC	30 July 2020
1st technical meeting with developer	August 2020
1st draft TRR	October 2020
1st Regional Stakeholder Information Sharing and Consultation	24 November 2020
2nd draft TRR	30 December 2020
2nd technical meeting with developer	January 2021
2nd JCWG SNHPP PC	15 January 2021
3rd draft TRR	28 February 2021
National information sharing in notified countries and national meeting in notifying country	October 2020 – April 2021
2nd Regional Stakeholder Consultation	end of April – beginning May 2021
3rd technical meeting with developer	April 2021
3rd JCWG on SNHPP PC	06 May 2021
Final TRR	20 May 2021
Special JC Session	17 June 2021

[4] Note these plans are being revised based on the COVID-19 outbreak situation.

• Completed Reply Form from notified countries • Final TRR • Statement with a set of measures to **avoid**, **minimise** or **mitigate** potential Tb impacts	
Post PC Process: development and implementation of JAP	June 2021 onward

V. Agenda of the 10th RSF

AGENDA
The 10th MRC Regional Stakeholder Forum
Information Sharing & Consultation on the proposed Sanakham Hydropower Project

24 November 2020
Teleconference hosted by MRCS in Pakse, Lao PDR

08.30	Registration - 4 meeting hubs Pakse, Siem Reap, Bangkok, Hanoi - MRC Facebook livestream - Webex videoconference	
09.00	Welcome remarks (10')	*MRCS CEO*
09.10	Opening remarks (10')	*Government of Lao PDR*
09.20	Forum's Objectives (5')	*OCEO, MRCS*
MRC'S PRIOR CONSULTATION PROCESS UNDER THE PNPCA AND THE 1995 MEKONG AGREEMENT		
09.25	Overview and benefits of the PNPCA under the overall MRC procedural framework and the 1995 Mekong Agreement Implementation of previous Prior Consultation Processes and progress of implementation of the Joint Action Plans of Pak Beng, Pak Lay and Luang Prabang Hydropower Projects Objectives and Roadmap for the Prior Consultation of the Sanakham Hydropower Project	*Planning Division, MRCS*
INTRODUCTION OF THE SANAKHAM HYDROPOWER PROJECT		
09.40	Overview of the Sanakham Hydropower Project (20')	*Ministry of Energy and Mines, Lao PDR*
10.00	Q&A Discussion	*All*
10.30	Coffee break	
PRELIMINARY VIEWS FOR THE TECHNICAL REVIEW OF THE PROPOSED SANAKHAM HYDROPOWER PROJECT		
10.45	Sharing views of stakeholders on the proposed hydropower project	

11.00	Highlighting preliminary views of the Sanakham Hydropower Project – (1) hydrology - sediment (2) water quality - environment – fisheries – socioeconomics (3) dam safety - navigation	*Technical Support Division & Environment Division & Planning Division, MRCS*
11.45	Q&A Discussion	*All*
12.00	Lunch break	
13.30	Continued discussion	*All*
14.00	Key message from GOL regarding the proposed Sanakham Hydropower Project, in response to views raised	*Lao PDR*
14.30	Next steps on engagement and communication plan within the Prior Consultation Process for the proposed Sanakham Hydropower Project (15')	*OCEO, MRCS*
14.45	Closure of the 10th Forum (15')	*MRCS CEO*
15.00	**END OF 10th MRC REGIONAL STAKEHOLDER FORUM**	

Mekong River Commission Secretariat
P.O. Box 6101, 184 Fa Ngoum Road Unit 18,
Ban Sithane Neua, Sikhottabong District,
Vientiane 01000, Lao PDR
Telephone: +856 21 263 263 Facsimile: +856 21 263 264
www.mrcmekong.org