

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: 19 June 2017

3. Replying Ministry/Agency:

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5. Name of the Proposed Use/Project:

The Pak Beng Hydropower Project (PBHPP), Lao PDR.

6. Location of the Proposed Use:

The PBHPP is located in the upper reach of the Lower Mekong River about 14 kilometers from Pak Beng Town in Pak Beng District of Oudomxay province, Lao PDR.

7. Nature of the Proposed Use:

Intra-basin use on the Mekong mainstream during wet and dry season

8. Date of receipt of the documents

20 December 2016

9. Reply to the Proposed Use

In response to the Procedures for Notification, Prior Consultation and Agreement (PNPCA), the Thai National Mekong Committee Secretariat (TNMCS) carried out tasks/activities in compliance with the PNPCA process and its regional roadmap. All related documents on the PBHPP provided by Lao PDR through MRCS were distributed to concerned implementing agencies, and subsequently several inter-departmental meetings were later held to discuss, review and make assessment on those documents. The Technical Review Report (TRR) had been jointly reviewed and assessed by members of the JCWG, together with concerned agencies, to figure out practical solutions and measures for minimizing associated risk and foreseeable impacts from the PBHPP toward the lower Mekong ecological balance and Thai people. In addition, The TNMCS organized four National Information Sharing Meetings on the PBHPP to share information that received from the LNMC through MRCS and gather all concerns raised by representatives of local stakeholders living in the eight provinces along the Mekong River during 9 February 2017 – 18 May 2017. Finally, the meeting of the Thai National Mekong Committee was held on 15 June 2017 to discuss the result of the above combined reports and to provide policy guidance and some recommendations on the PBHPP.

The Royal Thai Government respects the sovereign equality and territorial integrity of Lao PDR enshrined in the 1995 Mekong Agreement, and fully realizes of how important the PBHPP is playing in the sustainable development path of Lao PDR, which has been recognized by all MRC member countries that it is based on the mutual benefits of all members for the utilization, conservation and management of the Mekong River water and its related resources.

Due to the physical characteristics and location of the project, the proposed PBHPP, however, has raised several concerned issues, particularly, on certain possible negative transboundary impacts to the Thai local people and their communities both upstream and downstream from the project site. In this regard, it is sensibly and logically for all concerned parties to expect that appropriate approach and mitigation measures to minimize those impacts will be considered by Lao PDR.

The followings are key concerned issues, together with some suggestions and recommendations for further improvement and better management of the PBHPP contributing to sustainable development of the lower Mekong River Basin:

9.1 Backwater effects and hydrology.

- (1) There have had very high level of concerns over the backwater effects from the operation of the PBHPP to Wiang Kean, Chiang Khong, and Chiang Saen districts of Chiang Rai Province. These possible impacts include higher risk and frequency of inundation and damages to the river banks and in-land communities, agricultural areas, seasonal vegetable productivity along the river bank and tourism, in particular at the Kaeng Pha Dai, Ban Haui Luek village and the upstream reach of the Ngao and Ing river mouth areas, tributaries of the Mekong River.
- (2) Thai stakeholders have raised concern over sudden fluctuation of water level changes from combined operation of the PBHPP and the Chinese dams which is very likely to have greater threat to the river ecological balance and habitat, fisheries, tourism, the seasonal crop growing, and local cultures and traditions.

9.2 Fisheries and fish passage facility. Great concerns on these issues have been addressed as follows:

- (1) The structure of the PBHPP and the design of its fish passage may not be suitable and effective with the following possible negative consequences; (1) the structure may block local fishes migrating upstream and downstream, resulting in a significant decrease in a larger number of seasonal fish migration in both the upstream and downstream areas and a loss in its natural habitat and spawning ground areas. These impacts might

eventually cause declining fish stocks which in turn posing a significant threat on Thai local fisheries and food security in the region. In addition, (2) the design of fish passage facility may not be suitable and effective enough for accommodating upstream and downstream fish migration, taking into account its size and a variety of species existing in the region. Essentially, it may be the threat to block the main fish migration route of Mekong giant catfish (*Pangasianodon Gigas*) as an example, which may eventually have potential driving this endangered specie to extinction.

- (2) More detailed study on environmental and transboundary impacts on fisheries should be carried out, especially in the upper reach of Chiang Rai Province of Thailand. Fish sampling sites should be more added to cover more areas in Chiang Rai Province. The result of such study will be able to build up MRC's clear knowledge on the Mekong fish diversity and species, and of how to design environmentally friendly fish passage facility.

9.3 Sediment and ecological changes. The impacts of possible accumulated sedimentation of the river bed load and suspended sediment load causes concerns by the local stakeholders toward alteration of the Mekong river morphology and natural ecological system. These impacts may eventually lead to the loss of natural food chain and degraded food security.

9.4 Some recommendations.

- (1) Jointed study on impacts of the backwater effect to Thailand, river ecological system and fishery shall be carried out, and to be in line with the Article 7: Prevention and Cessation of Harmful Effects and Article 8: State Responsibility for Damages specified in the 1995 Mekong Agreement.
- (2) Jointed monitoring and communication system shall be given highest attention for establishment focusing on transboundary issues, namely; flow regime changes from the Chinese dams operations and the BPHPP, fishery management, and changes in people livelihood and socio-economic perspectives.
- (3) The designed structure of the PBHPP shall be at least in line with the MRC Preliminary Design Guideline, PDG.
- (4) Affected local people shall be encouraged and receive supports for greater access to MRCS information and data system. In addition, awareness raising among affected local people and communities are urgently needed to prepare and to assist them in adapting themselves for possible changing situation and livelihood.