

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:** April 2011
3. **Replying Ministry/Agency** (Name, mail/e-mail address, telephone, fax): Ministry of Natural Resources and Environment, 92 Phahonyothin Soi 7, Phayathai, Bangkok 10400, Tel. (66) 2271 6000 ext. 6602, Fax (66) 2298 6605
4. **Contact person/facilitator** (Name, mail/e-mail address, telephone, fax): Mr.Burachat Buasuwan, Department of Water Resources, 180/3 Rama 6 Road, Soi 34, Samsen-Nai, Phayathai, Bangkok 10400, burachatster@gmail.com, Tel./Fax (66) 2271 6165
5. **Name of the proposed use/project:** Xayaburi Hydropower Project
6. **Location of the proposed use:** On the Mekong Mainstream, Xayaburi Province, Lao PDR
7. **Nature of Proposed use:**
 - Inter-basin diversion from the mainstream during wet season
 - Intra-basin use on the mainstream during dry season
 - Inter-basin diversion of the surplus water from the mainstream during dry season
8. **Date of receipt the documents:** 22 October 2010
9. **Reply to proposed use:**

In response to the notification on Proposed Xayaburi Dam Project, TNMC had organized 3 national public consultations and 1 summary meeting in Mekong basin, Thailand. All stakeholders' concerns are summarized as follows:

1. Regarding SEA, which is the useful tool in providing technical data and information to the stakeholders, the public views that it should not only emphasize on hydropower dam but should also cover the impact assessment of Mekong tributaries development. Moreover it should clearly determine all other options. As the large area of river bank will be affected by the development of the project, SEA should include the data on current river bank land-use. The economic comparison advantages to the livelihood of the people between the current situation and after the construction and operation of the project should also be conducted.

2. Concerning the issues of Fisheries and fish migration, the participants are of opinion that the construction may cause the loss of local fishes and wetlands which

will lead to the adverse impacts to the livelihood of people who almost solely depends on Mekong river resources. Regarding to fish ladder, the current model cannot accommodate fish migration in term of number and species. To mitigate this issue, it should be re-designed to accommodate the nature of fishes in the Mekong River.

3. On sediment issues, the participants proposed to allocate budget to support rehabilitation of deep pool in the Mekong River affected by sediment allusion.

4. The details of mitigation measures both in terms of methodology and responsible organization are not clearly identified. Furthermore, the environmental impact assessment did not significantly delineate the impacts on ecosystem and the flow regime as well as the transboundary impacts to Thailand. Therefore, they proposed that the project should allocate the budget from the benefit sharing to establish compensation fund to cope with the damage which may occur according to the construction and operation of the project. In addition, it must be ensured that the minimum low flow will be strictly maintained, especially during the dry season as well as a management of flow in wet season.

5. For disclosure of data and information, the participants proposed that governance should be applied. Thus, all reports including EIA which translated into Thai language should be distributed to local people in advance. Furthermore, the operational data and relevant information should also be made available to the Mekong River Commission Member Countries.

6. Finally, the participants are of views that the sustainability of the project is still questionable. And due to insufficient information for consideration, they also proposed to extend timeframe of PNPCA, not be stricted at 6 months.

.....