

**URGENT**

No. 0606/ 1759



Thai National Mekong Committee  
Department of Water Resources  
180/3 Rama 6 Rd., Soi 34  
Phayathai, Bangkok 10400, Thailand  
Tel/Fax : (66) 2271 6165

19 April B.E. 2554 (2011)

Dear (C.O),

**Re: Thailand Response to a Notification of Proposed Xayaburi Dam Project**

Reference is made to MRCS letter L-OSV-766/10 dated 19 October 2010 on a notification of proposed Xayaburi Dam Project by the Government of Lao PDR. Thailand acknowledged the receipt of the notification according to 1995 Mekong Agreement.

Taking into account the potential benefits and contribution of the proposed Xayaburi Dam Project to Lao PDR and the region as a whole, we wish to inform you that the Royal Thai Government is fully aware of how the project plays its important role in development path of Lao PDR. Meanwhile, we have concerns on the way of life of the people who live along the river both in the upper and lower part of the Project. We are of view that the quality of life and all benefits they have received should be maintained and improved afterwards. Therefore, we would like to enlighten you that public views and concerns are well taking into consideration as they are the beneficiaries of the Project who share resources of the same river. In this connection, Thailand has held a number of national public consultations at different locations during January-February 2011 according to the MRC Procedure for the Notification, Prior Consultation and Agreement. Their views and concerns were reflected in the Format for Reply to Prior Consultation as attached.

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 in making any decisions towards the implementation of the Project. We also anticipate that in moving the Project forward, the precaution measures should be conducted for the sake of  
/the betterment...

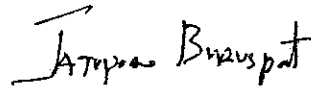
Enclosure: Annex II (B) MRC PNPCA Form/Format for Reply to Prior Consultation

Chief Executive Officer  
MRC Secretariat  
180 Fa Ngoum Road, Unit 18  
Ban Sithane Neua, Sikhottabong District  
Vientiane 01000, Lao PDR

the betterment of the environment in our 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 kindly request the Mekong River Commission Secretariat to convey our response and concerns about a notification of the Proposed Xayaburi Dam Project to Lao PDR. Your kind cooperation in this matter would be much appreciated.

Yours Sincerely,



Mr. Jatuporn Buruspat  
Director General  
Department of Water Resources  
Secretary General, Thai National Mekong Committee Secretariat  
Alternate 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:** 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 Buasriwan, Department of Water Resources, 180/3 Rama 6 Road, Soi 34, Samsen-Nai, Phayathai, Bangkok 10400, [burachatster@gmail.com](mailto: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.

.....

