

No. 1412 (TNMCS)/2036



The Thai National Mekong Committee Secretariat  
Office of the National Water Resources  
89/168-170 Vibhavadi Rangsit Rd.  
Lak Si District, Bangkok 10210

22 April B.E. 2562 (2019)

Dr. An Pich Hatda  
Chief Executive Officer, MRC Secretariat  
184 Fa Ngoum Road, Unit 18  
Ban Sithane Neua, Sikhottabong District  
Vientiane 01000, Lao PDR

Dear MRCS CEO,

**Re: Thailand response to a Prior Consultation of the Pak Lay Hydropower Project**

Reference is made to TNMCS letter No. 1402/867 dated on 20 February B.E. 2562 (2019) regarding to a submission official reply form of Thailand in responding a Prior Consultation of the Pak Lay Hydropower Project.

In this regard, we would like to inform you that there is a minor change on the Thailand official reply form on 9.5 Mitigation and remedial measures, which is changed from "Compensation and remedial fund..." to "Endowment fund..." The revised official reply form enclosed herewith for your reference and further action.

Please be assured of our full cooperation.

Yours sincerely,



(Mr. Somkiat Prajamwong)

Secretary - General of Office of the National Water Resources  
Secretary-General of the Thai National Mekong Committee Secretariat  
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:** February 2019

3. **Replying Ministry/Agency:**

**Name:** Office of the National Water Resources, Prime Minister Office

**Address:** 89/168-170 Vibhavadi Rangsit Rd., Lak Si District, Bangkok, 10210

**Telephone:** +66 (0) 2521 9140-8

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4. **Contact person/facilitator:**

**Name:** Pradab Kladkempetch

Assistant to the Secretary-General

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**E-mail Address:** pradab\_kla@hotmail.com

5. **Name of the proposed use/project:**

The Pak Lay Hydropower Project (PLHPP)

6. **Location of the proposed use:**

The PLHPP is located about 30 kilometers in the upper reach of the Mekong River in Pak Lay District of Oudomxay Province, Lao PDR.

7. **Nature...**

## **7. Nature of the proposed use:**

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

## **8. Date of receipt of the documents**

12 July 2018

## **9. Reply to Proposed Use**

In accordance with the Procedures for Notification, Prior Consultation and Agreement (PNPCA), the Thai National Mekong Committee Secretariat (TNMCS) has carried out tasks/activities in compliance with the PNPCA process and its regional roadmap. All related documents on the PLHPP provided by Lao PDR. through MRCS were distributed to concerned implementing agencies, and several inter-departmental meetings were later held to discuss, review and make assessment on those documents. The Technical Review Report has been jointly reviewed and assessed by concerned agencies to figure out practical solution and measures for minimizing associated risk and foreseeable impacts from the PLHPP toward the lower Mekong ecological balance and Thai people. The TNMCS organized three National Information Sharing Meetings on the PLHPP to share information and gather all concerns raised by national and provincial authorities, local governments, private sector and local people networks living in eight provinces along the Mekong River during 9 November 2018 – 22 January 2019. The followings are key issues of concerns and some suggestions for further improvement and better management of the PLHPP, thereby contributing to sustainable development of the lower Mekong sustainable development:

### **9.1 Fisheries and fish passage facility.**

Several great concerns on these issues have been addressed as follows;

- (1) The designed fish passage facility may be neither suitable nor effective enough for accommodating upstream and downstream seasonal fish migration, concerning, in particular, its type, size and a variety of species, which can possibly cause a decline in natural fish stocks and, as a result, might pose a significant threat to Thai local fisheries and food security in the region.

(2) Additional...

- (2) Additional study should be undertaken in terms of effects from cascade dams toward fish and fisheries, aquatic ecology in the upstream and downstream areas.
- (3) The lessons learnt from the effectiveness and efficiency of the Xayaburi fish passage operation and monitoring to the development of PLHPP should also be taken into consideration

#### **9.2 Hydrological and ecological changes.**

- (1) There is a deep concern regarding abnormal hydrological changes to downstream communities, causing foreseeable risk for tourism, river bank agriculture and sudden inundation.
- (2) It is recommended that additional studies be conducted on trans-boundary impacts on the river ecology from cascade dam operation comprehensively and systemically.
- (3) Monitoring and information sharing for Hydrological and hydraulic changes from cascade dams are suggested.

**9.3 Dam safety.** It is suggested to having a simulation model covering dam safety and risk area scenarios, early warning, and mitigation measures.

**9.4 Socio-economic.** Further study and analysis on trans-boundary and cumulative impact assessments toward downstream areas are highly recommended. These include clear identification of mitigation measures for those affected.

**9.5 Mitigation and remedial measures.** Endowment fund should be established, including concrete mitigation measures by the developer for relieving the affected people socially, economically and environmentally in line with Article 7 “prevention and cessation of harmful effects”, and Article 8 “state responsibility for damages” under the 1995 Mekong Agreement.