

**Dam the Precautionary Principle, We are in a hurry!**  
**Minister clears a project which has been categorically rejected by majority Standing Committee of the NBWL**

Wildlife Clearance to Demwe Lower is not just an issue of clearance, but a test of sorts. The 1750 MW Demwe Lower on River Lohit in Arunachal is no ordinary dam. If it comes up, it can change the course and the way of a river which has flown unfettered for millennia. It will lead to extreme flow fluctuations in the downstream, at the trijunction of Lohit, Siang and Dibang and much further downstream, right upto Dibrugadh in Assam and perhaps even further. Lohit river basin will have as many as thirteen dams, Demwe Lower being the last in the cascade of seven on the main Lohit River, proposed at an ecologically significant site just where the river meets the floodplains. EIA, Basin Study and a Study about impacts of peaking on the downstream Dibru Saikhowa National Park have been conducted so far. Of course none of this happened *suo*

*motto*, a number of organizations and individuals rallied hard for this. And none of these studies have been conducted by a multidisciplinary team of experts with community involvement; the Lohit Basin Study and Impact of Peaking study on Dibru Saikhpwa National Park have been done by WAPCOS, an agency known for its serious conflict of interest and severe limitations about dealing with wildlife issues. A number of organisations and individuals raised serious objections about both these studies, SANDRPs critiques can be seen at: [Comments on WAPCOS Study on impact of hydropoeaking on dams in Arunachal Pradesh on Dibru Saikhowa National Park](#). The project has received an Environmental Clearance and the fate of downstream (and upstream too, as the so called 'Run of River' scheme has a submergence of 23 kms) hinges on the Wildlife clearance from the National Board for Wildlife.

To get a picture of the possible impact on the fauna and flora, particularly globally threatened species such as the Bengal Florican, the MoEF constituted a team of National Board for Wildlife (NBWL) representatives Dr. Asad Rahmani, Director, BNHS and Mr. Pratap Singh, CCF (Wildlife), Arunachal Pradesh Forest Department "on the feasibility of the proposal" through a site assessment study. The study took place for three days in November 2011 when the committee travelled the entire length from Demwe site to DSNP and met a number of stakeholders, including the VPs of Athena Demwe, the private dam company building the Demwe Lower (also two more dams on Lohit), District collectors and Forest officials.

Looking at several serious concerns raised by a number of wildlife experts, NGOs, individuals across the country, this site assessment will be a crucial factor in the final decision making related to Demwe Lower.

**Dr. Asad Rahmani: "Under no circumstances should wildlife clearance be given based on current information/impact assessment reports".**

In the 24<sup>th</sup> Meeting of the National Board for Wildlife, under the Chairpersonship of Hon. Minister Jayanthi Natarajan (13<sup>th</sup> December 2011), **ALL the NBWL Standing Committee Members who spoke have Categorically Rejected Demwe Lower project**. Some have been so blunt as to say that **we will not put our signature on this project**.

Will the Chairperson overrule the opinion of ALL these members?

Dr. Asad Rahmani's submission is a clear statement of the facts and ambiguities in the present situation. He clearly states "the presently available downstream impact assessment reports do not provide us adequate information to take a decision to grant or reject wildlife clearance to the project on the aspect of downstream impacts," but prima facie there seem to be several

serious impacts on many globally threatened, critically endangered and endangered animals and ecosystems and he categorically states that "under no circumstances should wildlife clearance be given based on current information/impact assessment reports". He has stated at a number of places that flow fluctuation of 70 cumecs and 1729 cumecs in a single day in lean season is envisaged to have negative impacts on the entire biodiversity as well as social systems in the region. Though some of the extreme fluctuation may get attenuated (it will still be very severe) by the time it reaches Dibru Saikhowa National Park, the Important Bird Area (IBA) of Lohit starts immediately downstream of the dam, at Brahmakund bridge.

He exercises the precautionary principle wisely, calls for a detailed multidisciplinary study regarding impact of flow fluctuations and diurnal variations, recommends a team of experts from Arunachal and Assam to study impact on endangered and iconic species like Bengal Florican and Gangetic Dolphins and reiterates that "Under no circumstances should a decision regarding clearance to Demwe Lower be taken before their inputs are received on the detailed downstream impact study about to be completed soon."

He recommends for:

- "Rejection of a mega hydropower project at the present site of the Demwe Lower project at Parshuram Kund to protect an ecologically sensitive stretch of the lower reaches of the Lohit river and its tributaries in close proximity of Kamlang sanctuary (the only Protected Area in

Lohit and Anjaw districts). Dropping the project will also help maintain a degree of longitudinal connectivity between the plains and uplands, considering the fact that a cascade of seven large hydroelectric projects proposed on the main Lohit river will lead to a serious fragmentation of the river. This will also help protect the environment in and around the cultural heritage site, Parshuram Kund.”

- An independent consortium of scientists/groups should be set up to peer review the existing reports on Demwe Lower, identify gaps for additional study, and conduct the necessary additional studies within the next 2-3 years.
- A decision regarding wildlife clearance should be taken after the process outlined in above is completed. Under no circumstances should the above mentioned process be carried out post-facto.
- Since flow variations will take at place at Dibru-Saikhowa National Park, permission should also be sought under section 35 (6) of the Wildlife (Protection) Act, 1972 from the Chief Wildlife Warden, Government of Assam.

**Mr. Pratap Singh, Chief Conservator of Forests, Arunachal Pradesh: “Downstream impacts of the project can be studied simultaneously if the project is approved as corrective measures, including flow regime variation, will be possible post –facto.”**

**Mr. Pratap Singh, CCF, Arunachal Pradesh, decided to submit a separate report. Looking at the extreme divergence in his views with Dr. Rahmani, it is not surprising. Mr. Singh’s report, who is the Chief ‘Conservator’ of Forests is shocking, to say the least.**

As the Chief Conservator of Forests and associated wildlife in one of the most biologically diverse and rich states in the country, the CCF was expected to uphold the **precautionary principle** as much as he could. What we see is exactly the opposite, while Mr. Singh goes on to question Dr. Rahmani’s mandate about addressing issues like First user rights and impacts on communities, he has by far exceeded his mandate by stating repeatedly that the project should be approved and “studies can be undertaken simultaneously and if impacts are found to be immitigable by other means, water flow can be suitably modified to minimize the impacts.”

- Was lobbying for the project a part of Mr. Singh’s mandate? How can range of social and ecological impacts of fluctuations as high as 70-1729 cumecs be mitigated by any way other than changing the flows??
- He also defends the WAPCOS study, which has been found to have very serious issues related to authenticity of data and integration of wildlife

issues, by saying that though WAPCOS has conducted no field studies to back their report, “the study has primarily modelled the river flow regimes and is relevant in that perspective”. However, the mandate of the study was to study the impacts of peaking of the dams on the three rivers on Dibru Saikhowa National Park, and not modelling of river flows. How can such a study be conducted without even visiting and considering the ecology of the National Park and how can a CCF support this?

- The point Mr. Singh has repeatedly made in his submission is that the project should be approved and studies about downstream impacts, diurnal fluctuations should go on simultaneously. He even goes on to the extent of saying that “some of these impacts can be studied only after the actual diurnal fluctuations take place”, suggesting that even for studying impacts, the project should be approved! This is blatant lobbying for the Demwe Lower project and cannot be considered as an objective or neutral stance.
- He has raised this point for defending several serious concerns pertaining to endangered and globally threatened wildlife like the Bengal Florican and also Chapories downstream of the Demwe Lower Dam site.
- Even with a little bit of pragmatism, it is clear that projects once sanctioned, with PPAs signed and in place will never change their peaking operations to benefit downstream ecology. Could Mr. Singh share a single example of this happening anywhere in the country? On the contrary, we have evidence from all across the country that projects do not release even the legally binding eflows (Avay Shukla Committee report, HP which shows that for all 11 > 100 MW hydel plants assessed, NONE was releasing the stipulated 15% average flows downstream). So how does Mr. Pratap Singh assume that the project proponents will agree to change the peaking operations, which are said to be the main profit earners of these dams? Who will take this responsibility? And in the absence of this, how can a CCF leave precautionary principle to the winds and actually recommend approving the project where downstream impacts on ecology and livelihoods are evidently so severe?

He says that points related to Parshuram Kund ( cultural impacts) are outside the mandate of the site assessment committee, but he himself goes on to defend the project proponent about water releases to the kund during festivals, indicating indirectly that there will be impacts on the cultural site. The dam site is hardly 1-2 kms from Parshuram kund, where this year thousands of devotees came for the holy bath during

Sankranti. He also goes on to reiterate the PPs demand to increase financial allocation to Parshuram Kund, thus implying that cultural issues can be handled just by increasing financial allocations from 2 crores to 10 crores.

- Most shockingly, the only contribution he makes towards conserving DSNP and the Chapories on Lohit is suggesting that “Dibru-Saikhwa National Park has two unauthorized villages having 27 sq Km area located within it. If these villages are shifted out by offering suitable package, the vacated area can soon become suitable habitat for many of the species. Similarly, wildlife habitats on other Chaporis upstream in Arunachal part can be made available by removing illegal occupants on the Chaporis.”
- Looking at the fact that this is the only wildlife management strategy that a CCF can think of is extremely disturbing. In any case, individual and community rights of the forest dwelling communities who have been living in DSNP and Lohit Chaporis for decades have to be ascertained according to Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and simply their eviction will not be just, fair or legal. Even if we do evict the entire population on traditional dwellers, as per Mr. Singh’s suggestion, (we oppose any such proposition, though), flow fluctuations will still affect the park negatively. It is also very shocking to see that Mr. Singh demands for further multidisciplinary studies to study downstream impacts, but very easily recommends eviction of traditional dwellers from forest villages, in the absence of studies about their resource use impact on habitat.

**By committing all these serious blunders of commissions and omissions, Mr. Singh has given all the reasons to discredit his report.**

**Arunachal Pradesh Government: “As such clearance to the project may be accorded.”**

**Arunachal Pradesh Government has also submitted a rejoinder**, mainly to counter points raised by Dr. Asad Rahmani. This was expected and not surprising. Unfortunately, Arunachal Pradesh Government has not tried to be objective about the facts. It seems as if the state government, after accepting Rs 93 crores as up front processing fees for Demwe Lower Project, is compromising its constitutional duties of protecting the interests of the state, its environment, its people and its indigenous populations. The state government also has statutory duty in terms of public hearings, giving consent to establish and operate and also giving first stage clearances, but it is now seen only as a supporter of the project.

- The Arunachal Pradesh Govt Report has singled out Dr. Rahmani’s report, which as he has

stated was based on a number of reports, site visit and also submissions that NBWL had received from organisations and individuals across the country about Demwe Lower. AP govt, in the first stroke has alleged that the “the report was pre-meditated and there are questions even on its neutrality and objectivity.” This is attributed to the fact that some of the line of argument is similar to one raised in a petition submitted to NEAA (NGT).

The moot point here is not whether any points made in Dr. Rahmani’s report are similar to ones raised in NGT or not, but whether they are true or not. But truth does not seem to be a concern here.

- The report makes blanket and irresponsible statements like “The apprehensions of Dr. Rahmani that water level variation due to Demwe Lower HEP peaking will have major impact on Dibru-Saikhowa National Park (DNP) are hypothetical and alarmist in nature without either any study or precedence. It is found that no significant impacts are foreseen on the DNP due to its distance of 100 km from the Dam site.” This is a blatantly wrong statement. Even the WAPCOS report on Effects of peaking of upstream dams on DSNP states that: The maximum water level fluctuation in DSNP during lean season peaking will be 0.78 meters that is 2-3 feet and a number of wildlife experts have claimed that this will have substantial impacts on the park. In any case, it is not only the DSNP which is of ecological importance, but also the entire Lohit stretch downstream of Demwe Lower, as it enters the floodplains as well as Chapories in the river, which will be affected by the extreme fluctuation.
- The AP govt recommends here that “Impacts prima-facie seem to be mitigable, either by adopting some engineering/biological measures etc., or by modulating peaking flows of the project, there is no justification for holding the NBWL clearance.” Can the AP govt share any engineering/biological methods which can mitigate impacts of 90 cumecs -1729 daily fluctuations on an IBA and proposed Ramsar site with globally threatened biodiversity, without changing flows? Please also note that in Mr. Singh’s submission as well as AP government’s submission, changing the flow regime is stated as the last option.
- Regarding points about Bengal Florican and Lohit Chapories, AP Govt is very happy to toe the line of Mr. Pratap Singh, of giving permissions first and then think of modifying flows (only if there are no other options!). We have seen that this will be impossible after permission is granted. In any case, WAPCOS is

conducting the downstream impacts study and knowing the pro large dam stance of WAPCOS along with its inability to deal with wildlife issues, little can be expected from this study.

- AP Govt also goes on to advise Dr. Rahmani that “The need is to look beyond the narrow interpretation of animal and plant biodiversity and think of people who are as much a part of the same biodiversity and need green and clean power for their sustainable development.”

Ironically, the same Govt. did not even bother to include the impacts of flow fluctuations on the downstream communities in Arunachal Pradesh in the pre clearance conditions. AP govt has stated that in the study of riverine islands and tracts of the Lohit river that there is extensive human use of the area - agriculture, livestock rearing, grazing, fishing, navigation, both permanent and floating populations of people. However, this was not a part of the pre clearance study, but will be studied as post clearance impact. So much for sustainable development of people!

- On the crucial aspect of downstream impacts, AP govt says that they will be confined only to lean season (which is not true, they will only be more severe in the lean season). It also goes on to make an extremely unqualified and unscientific statement that “low lying flood plains in Brahmaputra basin would be positively impacted of increased availability of water during non-monsoon peaking hours that would support winter agriculture.” Surprising to see that the state felt no need for any ‘studies’ that it has been advocating so volubly in case of flow fluctuations to be eligible here?
- In the end, as expected, the AP govt has recommended the project for clearance.

It is pertinent to note here that these three reports were discussed at the 24<sup>th</sup> Meeting of the National Board for Wildlife, under the Chairpersonship of Hon. Minister Jayanthi Natarajan on the 13<sup>th</sup> of December 2011. PCCF and Principle Secretary, Arunachal Pradesh were also present at the meeting. They raised the same points as mentioned in AP govt’s submission and initially put forth a number of non-wildlife issues for consideration.

Significantly, ALL the Standing Committee members present at the meeting who have been minuted, with the exception of the Chairperson, have:

- Categorically supported Dr. Rahmani’s Report,
- Found serious lapses in Shri. Singh’s report, including not upholding precautionary principle, and
- None of the SC members have indicated any support for Demwe Lower Project.

- On the other hand, they have raised several additional issues like absence of cumulative impact assessment study for Lohit, inadequacies in the WAPCOS report, impact of communities in the downstream, etc.
- The members have also indicated that the once clearance is issued for the Demwe Lower the lowest project in the cascade of projects, the proponent always pushes for upstream projects by saying that the lowest project will not be viable without clearing those in the upstream.

So now, Demwe Lower is a test. Do we really abide by norms like participatory and sustainable development, informed decision making after all due studies done in credible and independent manner, or are we happy to take the easy way out and take decisions which will change a river and a region for ever, from where there is no turning back?

All available information overwhelmingly suggests that the wildlife clearance for the Demwe Lower project should be rejected. The Hon. Minister, at the end of NBWL Meeting has said that “the issue cannot be delayed any further”. We only hope that the decision thus taken will respond to the urgency and gravity of the situation.

**Shockingly, as we finish this report, Demwe Lower has indeed received Wildlife Clearance, despite of all evidence pointing against it.**

To top this, the Ministry has recommended that Cumulative Impact and Ecological Impact Assessment Studies for the project will be done by IIT Roorkee. The MoEF itself is yet to accept the erroneous [Cumulative Impact Assessment Report done by AHEC](#), IIT Roorkee on Upper Ganga Projects. The clearance letter also states that the report will not precede the project, but will go on ‘concurrently’.

The ministry seems to be hell bent on pleasing all private hydropower companies. Recently it gave clearance to 300 MW Badrinath (Alaknanda) project by GMR in Uttarakhand, which was rejected twice by FAC, and negatively recommended by WII and now its sanctioning a project rejected by all independent NBWL Members, which will have impacts on downstream communities, ecosystems and future generations and their ability to cope with Climate change. All for hydropower generation benefits, which are questionable.

This decision is likely to face bigger opposition in North East than what the lower Subansiri is facing now.

- **Parineeta Dandekar and Himanshu Thakkar**  
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