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சுற்றுமடல் நீதிக்கான கேந்திர நிலையம்
Centre for Environmental Justice



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24th July 2018

Director General,
Central Environmental Authority,
104, Denzil Kobbekaduwa Mawatha,
Battaramulla

Dear Sir,

Subject: Comments on Proposed Lower Malwathu Oya Project

Centre for Environmental Justice is a public interest environmental organization based in Sri Lanka established in 2004. We herewith send our comments to the above EIA under the request for public comments as per the National Environment Act, No 47 of 1980.

Main objectives of the project are to reduce the flooding in the Malwathu Oya basin and increase the water availability in Giant tank and Akathimuruppu tank and thereby increase the crop production. In that point of view the project is favorable as the area has been suffered from flooding and droughts time to time. But it seems that people living in the area seems to have a different point of view.

“Out of the sample of 129 households that are located in the proposed inundation area, 99% of the people are strictly opposed to the proposed project since they did not wish to be relocated from their present location“. They believe that rather than building a large reservoir, rehabilitation of small tanks would be much effective. Most of the tanks has been encroached or silted and some are covered with aquatic or semi aquatic plants. Most of these tanks do not have a proper sluice or spill gates to regulate the water levels. Their argument can be true as this small tank system has been prevailing in the area for a long period of time and it existed in a sustainable way. However, this resistance can be common fact whenever, people are being relocated.

The project will inundate 4044 ha of land upstream of the dam site and the area immediately downstream of the dam will be developed as irrigated lands and resettlement areas. Approximately 60-70% of the area identified for inundation is covered with natural habitats such as Dry mixed evergreen forests, riverine forests and thorn scrub that shelter many floral and faunal species. Justifying them as degraded forest areas, due to chena cultivations practiced time

to time is not acceptable. In addition to that 810 ha will be cleared for new cultivations and 277 ha for resettlements. **At Least 5131 ha of forests will be cleared due to the project.**

The project is close proximity to the Wilpattu National Park, which is located approximately 6-8 km to the West of the project affected area. The proposed resettlement site is located adjacent to the Wilpaththu NP. This will affect the Wilpaththu national park negatively. This will create an opening for illegal activities such as timber felling, hunting etc. In addition to that, the proposed elephant corridor runs through the resettlement area separating the land into two. If elephants actually use this corridor there is a high risk of creating a human elephant conflict. Proposed new cultivation areas are also located close to the forest areas where elephants reside and they will come to croplands to eat paddy and other crops. **Therefore the project will escalate the human elephant conflict and it should be well addressed if the project is going forward. It is better, if a solution can be given beyond elephant fences.**

A total of 158 houses are located in the inundation area accommodating at least 600 people. Drinking and domestic water scarcity is one of the main difficulties faced by the local community in the area. According to the survey 75 % of the labour work is available within the project site. Therefore during the relocation, they probably will have to go through lot of hardships in fulfilling their necessities including food and water. Their issues should be well addressed as it is a key factor in project implementation.

EIA report states that there are no flood dependent ecosystems such as villus in the flood plain of Malwathu Oya. The Wilpaththu national park which is the closest Villu ecosystem covers 454 km² of the Kala Oya basin and receives water from four other river systems.¹ **Therefore this effect of reduced flood on villu ecosystem has to be fully assessed in the EIA report.**

The river section between Tekkam anicut and Arippu does not receive any major inflows during the first 20 km. This part of the river flows through a forested area and many wild animals can be effected due to difficulties in finding sufficient water. **Malwathu Oya supports a unique fish fauna including the critically endangered *Labeo lankae* and this fish community can be disappeared due to insufficient water level.**

The project recommends Department of Wildlife Conservation to a establish a new entrance to Wilpattu National Park near Tantirimale town the by providing infrastructure such as improving the access road to the proposed entrance and establishing the entrance including the proposed buildings. The purpose of the new entrance is to increase the number of visitations to the park. However we believe that this will bring negative impacts. More vehicles will travel to the park and this will disturb the wildlife activities unnecessarily. **Therefore we oppose this suggestion to set up a new entrance to the Wilpaththu national park.**

¹ National Wetland Directory of Sri Lanka

The area supports **three** endemic flora species and **twenty** endemic fauna species. Out of these *Labeo lankae* (Orange fin labeo), a fish species found in Malwathu Oya is listed as a nationally Critically Endangered (CR) species.

At present, only Maha season is cultivated and water level of both giant tank and akathimurippu tank goes down rapidly during Yala season(12420 ha). With the implementation of the project both seasons Yala and Maha will be cultivated and crop productivity will increase. This will bring new industries to the area ex:- rice processing and it will bring development to the area. Improvement in aquaculture is also another benefit due to the project.

Even though, the power generation from the project is not significant (1 MW) **it will contribute to the renewable energy production of the country** fulfilling the future energy demands. Therefore the project can be considered as emission free.

Giant tank scheme consists 162 minor tanks which are balancing tanks for the irrigable area. Therefore storing water at Giant tank and releasing towards a minor tank system is an excellent irrigation concept. This process will be further enhanced through this project. Therefore **this project is not an entirely new project idea but further developing of the existed irrigation system. With the emerging effects of climate change, developing the irrigation system of the country seems to be a wise decision.**

In conclusion, due to the massive loss of forests (at least 5131ha) this project is going to bring more negative impact compared to the positive impacts. In addition to that sufficient alternatives have not been identified. Due to above mentioned reasons we oppose this project.

Thank you

Yours sincerely

**Indika Rajapaksha
Environment Officer,
Centre for Environmental Justice**