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சுற்றுடல் நீதிக்கான கேந்திர நிலையம்  
Centre for Environmental Justice



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15<sup>th</sup> December 2018

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

**RE- Comments on Supplementary Environmental Impact Assessment (SEIA) for the Yan Oya Reservoir 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 section 23 BB of the National Environmental Act.

Forest resources, especially in the dry zone of the country is under lot of pressure due to irrigation projects implemented in the past few decades. Moragahakanda Kalu ganga multipurpose development project was the most recent example. Moragahakanda have destroyed at least 4000 Ha in both reservoir location, Resettlement site and Kavudulla. This is more than what was approved under the EIA process.

Under proposed Lower Malwathu Oya reservoir project at least 3715 ha of forest would be lost.

In the past several years Irrigation infrastructure project are the most responsible agency for the forest destruction in Sri Lanka. This was clearly found during the REDD readiness project. The total loss of annual forest cover in Sri Lanka was found 8000 Ha during this study.

When climate change has become the most important environmental crisis in the work and when the Global Climate index 2018 report that Sri Lanka is the second highest affected country in the world ( Secretary Mr Anura Dissanayake already witnessed this document at COP 24) it is highly unacceptable to cut forest again and again in the name of irrigation development in the country to justify water for climate affected dryzone.

We are already aware that at least Six(6) climate financed project are happening in Sri Lanka and the government of Sri Lanka justify all of them under climate vulnerability of the country. So this forest destruction anyway cannot justify.

We are already aware that the forest area referred under this EIA has already been cleared and this EIA has no meaning. This is already a violation under the EIA regulations under the National Environmental act. We believe that CEA should take legal action against the responsible person and agencies.

Having said that we state following specific comments and observations.

Under the Yan oya reservoir project 1438 ha of forest is to be lost in the inundation area alone under the 2013 EIA. In addition to that a considerable area of forest would be lost during the resettlement, canal preparation, establishing new cultivations, soil borrowing areas and development of infrastructure etc.

EIA report prepared in 2013 estimated the number of families to be resettled as 546 and identified 407 ha for the resettlement purposes. The crisis started with the decision to relocate the people who only lost their paddy lands instead of giving them only paddy lands. This increased the families to be resettled up to 1181 and the required area to be around 1500 ha.

The resettlement sites proposed in the EIA report for the Anuradhapura district included Thekkawatta (a government owned teak plantation) and Nithurugollawa (a scrubland, abandoned chena cultivation area) whereas Kajuwatta, an abandoned cashew plantation was selected for resettlement in Trincomalee district.

According to the EIA report prepared in 2013, there was more than the necessary amount of land available for resettlement.

**Table 1-2 Available and required extents of lands for resettlement**

DS division	Available lands (ha)		Required extent* (ha)		Balance of lands (ha)	
	Irrigable	Highland	Irrigable	Highland	Irrigable	Highland
Horowpathana	375	526	202.2	44.0	172.8	482.0
Gomarankadawala	275	106	102.6	58.8	172.4	47.2
<b>Total</b>	<b>650</b>	<b>632</b>	<b>304.8</b>	<b>102.8</b>	<b>345.2</b>	<b>529.2</b>

\*\*Required extents were calculated for families identified in Table 1-1 using the formula approved by the Secretary to the Ministry of Irrigation and Water Resources Management (0.6 ha (1.5 acres) of irrigable lands and 0.4 ha (1.0 acre) of highlands per family). (EIA, 2013)

Within the identified lands, there was a balance lands area of 345 ha of irrigable land areas and 529 ha of highlands. We believe that there is enough lands even with the latest decision to relocate partially affected families, the additional requirement is manageable with previously identified

lands. However, SEIA does not provide any details on whether people have been settled in the previously selected sites or accepted previous irrigable areas.

The new SEIA September 2018 have identified four resettlement sites amount 261 Ha and 1933 Ha land for irrigable areas. This means total forest area of 2194 ha of rich dryzone forest will be destroyed under the new request by the Irrigation Department/Ministry of Irrigation and water Resource Management under this Yan oya project.

The resettlement will happen in the areas namely Omarkanda [RSS1](109 ha) ,Wahalkada D6/D8[RSS2] (116 ha), Malporuwa Resettlement Site [RSS3] (30 ha)and an additional area for Kajuwatte Resettlement site (6 ha ). Altogether this amounts to 261 ha.

According to the Satellite images given in the SEIA these sites are heavily forested areas and bordered to forests. According to the SEIA almost all these sites are already been partially cleared for construction of houses. We believe this is ILLEGAL and a deliberate act to justify grabbing this forest under this EIA.

However it does not justify as a reason to exploit the rest of forest. These are forest department owned lands and we raise the question whether forest department has given such authority to construct houses in these lands. If not how the project destroyed them. We believe that the Forest Department should act against this violation.

Six irrigable areas also has been identified, three under right bank canal and other 3 under left bank canal(1933 ha) dry-mixed evergreen forest is the typical dry zone forest found in the proposed irrigable areas as well. Irrigable areas 4 and 5 are located in the middle of a forest.

Technical Evaluation Committee (TEC) has given following directives in selecting sites for resettlement during the previous EIA in 2013.

“1. Considerable extent of land area will be inundating for the proposed reservoir. Therefore, minimized the effects for forests in selecting resettlement sites.

2. If the proposed resettlement sites are situated within the deep forest area, after the resettle the evacuees with the time it will clear jungle for their human activities and this will definitely effects to reduce and disturbed the forest area.”

**It clearly evident that these directives has been neglected in the New SEIA. In addition to that these two irrigable areas are likely to block the elephant movements in the area and exacerbate the human**

**elephant conflict. In our previous visits we have noticed more 300 elephants are roaming around this area.**

The recommendation sector state

“Escalation of human-elephant conflict is the next most significant arise due to the implementation of the proposed activities that will negate the expected socio-economic benefits from project. Proposed irrigation areas 4 and 5 are of particular concern in this aspect as they are located in a sparsely populated region that is heavily used by elephants.”

This is a clear problem in most new housing schemes and the Ministry of Housing already the Central environmental Authority to assist with them to minimize the HE conflict is new housing projects in some areas.

**Therefore this is a very significant negative impact, however the experience around the country shows that proposed Electric fence is not suitable solution.**

The EIA state

“A total of 263 plant species including 13 endemic, 232 indigenous and 18 introduced species were recorded in all habitats identified as resettlements or new irrigable areas. Fifteen plant species recorded during the field survey are listed as Nationally Threatened species while a further 16 species are listed as Nationally Near Threatened. However, none of the recorded plant species are unique or restricted to the project affected area.

“Total number of 229 faunal species was recorded in the project area representing butterflies, dragonflies, inland fishes, amphibians, reptiles, birds and mammals. This included 14 endemic species. Further, the faunal assemblage included 15 species that are listed as Nationally Threatened species (2 Critically Endangered, 5 Endangered species and 8 Vulnerable species). A further 16 species are listed as Nationally Near Threatened. The faunal assemblage recorded in the project area also included two species of exotic fish and three species of migrant birds that inhabit forest habitats.”

**Above data shows that the sites seems to be very critical for the both Fauna and Flora and further studies are very necessary for any decision. Having 2 Critically Endangered, 5 Endangered species and 8 Vulnerable species is a very significant threat to the biodiversity in the area.**

According to SEIA, many of the affected persons have refused to relocate to the main resettlement site selected for the Yan Oya project, namely Kajuwatte. However the EIA report in 2013 states

“Propose resettlement and irrigable areas are also situated 7-9 km from their original settlements. After completion the project will connect all these areas by newly developed irrigation systems and road networks of the proposed Yan Oya project. According to the survey results over 75% evacuees prefer to resettle in these propose resettlement areas. Therefore, the project management should take necessary action to acquire this land area in discussion with the relevant authorities and develop it as a resettlement site. “

Therefore, the project proponent, irrigation department should be held responsible for making vague decisions and clearing the site without the agreement of people and without a proper social impact assessment. Central Environmental Authority should also be responsible for authorizing such actions.

Once again we reiterate that

1. the Project developer has done number of violation of the EIA approval given for the Yan Oya irrigation project under the 2013 Environmental Impact Assessment.
2. These violations should be subject to proper legal action by the Central Environmental Authority under the provision of the NEA.
3. Under this SEIA we request the project proponent to clearly provide the details of previous resettlements done and justify the necessity for new sites. Otherwise we are in the view that this request for new land is an effort to harvest the timber resources available and acquire more lands unnecessarily.
4. We believe this SEIA has not justify the need of destroying new forest lands. If necessary they should identify non forest areas or Forest plantation for this purpose.

We further propose a joint site inspection prior to the approval by the project developer, EIA Technical team, the civil society organizations/public commented on the SEIA before any decision taken.

Thank you.

Indika Rajapaksha -Environmental Officer

Hemantha Withanage- Executive Director