

## SOUTH ASIA NETWORK ON DAMS, RIVERS AND PEOPLE

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September 2, 2010

To  
Shri Jairam Ramesh  
Union Minister of State for Environment and Forests (IC),  
New Delhi

Respected Sir,

I have just seen your letter dated Aug 18, 2010 to Orissa Chief Minister on the above subject, uploaded yesterday on MEF website.

1. Your letter says that the Forest Clearance has been given to the Polavaram Project on July 28, 2010 is subject to the condition, "... no submergence and displacement of people including STs take place in Orissa and Chhattisgarh...". However, this condition is in complete contradiction with the environment clearance given by your ministry on Oct 25, 2005, which says in para 2, "Total 1,93,35 persons are likely to be affected by this project, out of that 1,75,275 persons in Andhra Pradesh and 6,316 persons from Orissa and 11,766 are from Chattisgarh." It is clear the condition of no submergence and displacement on Orissa and Chhattisgarh, stated in your letter, in the Tribal Development Ministry's condition, and in the forest clearance letter is in complete contradiction with the environment clearance given by you. One of them have to be cancelled due to this contradiction, we would like to know, which one would be cancelled.

2. This condition of no submergence or displacement in Orissa or Chhattisgarh is based on the proposal to construct embankments along the respective rivers in Orissa and Chhattisgarh. However, the proposal to construct these embankments was not part of the project that was given clearance by your ministry on Oct 25, 2005. This change in scope of the project came to light when the project went for CWC clearance (given on 23.01.2009 following flawed *in principle* forest clearance given by your ministry on Dec 26, 2008). Following letter from MEF, the Govt of AP applied for concurrence of the MEF for building embankments on 29.01.2009. The issue came up for discussion in the meeting of EAC of River Valley committee on Feb 16-17, 2009. Prior to this EAC meeting, we had sent a detailed letter on 13.02.2009 to the EAC, explaining the implications of the proposal, lack of EIA or public consultation process, how this changes the scope of the project and so on, the same is attached. It is clear from details of this letter that hundred of ha of land would be required in Orissa and Chhattisgarh for the building of embankments, for mining of materials for building of embankments, for leaving land on the banks of the river on both sides, for building approach road, for building cross drainage channels and so on. A very large portion of this land would be forest land and it would also imply displacement of the people and their livelihoods. This itself is sufficient ground to show that MOTA condition, Orissa HC condition, your condition and FC condition of no submergence and displacement in Orissa and Chhattisgarh is impossible to adhere to, and this should again be sufficient ground to cancel both the preliminary and final FC given by your minister.

3. After the EAC meeting of Feb 16-17 2009, the EAC decided on this issue, "The EAC therefore directed the project proponent to initiate suitable action requesting the appropriate authorities in Orissa & Chattisgarh for conducting public hearings in the respective states of Chattisgarh & Orissa in respect of embankment proposal and report back to the committee." I am attaching the minutes of this EAC meeting for ready reference. This decision of the EAC implies that the project needs fresh clearance for this component and since project without this component would violate the various legal norms and conditions the project also cannot go ahead without that. However, the project is yet to take these steps and if it were to take these steps it would violate your conditions of no submergence and displacement in Orissa and Chhattisgarh. It is clear that your condition of no submergence and displacement in Orissa and Chhattisgarh is impossible to adhere to and hence the FC of the project has to be cancelled.

4. Here we would like to add that the EAC decision in Feb 16-17 2009 meeting was flawed since it is clear that this was changing the scope of the project cleared earlier. So EAC should also have asked that the earlier EC be cancelled till this decision is followed.

5. The Forest clearance given by your ministry, incidentally, has a condition, namely no (x), which says, "The project authority shall maintain flow of water in the down-stream course of river equal to the normal flow of water existing in pre-dam condition". I am at a loss to understand if this condition is to be adhered to (and I assume it needs to be adhered to all round the year, in all years, since there are no qualifications in the condition), how can the dam be built or operated at all? It seems there has not been sufficient application of mind while according the final FC dated 28.7.2010, which is sufficient reason for its cancellation.

These objections to the final FC and narration of the contradictions in your letter actually gives an opportunity to revisit the project and look for better options in achieving the irrigation and water supply in project areas. Hope you will take necessary steps in that direction after canceling the flawed Environment clearance of Oct 25, 2005 (which was also quashed by NEAA in Dec 2007) and the forest clearances of Dec 26, 2008 and July 28, 2010.

I would be happy to explain these issues if necessary and will look forward to your early response.

Thanking you,  
Sd/-  
Himanshu Thakkar

From:  
Himanshu Thakkar  
South Asia Network on Dams, Rivers & People,  
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ANNEX 1

No.J-12011/74/2005-IA.I  
Government of India  
Ministry of Environment & Forests

Paryavaran Bhawan,  
C.G.O. Complex,  
Lodi Road,  
New Delhi-110003

25<sup>th</sup> October 2005

The Secretary (I & CAD)  
I&CAD Department,  
A.P. Secretariat  
Hyderabad.

Subject – Indira Sagar (Polavaram) Multipurpose Project in West Godavari  
District Andhra Pradesh - Environment Clearance regarding.

Sir,

This has reference to your letter No. CE(Hydrology)/EE-IV/DEE-II/AEE/1866/Vol-III-1, dated 10.10.2005 & subsequent letter dated 20.10.2008 on the subject.

2. The above referred proposal was considered by the Expert Committee for River Valley & Hydroelectric projects at its meeting held on 19.10. 2005. The project is intended to provide Irrigation facilities to 2.91 lakh hectares in Visakhapatnam, East Godavari under Left Main Canal and West Godavari and Krishna Districts under Right Main Canal. The project is across the river Godavari. This project besides providing Irrigation facilities in the aforesaid manner will also generate hydel power of 960 MW, divert 80 TMC of Godavari water to Krishna River for stabilizing the existing command under Prakasam barrage and provides drinking facilities to 540 enroute villages covering 25 lakhs population together with water supply to Visakhapatnam city and to industries enroute. Total land requirement for the project is 46060 hectare and out of that 3279 ha. is forest land. Forest clearance yet to be obtained. Total 1,93,35 persons are likely to be affected by this project, out of that 1,75,275 persons in Andhra Pradesh and 6,316 persons from Orissa and 11,766 are from Chattisgarh. Public hearing was held on 10.10.2005. The capital cost of the project is Rs. 9072 Crores.

3. The Ministry of Environment and Forests hereby accords environmental clearance as per the provision of Environmental Impact Assessment Notification-1994, subject to the strict compliance of the terms and conditions mentioned below –

**Part – A: Specific conditions**

i) 34500 ha. degraded area shall be brought under CAT (Biological) . In addition to this, gully plugs, check dam, percolation tanks etc. will also be done under engineering measures. The action plan for Catchment area treatment s proposed in the EMP report is reproduced below:

<b>Recommended Treatment</b>	<b>1<sup>st</sup> Year</b>	<b>2<sup>nd</sup> Year</b>	<b>3<sup>rd</sup> Year</b>	<b>4<sup>th</sup> Year</b>	<b>5<sup>th</sup> Year</b>	<b>Total</b>
<b>Biological Treatment (In ha.)</b>						
a. Afforestation and revegetation	750	1500	2250	1500	1500	8500
b. Social Forestry	1500	1500	1500	2250	2250	9000
c. Vegetative barriers	3600	3600	3600	3600	3600	18000
<b>Engineering Treatment (In number)</b>						
a. Gully plugs	700	600	600	600	600	3100
b. Rock fill dam	440	440	440	440	440	5000
c. Percolation tank	20	20	20	20	20	100
d. Check dams	60	60	60	60	60	300
e. Continuous contour benches	70	70	70	70	70	350

ii) Total 1,93,357 persons are likely to be affected by this project, out of that 1,75,275 persons in Andhra Pradesh and 6,316 persons from Orissa and 11,766 are from Chattisgarh. The project-affected families will be rehabilitated as per Andhra Pradesh Government's R & R policy –2005 and same package also should be provided for the project affected persons from the Orissa and Chattisgarh State.

iii) A monitoring committee should be constituted which must include representatives of project affected persons from SC/ST category and a women beneficiary. The committee would also attend the Grievance Redressal of the affected peoples.

iv) Commitment made during Public hearing by the project authority on different issues should be fulfilled.

v) Forest Clearance should be obtained for acquiring 3279 hectare forest land & submitted.

vi) As proposed a fish ladder would be constructed for migration of fishes.

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vii) Occurrence of stagnant pools/slow moving water channels during construction and operation of the project providing breeding source for vector mosquitoes and other parasites. The river should be properly channelised so that no small pools and poodles are allowed to be formed. Even after taking precaution, due to unforeseen situations, breeding of mosquito and resultant malaria or mosquito borne diseases can increase. If such a situation arises, it will be the responsibility of project authorities to take all corrective steps i.e. residual insecticidal spray in all the project impact area and surrounding 3 Km. area, keeping the flight range of mosquitoes in consideration.

viii) Any other clearance from any other organization if required should be obtained.

#### **Part –B. General conditions**

i) Provision of supplying kerosene or cooking gas / Pressure Cooker to the labourers should be kept instead of supplying fuel wood.

ii) Fuel depot may be opened at the site to provide the fuel (kerosene/wood /LPG). Medical facilities as well as recreational facilities should also be provided to the labourers.

iii) iAll the labourers to be engaged for construction works should be thoroughly examined by health personnel and adequately treated before issue the work permits.

iv) Restoration of construction area including dumping site of excavated materials at dam site & power house site should be ensured by leveling, filling up of borrow pits, landscaping etc. The area should be properly afforested with suitable plantation.

v) A multidisciplinary committee should be constituted with representative from the disciplines of forestry, ecology, wildlife, soil conservation, NGO etc. to oversee the effective implementation of the suggested safeguard measures.

vi) Financial provision should be made in the total budget of the project for implementation of the above suggested safeguard measures.

vii) Six monthly monitoring reports should be submitted to the Ministry and its Regional Office, Bangalore for review.

4. Officials from Regional Office MOEF, Bangalore would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection.

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5. The responsibility of implementation of environmental safeguards rests fully with the Irrigation Department and Government of Andhra Pradesh.

6. In case of change in the scope of the project, project would require a fresh appraisal.

7. The Ministry reserves the right to add additional safeguard measures subsequently if found, necessary and to take action including revoking of the clearance under the provisions of the environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time- bound and satisfactory manner.

8. This clearance letter is valid for a period of five years from the date of issue of this letter for commencement of construction work.

9. A copy of the clearance letter will be marked to concerned Panchayat, if any, from whom any suggestion/representation has been received while processing the proposal.

10. State Pollution Control Board / Committee should display a copy of the clearance letter at the regional office, district industries centre and collector's office / tehsildar's office for 30 days.

11. The project proponent should advertise within seven days from the date of issue of the clearance letter, at least in two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board/Committee and may also be seen at Website of the Ministry of Environment and Forests at <http://www.envfor.nic.in/>.

(Dr. S. Bhowmik)

Additional Director

Copy to: -

The Secretary, Ministry of Water Resources, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001.

Dr. Mallu Ravi, Special Representative of Govt. of Andhra Pradesh, Andhra Bhawan, 1, Ashoka Road, New Delhi.

Secretary, Department of Environment, Government of Andhra Pradesh, Hyderabad.

Secretary, Department of Irrigation, Government of Andhra Pradesh, Hyderabad.

The Advisor (I & CAD) Planning Commission, Yojana Bhawan, New Delhi - 110 001.

The Chief Engineer (PAD), Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi - 100062.

Member Secretary, Andhra Pradesh Pollution Control Board, Hyderabad.

CCF, Regional Office, Ministry of Environment & Forests, Bangalore.

EI - Division, MOEF, New Delhi - 110001.

Guard file.

(Dr.S.Bhowmik)  
Additional Director

## SOUTH ASIA NETWORK ON DAMS, RIVERS AND PEOPLE

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February 13, 2009

To:

**Mr. P. Abraham, Chairman,  
& All the members,  
Expert Appraisal Committee on River Valley & Hydroelectric projects,**  
c/o Dr Bhowmik,  
Impact Assessment Division,  
Ministry of Environment and Forests,  
CGO Complex, Lodhi Road,  
New Delhi 110 003

Sub: **Objections to EC for Polavaram Multi Purpose Project**

Dear Chairman and members of the EAC on River Valley and Hydroelectric Projects,

We have come to know from the agenda notes of the 23<sup>rd</sup> meeting of MoEF's Expert Appraisal Committee for River Valley and Hydroelectric Projects to be held on Feb 16-17, 2009 that the committee will be considering Polavaram Multipurpose Project in Andhra Pradesh by Government of Andhra Pradesh (No. J-12011/74/2005-IA.I) for the proposal for the construction of the embankments to protect the lands in Orissa and Chhattisgarh from going under submergence due to the proposed Polavaram project.

**We strongly oppose this application and request the EAC to reject the proposal on following grounds.**

**1. Change in scope of the project** The proposal to build this huge length of embankments was clearly not part of the original proposal for clearance for the project. The EIA and EMP used for the public hearing and also the ones submitted before the clearance given by MEF on 25.10.2005 and 25.4.2006 did not include the proposal to build the embankments now proposed to be built in Orissa and Chhattisgarh. The proposal to build the embankments changes the basic scope of the project. Hence the new project proposal must go through fresh EIA and EMP and also public hearings in all affected districts including in Orissa and Chhattisgarh as per the EIA notification of 2006, before the project can be reconsidered for EC. Hence the current application should be rejected.

**2. Land required in Orissa and Chhattisgarh** A very large area of land will be required for the embankments, which includes:

- ❖ **For Embankment** For the land on which the embankment is to be built, including freeboard, we estimate that at least 425 ha of land will be required in the two states of Orissa and Chhattisgarh
- ❖ **For mining of materials required for the embankments** over 10 million cubic meters of homogenous soil of suitable quality and at least 1.1 million cubic meters of metal (coarse and fine) is required. The mining sources for these materials are yet to be identified. However, it will require large quantity of land for mining of this material, which will be over 100 ha.
- ❖ **For muck disposal** The process of building the embankments will create huge quantity of muck, which will be in several lakh cubic meters. A very large area of land will be required for the disposal of this muck, which is yet to be identified.
- ❖ **For drainage channels** Drainage channels will have to be constructed on land side of the embankments to ensure that the seepage water and also the local rainwater is diverted to the next available stream/ rivers. Land will also be required for this.



However, there has been no process of survey, identification of the land required for all these purposes. The brief EIA note that has been submitted with the current proposal has been prepared without any ground survey. It is not known how much of this private land, how much is forest land, how much is grazing (and other common property) land and so on and what will be required and the what all will be the impacts of acquisition of use of this huge quantity of lands along the river banks. Hence the proposal needs to be rejected on these grounds also.

**3. Maximum floods and disaster management** The proposal includes having gates and pumping arrangements at some 36 places to ensure that the water from the tributaries, stream meeting the Sabari and Sileru rivers are drained into these rivers. However, this is not based on the 1-100 year High flood and probable maximum precipitation for these streams and their catchments. The assessment must include the simultaneous possibility of 1-100 year flood in the Sabari/ Sileru/ Godavari and also the tributaries meeting them. Without such assessments, the worst floods scenarios for these streams cannot be built, nor can the embankments and the drainage/ gate structures properly designed. The proposal also does not include the disaster management plans in case of a breach of embankment or non functioning of the gates/ pumps, which is very frequent, wherever embankments have been built. The proposal should also be rejected on these grounds.

**4. Social impacts** No assessment of the social impacts of building the embankment have been done. The building of embankments are bound to cause huge social impacts in terms of loss of hundreds of Ha of land (private, forest, common property lands) for the various purposes described above, in terms of flooding when the gates/ pumps do not function, in terms of lack of access to the river, in terms of additional siltation and stagnation of the river, in terms of loss of navigation to the other side and so on.

Any clearance without assessing all the social impacts would also be in violation of the clearance from the Ministry of Tribal Affairs (MOTA) dated 17.4.2007, which clearly states, "The Government of Andhra Pradesh, under the technical guidance of the Central Water Commission shall ensure that no submergence and displacement of people including Scheduled Tribes (STs) takes place in the territories of States of Orissa and Chhattisgarh and the population of these two States including STs does not get adversely affected in any manner, either by changes in drainage regime or by any kind of primary/secondary displacement." Since the huge area of land required for the embankments and other aspects will have very substantial impacts on the tribal people staying in the area, any clearance without such assessment and consent of the affected people will be in violation of the MOTA condition and also in violation of the rights of the people, National R&R policy and also the EIA notification of 2006.

**5. Public hearings in Orissa, Chhattisgarh** This proposal will entail significant social and environmental impacts in the lands of Orissa and Chhattisgarh, and a public hearing for such impacts is mandatory under the EIA notification 2006 and such public hearing has never happened. Hence the proposal does not qualify for consideration.

**6. Consent of the states of Orissa and Chhattisgarh** The embankments are to be built on the soils of these states, but there is no consent from these states for this proposal. In fact the reports of the public hearing in the states are supposed to come to the MoEF from the respective state govts, which is not the case currently. Hence the proposal does not qualify to be considered.

**7. Violation of High Court order** The proposal would also be in violation of the Orissa High Court order in WP 3669 of 2006, where the High Court has said that the AP can take up the project without any impact on any land/ village/ area of Orissa. The proposed embankments are

to be built on the lands of Orissa and will have huge impacts on the areas, people and lands of Orissa. Hence the embankments would also be in violation of the orders of High Court of Orissa and the proposal should be rejected on that count too.

**8. Violation of the FCA** Since the consent of the state govts of Orissa and Chhattisgarh is not available, it is not even clear if some of the hundreds of Ha of land required for the proposed embankment would be coming from forest land. The Forest clearance for the project has clearly stated that "In no case, there should be any submergence of forest land in Orissa and Chhattisgarh". Use of forest land for building of embankment would also be violation of the forest clearance letter and FCA. The forest clearance may be separate from the environmental clearance, but the environmental impact assessment is at least supposed to make an unequivocal statement about how much forest land would be required and impacts thereof, which is not the case in current situation. Hence the proposal does not qualify to be considered for EC as it would violate the EIA notification 2006.

**9. Impacts in Andhra Pradesh** The building of embankment will also have additional impacts within Andhra Pradesh, particularly on the area along the opposite bank of Sileru river from Orissa, where the proposal is to build the embankment on Orissa side, but not on AP side. As the brief desk top EIA note (which cannot be considered an EIA by any stretch of imagination) attached with the proposal states, the embankments can have a number of impacts, including, change in flow velocity, changes in riverbed levels due to silt deposition and consequent flood levels and so on. These changes will be experienced by the AP portion along the Sileru River, on the opposite bank from Orissa right from the beginning of impoundment and these impacts also need to be assessed, which has not been done either by the earlier EIA or the brief note attached with the current application.

**10. Efficacy of Embankments** Experience from other places (including Bihar, UP, Assam, Orissa, among others) shows that embankments are at best temporary measure for protection of the area that they are supposed to protect and also they create more problems than solve. There are serious questions if the proposed embankments are the best options for protecting the lands and people of Orissa and Chhattisgarh. There is no application of mind on this issue on the part of the project proponent (Andhra Pradesh) or others concerned at any stage. More importantly, the very people for whose protection this are supposed to be are not part of this process, or the state where these are to be created are part of this process. In this situation it would indeed be very shocking and in complete violation of the rights of the people and constitution of India if the EAC gives clearance to this proposal.

Under these circumstances, the current application should be rejected and the project authorities should be asked to redo the whole EIA, hold public hearings in ALL the affected districts and then get back with an application for fresh clearance. In the meantime, the earlier clearance granted to the project should stand revoked in view of the change in scope of the project.

We would be happy to come and explain these issues before the EAC if necessary. We will also look forward to your response on this.

I would like to request Dr Bhowmik to ensure that all the members of the expert committee gets a copy of this before the meeting of the River Valley EAC committee On 16-17 Feb 2009.

Thanking you,  
Sincerely,  
Sd/-  
Swarup Bhattacharya, For SANDRP

**RELEVANT EXTRACTS**  
**Government of India**  
**Ministry of Environment and Forests**  
**(IA-I Division)**

**Sub: Summary Record of discussions of the twenty-third (23<sup>rd</sup>) meeting of Expert Appraisal Committee for River Valley and Hydroelectric Projects constituted under the provisions of EIA notification 2006, held on 16<sup>th</sup> & 17<sup>th</sup> February, 2009 in New Delhi.**

...

Item No. 2

**Consideration of Projects**

**Dated: 16.2.2009**

...

**2.10 Polavaram Multipurpose Project in Andhra Pradesh by Government of Andhra Pradesh ? Reconsideration for EC (No. J-12011/74/2005-IA.I).**

This project was accorded environmental clearance during October, 2005. On a petition filed by Shri Laxman Munda in the High Court of Orissa the Hon?ble High Court in its order dated 22.3.2006 directed that ?it is open to the State of Andhra Pradesh to proceed with the construction of Indira Sagar (Polavaram) Multipurpose Project after complying with the requirements of all laws applicable in this regard, in such manner that no land/ village/ area situated within the territory of the State of Orissa is submerged?. Following the above order of Hon?ble High Court of Orissa MoEF communicated to the Government of Andhra Pradesh vide letter dated 25<sup>th</sup> April, 2006 that the direction of Hon?ble High Court of Orissa also may be treated as an addendum to the above environment clearance letter dated 25<sup>th</sup> October, 2005. Academy for Mountain Environics filed a petition in the National Environment Appellate Authority (NEAA) against environment clearance to this project. This project involve submergence in Chhattisgarh and Orissa also. NEAA quashed the environmental clearance as public hearing was not conducted in these two States. Andhra Pradesh Government challenged the order of NEAA in the Andhra Pradesh High Court. Andhra Pradesh High Court granted stay on the order of NEAA and allowed the construction work on the project.

The proposal was referred by Central Water Commission to this Ministry for comments for consideration by the Technical Advisory Committee (TAC) on irrigation, flood control and multipurpose projects. The TAC note circulated for this project, stated on page 15 that the State Government of Andhra Pradesh has reassured vide letter No.42137/Maj.Irrgn.I(1)/2008 dated 10<sup>th</sup> January, 2009 that by undertaking adequate measures through bunds/ embankments, drainage sluices and pumping arrangements, no land will be submerged in Orissa and Chhattisgarh and there will be no displacement of any population.

As construction of bund on the river was not considered by the then Expert Appraisal Committee, neither details were given in the EIA/ EMP report, the Ministry wanted to examine the impacts on surroundings for construction of the proposed bunds etc. As such the details of construction of bund was submitted to the Ministry for appraisal.

Shri S. Joshi, Secretary (I&CAD) gave a detailed presentation on the proposal. He stated that the scope of the project has not been changed because the height of the dam, FRL, benefits contemplated and all other project parameters remain same and unaltered. The project works are in progress and an expenditure of Rs.2239 crores has already been incurred so far on various components. The project authority has proposed embankments on Sabri river and Sileru river. Length of protective embankments is 30.20 km in Orissa and 29.12 km in Chhattisgarh. The embankments are broadly divided into three reaches depending upon the height of embankment. Under reach ?I (river Sileru), 0-10.472 km will be covered with varying height upto 10 m, reach ?II (river Sileru and Sabri) the length will be 10.472-16.43 km and the height of embankment will be between 10 m to 15 m, for reach ?III (river Sabri) the length will be from 16.43-30 km and the height of embankment will be up to 10 m. Total quantity of muck will be generated due to excavation of cut-off trenches is likely to be to the tune of 5.4 lakh cum. Out of which 2.623 lakh cum will be in Orissa side and 2.77 lakh cum in Chhattisgarh side. This muck will have useful soil for embankments to an extent of 3.48 lakh cum. The muck generation due to topsoil removal is estimated to be 4.64 lakh cum in Orissa and 5.36 lakh cum in Chhattisgarh.

Shri Joshi further stated that expenditure for construction of embankment would be costing the Government an estimated expenditure of about Rs. 600 . 00 crores, whereas the best of R & R package for few affected village population would have been only about Rs. 60.00 crores. This huge infractus expenditure has been planned due to opposition of both the States of Orissa & Chattisgarh; which would have immensely benefited the affected villages and people of Orissa & Chattisgarh.

Dr. B.P. Das has made the following observations on the proposal submitted by the Govt. of Andhra Pradesh

- (i) The reservoir to be created is likely to back up along the two major tributaries, Saberi and Sileru submerging the overbank low lands in the States of Chhattisgarh, Orissa and also in Andhra Pradesh.
- (ii) No reservoir in India has embankments in its periphery to restrict the spread, which in turn creates stagnation of water during monsoon and also deprives the reservoir of its natural yield.
- (iii) The area of submersion to be protected by embankments be indicated with their elevation from the deepest point to FRL of Polavaram (+150 Ft.)
- (iv) Although pumping is proposed, it can not be considered full proof because of the cyclonic storms. Chhattisgarh, Orissa and Andhra Pradesh experience (in

May, 1990 A.P. got 1000 mm in Kakinada in 3 days, Orissa in September, 1980 got 500 mm in 2 days) cannot be pumped out even 7-8 days.

- (v) The most important issue is large reservoirs with high spillway capacity have been constructed on Kolab (Sabari), Balimela and Lower Sileru on Sileru. These reservoirs will be required to spill design overflow in September-October during cyclones that will impinge on FRL of Polavaram. This will create much larger backwater rise, not anticipated now.
- (vi) Public hearing is mandatory in upper States for an inter-State project. No information is available in this regard.
- (vii) A lower FRL at Polavaram vis-à-vis the demerits of submersion in Chhattisgarh/ Orissa need examination.

In this connection the committee noted that CWC which is the highest competent authority of the Govt. of India has already approved the proposal of the Govt. of Andhra Pradesh for construction of embankments after taking the various relevant technical factors into consideration and after the approval given by the CWC, the Govt. of Andhra Pradesh approached the Ministry of Environment and Forests for environmental clearance for construction of Embankments.

The committee also noted that the present proposal is for the construction of protective embankments along the Rivers Sabari and Sileru with a view to avoiding any land submergence in the states of Orissa and Chhattisgarh, as directed by the Hon'ble High Court of Orissa. It also noted the project was already given environmental clearance for the other components during 2005 and construction of embankments now proposed does not change the scope of the project which was cleared earlier.

It was also noted that the concerned authorities of Government of Chattisgarh and Orissa have not been informed about construction of embankment on Sabri and Sileru River on the banks located in these two States. It was not clear to the committee, how the construction of embankment is possible without co-operation from the concerned authorities of Governments of Chattisgarh & Orissa. However the Committee noted the submission made by the Secretary (I&CAD) that earlier efforts made by the Govt. of Andhra Pradesh with the concerned authorities in Orissa and Chattisgarh to conduct public hearings in the respective states did not yield any responses in the past.

After critically examining all the environment related issues, the committee agreed with the technical content and contentions of proposal to construct embankments in Orissa and Chhattisgarh over small sections of tributaries (Sabari and Sileru river and their tributaries.). This is also the requirement of the decisions taken by various Courts of Law and to avoid submergence in Orissa and Chhattisgarh by other competent authorities. The Expert Appraisal Committee while agreeing to the proposal, however, finds the statutory requirement of public hearing as mentioned in the EIA Notification, 2006 was not conducted in Chattisgarh & Orissa. The EAC therefore directed the project

proponent to initiate suitable action requesting the appropriate authorities in Orissa & Chattisgarh for conducting public hearings in the respective states of Chattisgarh & Orissa in respect of embankment proposal and report back to the committee.

**The minutes of 23<sup>rd</sup> EAC meeting are confirmed.**

**(P. Abraham)  
Chairman**

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