

# Erosion of Ethics: A Case of Hydropower EIA Reports in Nepal

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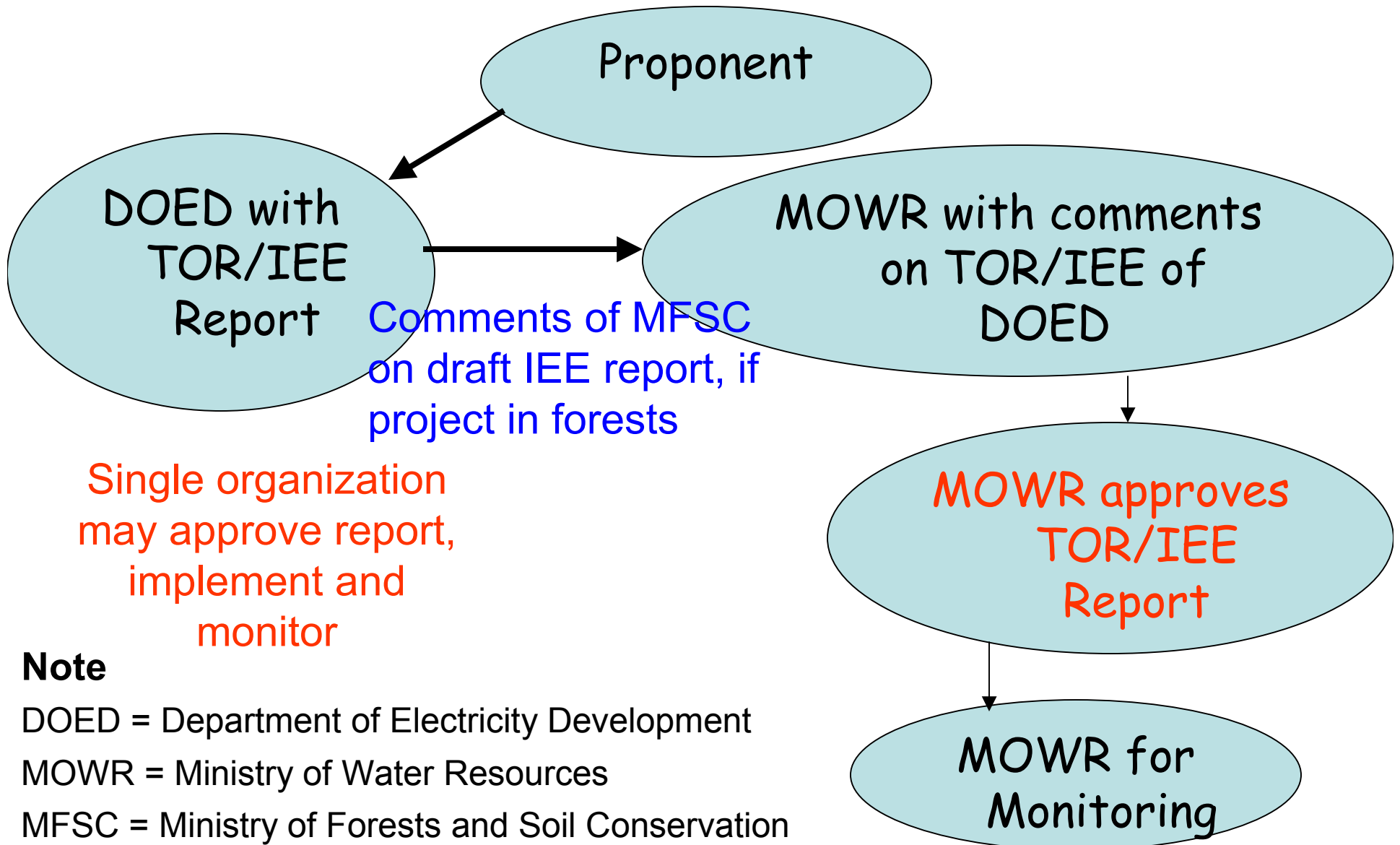
# Introduction

- National development policy to promote usage of EA in early 1980s and policies continue to current plan period (2002-2007)
- Implementation of national EIA guidelines (1993), and separate EIA guidelines for forestry and industry sectors (1995)
- Legal provisions on EA (IEE and EIA) report preparation and approval process in the Environment Protection Act (1996) and the Environmental Protection Regulation (1997)
- Projects requiring EA based threshold, investment, sensitive areas and general criteria

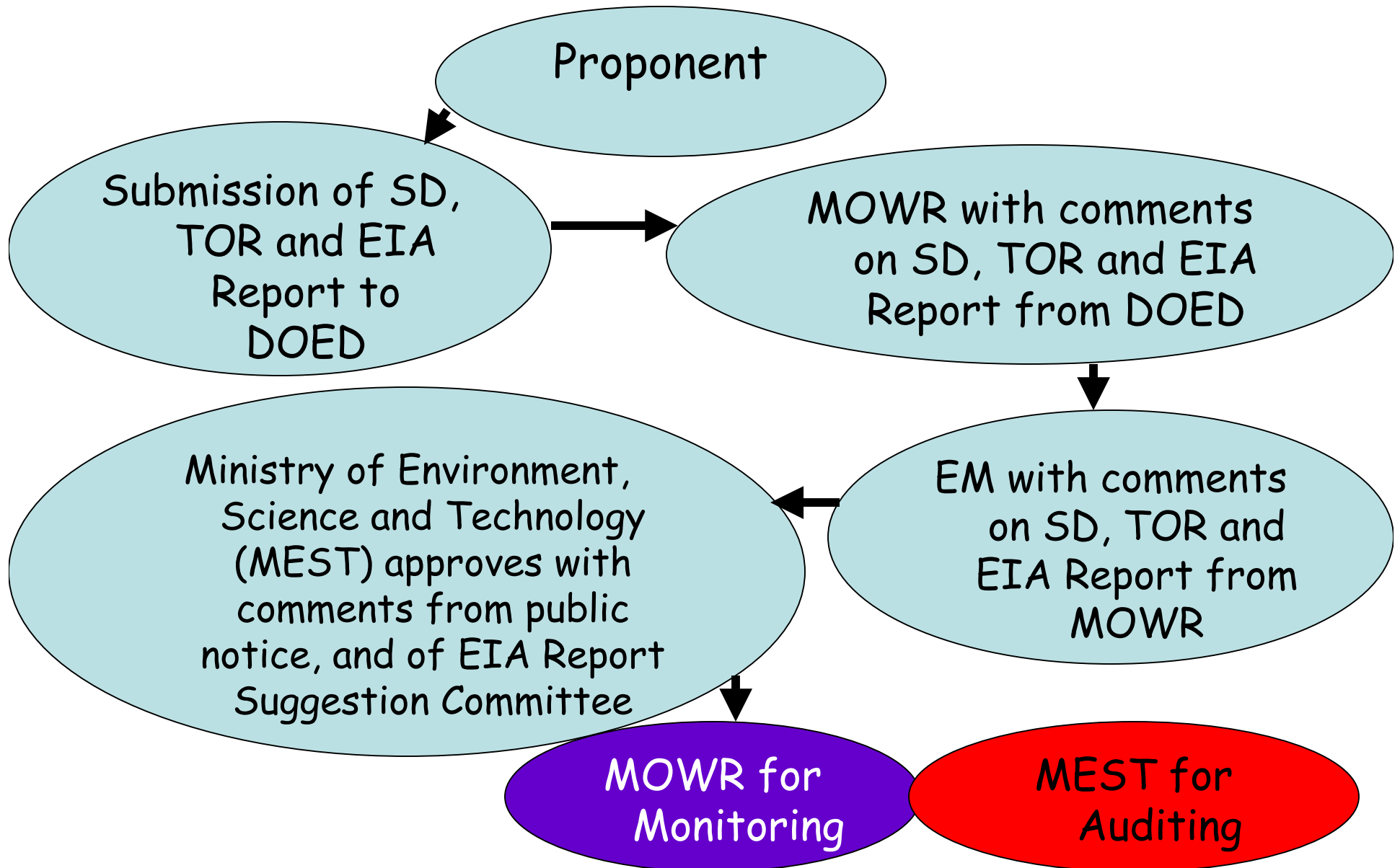
# Introduction ...

- Legislation provides format for EA report
- Proponents are complying with the legal provisions
- Approval of EIA reports of over 40 projects legally by April 2005
- Low level of understanding about the benefits of EA
- Inadequate knowledge and skill on aspects to be included in EA reports
- Accreditation for EA report preparers yet to be in place
- Quality control mechanism yet to be in place
- Increased practice of submitting copied EIA reports – erosion of ethics of some EA practitioners and professionals

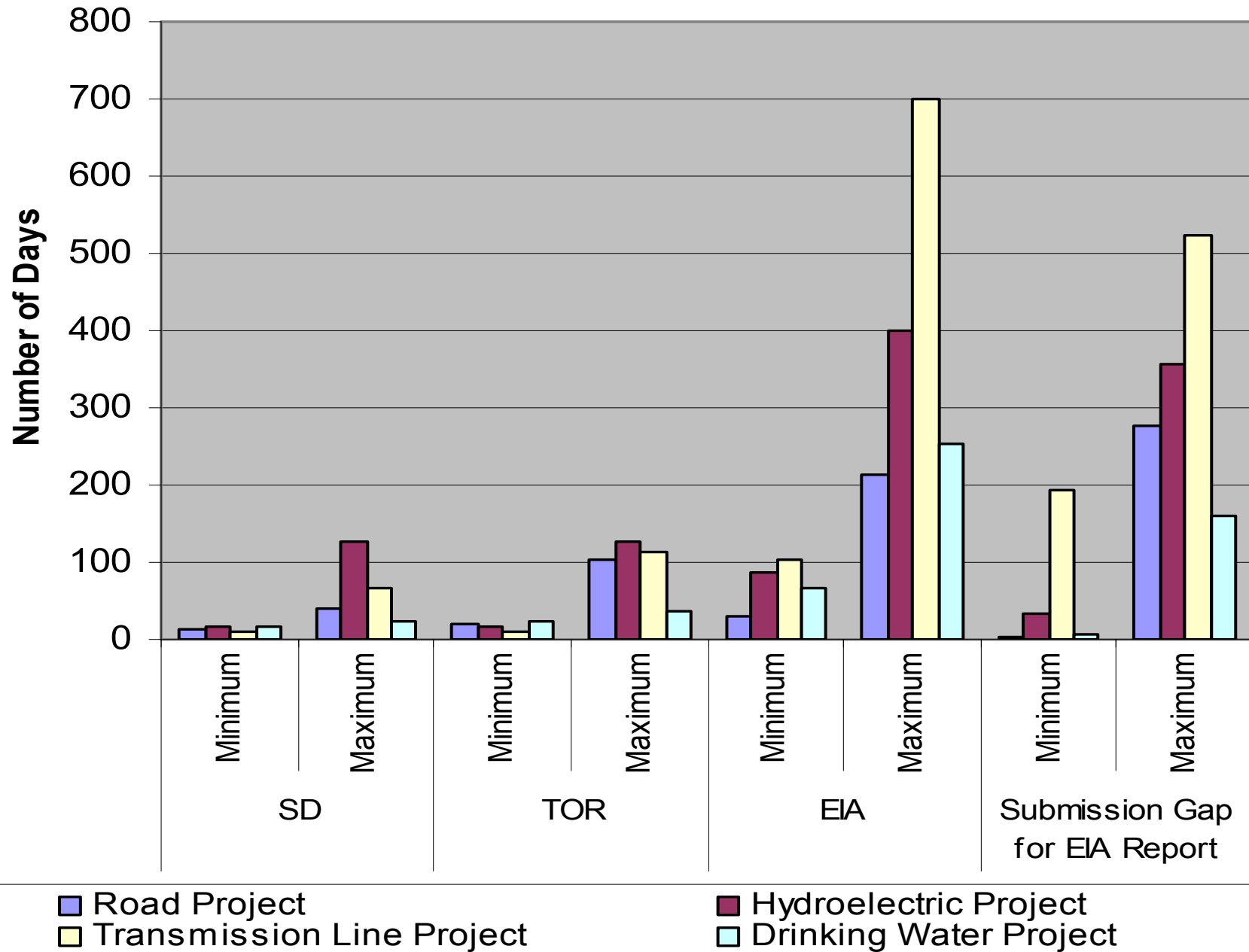
# IEE Report Approval Process for HEP



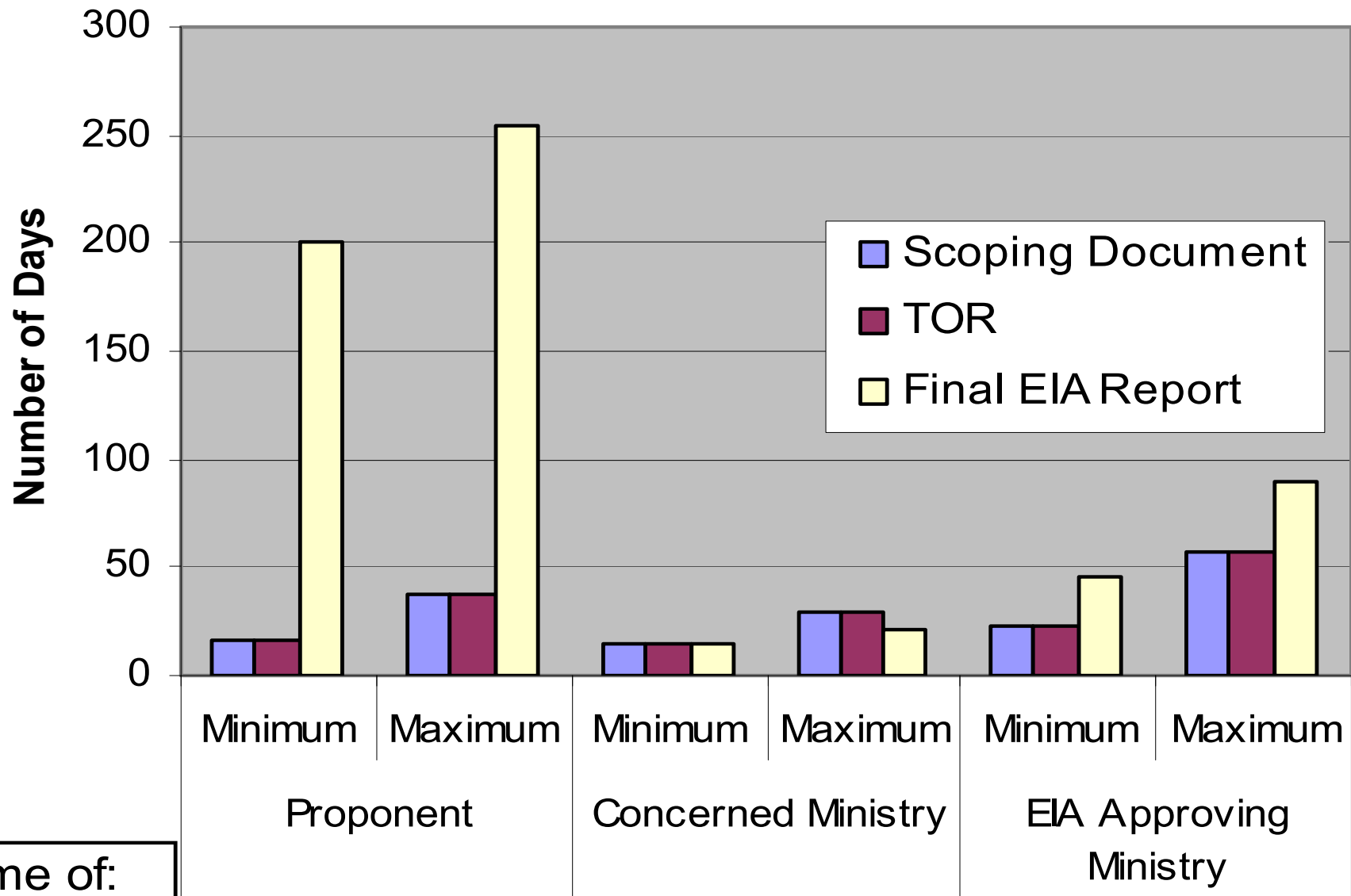
# EIA Report Approval Process for HEP



**Figure 1. Time Taken for Approval of SD, TOR and EIA Report of Selected Sectors**



**Figure 2 Estimated Time for EIA Report Submission and Decision**



Time of:

# The Case

- Report copying observed in EA reports such as of medium-scale hydropower generation, transmission lines, forestry, and road sector projects
- Report copying may be due to lack of secondary information and funding for data collection, weak review process, and lack of human resources, involvement of non-professionals in report preparation, review and decision-making processes etc.
- Three cr. hrs. for EIA offered in academic institutions since 2001

## Copying

- EIA Report of Langtang Khola HEP (10 MW) – proposed to implement in the National Park
- EIA Report of Upper Modi HEP (14 MW) – under construction in the conservation area
- EIA Report of Indrawati HEP (7.5 MW) – implemented in the forest area

# Report Copying

- EIA Report of LKHEP (pp. 72) – Since the project is located in the area administered by KMTNC, the Trust has the function of conserving, promoting and managing the natural resources and conducting scientific studies and researches for the management of natural resources. It is exactly same with EIA report of UMEHP (pp. VI-11).
- False write-up for LKEHP as it is the national park and managed by the government. Trust is a national NGO.
- Wood extracted from the national parks as a part of site clearance should be used rationally to the timber requirement of the project and for shed construction for the labor force, if any (**LKHEP, pp. 77; Indrawati, pp. 91; and UMHEP, VII – 5**)
- Copying of para to para, and pages to pages

# Sample of Inconsistent Information

## Baseline information

- Wood volume to be removed – 195 m<sup>3</sup> at intake site, and 119 m<sup>3</sup> at access road
- No rare/endangered species at intake/powerhouse site
- Project area has limited number of protected species
- Mammals not strictly confined to project area

## Impacts

- Loss of forest cover at intake, powerhouse sites, and access road to a variable degree
- Loss of nearly 14m<sup>3</sup> and 11m<sup>3</sup> of forest biomass at intake and access road (53 trees to be felled down)
- Loss of some rare/endangered species
- Increase in illegal felling of trees by laborers etc.

# Inconsistent Information ..

## Mitigation Measures

- Count, mark and harvest trees and shrubs but keep mother trees intact to promote natural regeneration
- Compensatory plantation in 2.4 ha of land (6000 tree species, @ 2500 saplings/ha) – 3 times the actual loss and manage for 3 yrs
- Operate fuelwood depot to sale forest products of extracted trees, and provide kerosene or LPG

## Monitoring

- Forest management and condition of local forests
- Allocation of funds for plantation, management of actual loss of forest area, number of felled trees and utilisation of forest products
- Compensatory plantation of local species and its condition
- Forest regeneration in built-up areas and slope stability

# Causes

- Lack of human resources (report preparers, reviewing and approving agencies)
- Inadequate understanding of benefits of EA
- EA reports prepared only to comply with the legal provisions
- Non-professional review and non-technical inputs for decision-making
- No incentives for reviewers
- No accreditation for report preparers
- No review criteria and guidelines
- Unethical practitioners and professionals
- Involvement of report preparers in review process etc.

# Consequences

- Delay in decision-making
- Difficulty to implement confusing EA reports
- **Feelings of proponents**
  - ✓ EA report should only be prepared
  - ✓ EA is too expensive and complex
  - ✓ EA delays and/or rather stops project implementation
  - ✓ EA does not produce useful results
  - ✓ No need for affording for EA study as we are poor
  - ✓ Just prepare and “throw” for decision
  - ✓ No influence in project design etc.
- Anybody could prepare and submit EA, and review report

# Possible Ways for Quality Improvement

- Launching of capacity building programme (orientation, seminar, workshop, training etc.) – report preparers, reviewers and decision-makers
- Publicise copied report and its preparers through media - **even black listing of report preparers**
- Involvement of technical staff, independent professionals, NGOs and professional societies in review process
- Make public the review results before EA report approval
- Listing of professionals and practitioners, and phase-wise accreditation of report preparers/consulting firms

# Possible Ways for Quality Improvement ...

- Issuance of review criteria and guidelines
- Incentives for professional reviewers
- Timely decision (approval or rejection)
- Institutionalization of environmental monitoring and auditing – third party monitoring
- Changing attitude that EA reports must be implemented
- Refresher orientation programme for decision-makers

**Thank you very much**