

10 May 2019

To: **YAB Datuk Seri Panglima Haji Mohd Shafie bin Haji Apdal**
Honorable Chief Minister of Sabah

YAB Tun Dr Mahathir Bin Mohamad
Honourable Prime Minister of Malaysia

Re: Introducing Coalition Humans Habitats Highways 3H and its intentions

We are a coalition of nine organizations, namely the Bornean Sun Bear Conservation Centre, Borneo Futures, Danau Girang Field Centre, Forever Sabah, Jaringan Orang Asal Se-Malaysia (JOAS), Land Empowerment Animals People (LEAP), PACOS Trust, Seratu Aatai, and WWF Malaysia. We have gathered primarily to share our collective resources and bodies of work, and engage more coherently, effectively and usefully in infrastructure planning and development processes in Sabah and Malaysia. Our goal is to be at the table in the planning and decision-making processes, bringing and offering our best available collective data and expertise with transparency and goodwill. We aim to shift the dynamic of engagement between civil society and government from reactive to proactive.

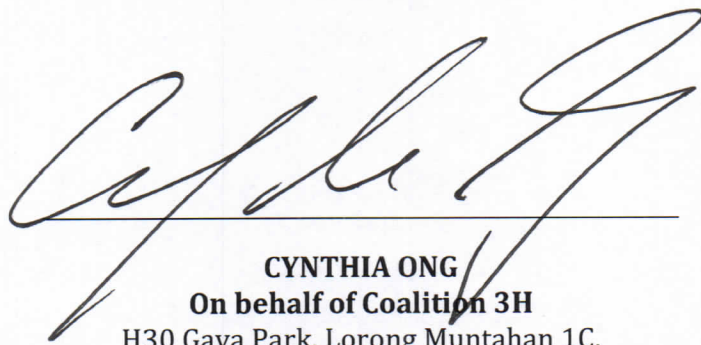
We have followed with interest the State and Federal governments' process with regards to governance, management and implementation of the Pan Borneo Highway (PBH) development. We have also engaged to our best of our ability with the respective State agencies and the Project Delivery Partner, sharing our collective data and expertise particularly with regards to important wildlife habitats, forests and ecologically sensitive regions. We have found the agencies responsive and willing to engage, and we also see that they have capacity and resource constraints; our intention is to offer support in specific scientific, legal and practical areas.

We would like to propose the establishment of a multi-stakeholder committee for PBH with relevant government agencies, civil society and private sector actors; we would be pleased to do our part in organizing the civil society component of such a committee to ensure our best and most cohesive representation at the table. This committee could be chaired directly under the auspices of the appropriate State and Federal ministries/agencies.

YAB Datuk Shafie, we acknowledge your leadership in recent media statements with regard to PBH stretches going through forest reserves, in particular key elephant habitat; we appreciate that these are complex issues to grapple with in balance with socio-economic development. Appended with this letter is a table and map summarizing our key concerns with the PBH.

We stand ready and willing to serve the sustainable development of our state and country, and would be grateful to be able to meet with you in person.

Yours sincerely,



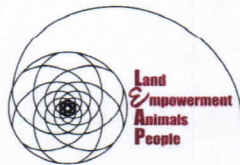
CYNTHIA ONG

On behalf of Coalition 3H

H30 Gaya Park, Lorong Muntahan 1C,
Jalan Penampang, 88300 Kota Kinabalu, Sabah, Malaysia
Tel / Fax: +6088 710708 Email: cynthia@leapspiral.org



BORNEO FUTURES
science for change



KEY ISSUES & CONCERNS & CURRENT KNOWN STATUS OF ECOLOGICALLY SENSITIVE & CRITICAL WILDLIFE STRETCHES OF THE PAN BORNEO HIGHWAY IN SABAH, AS OF 10th MAY 2019

KEY STRETCHES	KEY ISSUES & CONCERNS	KNOWN LEGAL STATUS	STATUS ON THE GROUND	RECOMMENDATIONS
<p>1. (PHASE 1): NORTH WEST REGION: SERJUSUP-TG SIMPANG MENGAYAU WP09 – WP014</p> <p>124KM 14 bridges</p>	<p>For WP 10: PITURU-RAMPAYAN LAUT: CONSTRUCTION STARTED:</p> <ul style="list-style-type: none"> Distance of the road to the coast is as close as 20m in some places (EIA Section 1.1.2.3) Loss of vegetation and increase in sediment from the road and bridge construction will significantly impair water quality, hydrology, tidal volumetric turnover and aquatic life food-chains in the mangroves, rivers and estuaries, and cause a substantial drop in seafood productivity thus affecting the local artisanal fishery communities. Sulaman Lake, Abai and Kudat and Marudu Bay Class V Mangrove Forest Reserves will be impacted. Mangroves have many critical functions as breeding grounds for fish, crabs and other marine life, as buffers against rising sea levels, storm events, coastal erosion and tsunamis, as carbon sinks helping to mitigate climate change and as habitat for fire flies and other wildlife including proboscis monkeys. Proboscis monkeys, endangered, endemic and Totally Protected Species under the Sabah Wildlife Conservation Enactment 1997, have been recorded in the Sg Wario and Rampayan coastal areas where the PBH was being constructed. This contradicts the recently launched 	<p>EIA by ENSOLVE SDN BHD Submitted September 2017</p> <ul style="list-style-type: none"> Initial EIA not approved and further information requested by the Environment Protection Department (EPD). Conditional approval given for WP10 only, once stipulated conditions have been met. Site visit by Coalition 3H to WP10 on 15th March 2019 found ongoing construction, and report with maps and photographs and request for investigation by EPD sent to EPD on 5th April 2019. EPD carried out site investigation on 22nd April and we were informed on 3rd May 2019 that EPD has taken legal action against the contractor involved. Concern that although the EIA is for a 2-lane road only, it may be extended to a 4-lane road later (as indicated by the Acting CEO of Borneo Highway PDP Sdn Bhd at a workshop on Systems Approach to Infrastructure Development: the Pan Borneo Highway Case on 19th March 2019 in Kota 	<ul style="list-style-type: none"> As of April 2019, extensive clearing and construction work ongoing in at least 5 locations in WP10. Local residents reported that construction started as early as November/December 2018. 	<p>To conserve the fragile coastal environment and the very resources which the proposed ecotourism developments along this stretch of Sabah's coast are supposed to promote, we strongly recommend:</p> <ul style="list-style-type: none"> Areas in WP10 with mangrove and near proboscis monkey habitat to be restored and alignment moved away from these areas and the coastal stretch. Re-alignment of the remainder of this stretch of the proposed PBH to avoid sensitive mangrove, proboscis monkey and bird habitat, specifically in: Sulaman Lake, Abai and Kudat and Marudu Bay Mangrove Forest Reserves, in Kota Belud Bird Sanctuary and in Kg Longgom Kecil where there is extensive intact mangrove. Review of the bridge and road drainage culvert designs to ensure they do not impair the natural tidal hydrology, water quality and aquatic habitat vitality. To review and correct the

<p>2. (PHASE 1): CENTRAL REGION: RANAU – MILE 32, SANDAKAN WP28 – WP35 172 KM 19 bridges</p>	<p>Sabah Proboscis Monkey Action Plan (2019-2028) which stresses 'Halting Loss and Degradation of Habitat used by Proboscis Monkeys' as its principle objective.</p> <ul style="list-style-type: none"> The PBH cuts through the Kota Belud Bird Sanctuary, a regionally important site for migratory and resident birds. 	<p>Kinabalu, and as presented by Sarawak Forestry Corporation at the Road Ecology : Transportation Infrastructure & Wildlife Conference organized by the Conservation Association of Consultant Engineers Malaysia on 9th-10th April 2019 in KL).</p> <ul style="list-style-type: none"> The Sabah Shoreline Management Plan (DHI, 2005) requirement for the road development appears to have been requested to be waived for the project. Some of the proposed alignment would require rezoning. 		<p>current construction practices which may have already degraded the terrestrial and aquatic habitats.</p>
	<p>Proposed PBH passes through several Protected Areas including Class 1 Protection and Class VI Virgin Forest Reserves.</p> <p>WP 31: ULU SAPA PAYAU – TELUPID</p> <p>The proposed alignment of the PBH cuts through the Totally Protected Tawai Class 1 Forest Reserve, part of the Heart of Borneo (HoB) and Ulu Sapa Payau Class VI Virgin Jungle Forest Reserve. It would potentially cause:</p> <ul style="list-style-type: none"> Loss of connectivity between southern and northern parts of the Reserve and formation of an ecological barrier and restriction of wildlife movement (eg. For orangutan). Increased human-wildlife conflict especially with elephants that occur in the area. 	<p>EIA BY CHEMSAIN KONSULTANT SDN BHD Submitted to EPD April 2018. Not yet approved.</p>		<p>For WP31:</p> <ul style="list-style-type: none"> To create a wildlife or eco-friendly alignment by considering the several alternative routes proposed by Coalition 3H which would avoid cutting through Tawai Class 1 Totally Protected Forest Reserve and elephant migration routes, as well as minimize compulsory acquisition of local villagers' land. Rumble strip installation on road stretches across sensitive areas to alert drivers (and wildlife). Consider a lower speed limit (e.g. in Sarawak, roads

<p>Potential injury to workers or even loss of human life caused by elephants during construction of PBH.</p> <ul style="list-style-type: none"> Likelihood of future traffic collisions of cars, trucks and tourist buses with elephants, leading to potential injury and even loss of human life. Increased wildlife road kills in general. Increased risk of poaching and encroachment into the Forest Reserve. <p>WP33: BUKIT TAVIU CLASS 1 FOREST RESERVE, also part of HoB</p> <p>The proposed alignment would create:</p> <ul style="list-style-type: none"> An ecological barrier to Orangutans (Critically Endangered) and other species leading to fragmentation of populations. Extensive hill cutting (up to 75ha of virgin forests) including on very steep slopes. An increase in wildlife road kills. 				<p>across wildlife sensitive areas are designed to 50km/hr.</p> <p>For WP33:</p> <ul style="list-style-type: none"> Serious consideration of maintaining this stretch as 2-lane with passing points in this highly sensitive and hilly area. If not, then a combination of tunnels/flyovers for vehicles to minimise hill cutting, and overpasses or underpasses for wildlife of at least 50m wide and covered with natural vegetation. Speed reduction measures including rumble strip installation on road stretches across sensitive areas to alert drivers (and wildlife). Consider a lower speed limit (e.g. in Sarawak Pan Borneo Highway, roads across wildlife sensitive areas are designed to 50km/hr). Street lighting to increase visibility.
<p>3. (PHASE 1): NORTHEAST REGION: LAHAD DATU BYPASS – MILE</p>	<p>KINABATANGAN BRIDGE STRETCH</p> <p>Connectivity for wildlife would be further affected by a 4-lane bridge over the Kinabatangan River here. The Kinabatangan is a globally renowned area for wildlife.</p>	<p>No TOR or EIA submitted to EPD as yet for this stretch.</p> <p>Exact proposed alignment not known/made public.</p>		<ul style="list-style-type: none"> Mitigation measures including wildlife overpasses linking Pin Supu Forest Reserve which occurs on both sides of the proposed PBH near the

<p>32, SANDAKAN WP22 – 27 126.5 KM</p>	<p>Social impacts –many local people would be displaced, as well as a world-recognised local ecotourism cooperative (KOPEL).</p>			<ul style="list-style-type: none"> • Kinabatangan bridge. Engagement with KOPEL to agree on minor realignment of the proposed bridge to avoid impacting KOPEL facilities.
<p>4. (PHASE 3): SOUTHERN REGION</p>	<p>KALABAKAN – SAPULUT STRETCH This stretch passes through numerous Forest Reserves and Maliau Basin Buffer Zone 2, areas which are rich in wildlife. The proposed upgrading from the current 2-lane road to a 4-lane highway would cause:</p> <ul style="list-style-type: none"> • Loss of connectivity between key Protected Areas, and fragmentation of the northern HoB, probably the greatest threat to regional integrity of intact forests in this area. This includes loss of ecological connectivity to northern Kalimantan in the context of the HoB initiative. • Increased wildlife road kills, including of large and endangered mammals such as Bornean elephants and banteng (the road passes through 170km of known elephant habitat). • Potential injury and loss of life to motorists from wildlife collisions. • Increased access for poachers and encroachment into the Forest Reserves. 			<ul style="list-style-type: none"> • Maintain the road as 2-lane with passing points and improved maintenance. • If not then overpasses/underpasses at important crossing points for elephants and other wildlife. • Speed reduction measures and street lighting to increase visibility.

**ECOLOGICALLY SENSITIVE & CRITICAL WILDLIFE STRETCHES
OF THE PAN BORNEO HIGHWAY IN SABAH**

