

**Convention on the Conservation of
European Wildlife
and Natural Habitats**



COMPLAINT FORM

NB: Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.

Please, fill in this form and send it to the attention of:

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1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

Lithuanian authorities have issued the permissions for preparing construction of a 400 kV, 1000 MW overhead power line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland. The start of construction in Lithuania is planned for 2014. The area is designated in the documents of spatial planning as so-called ecological framework and it interlinks 4 adjacent Natura 2000 territories that are situated approximately 15 km from each other. In the opinion of Association Rudamina Community (hereafter- the Community), the performed EIA was not transparent and the EIA report (approved in January 2011), as judged by independent experts, was of insufficient quality. Despite of that, the authorities did not show any will to independently verify the information in the EIA report prepared by a private company. Recently, it indeed turned out that the existence of a notable number of protected species in the area concerned was toned down or even not reported.

On the basis of interviewing the local people, the Community this year has identified a **previously unknown habitat of *Emys orbicularis* and other species listed in the Annexes of the Convention** (see below). This habitat occupies about 7×10 km² and is immediately connected to the Natura 2000 of Pojezierze Sejneńskie, PLH200007 (PL). The planned massive expansion of the infrastructure will badly damage the habitat and will create a realistic risk of losing it because of the OHL construction itself, development of a new road network, clearance of forest, cultivation of land, increased pollution levels, technical maintenance and other activities.

As Lithuania and Poland concluded to not perform an EIA in a transboundary context, it is unknown what effects the OHL route chosen on the Lithuanian side will have on PLH200007 as a whole and on the population of *Emys orbicularis* there in particular. Moreover, besides launching the OHL project, Lithuanian authorities have recently abandoned the plans of establishing two other protected areas bordering PLH200007, decisions that immediately prompted construction of a new road, living houses and excavation of sand and gravel. Taken together, this sudden unbalanced urbanization in a unique area that because of the historical circumstances retained natural ecosystems is controversial and needs to be examined independently.

The second reason of the complaint is that an about 5 km- long section of the OHL will also border Žuvintas Lake UNESCO Biosphere Reserve, and it will intersect an important birds' migration corridor that links this reserve with LTALYB001. In the opinion of the Community, no EIA was made on implications for the site in view of the site's conservation objectives, as requested under Article 6 of the Directive 92/43/EEC. For example, according to the directorate of the Žuvintas reserve, this year over 1800 migrating *Grus grus* could be counted during a single afternoon immediately in the area of the planned construction of the 70 m- high pylons. It is obvious that the living and migration conditions of this and other species, including those listed in the Appendices will be negatively affected by the planned construction and operation of the OHL.

Importantly, reasonable alternatives to the chosen OHL route and its technology have been identified by the Community and experts, but these proposals were rejected and not considered for EIA, motivating that the OHL project has a short deadline, year 2015. The deadline is related to the current EU financial framework.

The responsible authorities (Meteliai regional park, Environmental Protection Agency) have not responded to the information provided by the Community.

Contracting Parties involved in the complaint: the Republic of Lithuania, possibly- the Republic of Poland.

The Articles of the Convention which might be violated: 2, 4, 6, 7.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Identified via own investigation in the potentially important new habitat: *Emys orbicularis*, *Bombina bombina*, *Hyla arborea* (needs additional verification), *Lacerta agilis*, *Botaurus stellaris*, *Crex crex*, *Upupa epops* (needs additional verification), *Falco tinnunculus*, *Egretta alba*. According to EIA report, in the area of Lake Rimietis:

Anas strepera, *Anas clypeata*, *Aythya nyroca*, *Aquila pomarina*, *Circus aeruginosus*, *Porzana porzana*, and potentially others. In addition, most of the bird species protected in Lake Žuvintas Site LTALYB003.

The area of sites with *Emys orbicularis* is about 70 km². It stretches from the Lake Galadusys (Called Galadus on the Polish side, a part of PLH200007) to Lake Rimietis in Lazdijai municipality. The size of the population of *Emys orbicularis* has not been identified yet because of the lack of the resources. At least 10 cases of accidental seeing/catching were witnessed by the local people during the last 5 years, while in two villages the inhabitants claim the turtles are “absolutely common”. Based on that, a speculative number of mature individuals can range from 10 to several tens. The interview data confirms that the habitat described in the attached report has been populated by *Emys orbicularis* at least since 1940ies.

3. What might be the negative effects for the specie/s or habitat/s involved?

The 400 kV OHL would be the first engineering infrastructure of that scale in Lazdijai municipality, which is renowned for preserved ecosystems and rich biological diversity. Also, as mentioned above, the legalization of the OHL construction has prompted rapid changes in the protection status of other adjacent territories that initially were designated in the documents of the spatial planning as sound measures to consolidate the ecosystems and enhance the ecological framework. The specific negative effects are the following:

1. Destruction and fragmentation of the habitats and the migration routes by the construction activities.
2. Regular disturbance of the species by the noise and vibration during operation and the necessary service works, killing by vehicles.
3. Effects on the hydrological regime of Lake Galadusys.
4. Chemical pollution during construction, reparation, de-icing of the OHL and other services.
5. The exploited area might be used in the future also for construction of other similar infrastructures as there is a general trend in the spatial planning to group and expand this type of objects.

Taken together, the scale of the started and planned activities creates a realistic risk that the unprotected and not yet investigated habitats will be lost and that the existing ecological corridors between the established Natura 2000 territories will be broken.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

Grus grus, *Circus pygargus* and/or *Circus cyaneus*.

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

No. The approval of the EIA report was disputed by the Community at the Lithuanian courts but the complaint was rejected, stating that the choice of the OHL route was legal according to the Lithuanian law. Preparation of a complaint to the UN Aarhus Convention Committee is in progress.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

<http://www.litpol-link.com/en/environment/-eia-documents/lithuania.html>