



LIETUVOS RESPUBLIKOS APLINKOS MINISTERIJA
THE MINISTRY OF ENVIRONMENT OF
THE REPUBLIC OF LITHUANIA

A. Jaksto St. 4/9, LT-01105 Vilnius, tel: (+370 5) 266 35 39, fax: (+3705) 266 36 63, e-mail: info@am.lt <http://www.am.lt>

Compliance Committee
Convention on Access to Information, Public
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and Access to Justice in Environmental Matters
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**REGARDING OBJECTIONS AND COMMENTS OF RUDAMINA COMMUNITY DURING
THE PUBLIC PARTICIPATION PROCEDURE (COMMUNICATION ACCC/C/2013/98)**

In the letter of 18 May 2015 the Compliance Committee of the Aarhus Convention asked the Party concerned to provide an English translation of the full reasoning set out in the competent authority's official response document for the decision-making procedure concerning each of issues raised by the Communicant during the decision-making procedure.

It should be pointed out that the Communicant, as a legal entity, sent its comments only once (6 November 2010) to the competent authority, i.e. Alytus Regional Environmental Department under the Ministry of Environment of the Republic of Lithuania (hereinafter 'Alytus RED'). The Communicant's letter of 26 July 2010 was not addressed to the competent authority. In order to have a comprehensive view of the situation, a broader systematic approach should be applied, instead of a formalistic one. The latter would suggest that only comments, which were sent by the Communicant to the Alytus RED should be taken into consideration. It should be noted that:

1. Pursuant to the national legislation, every public authority deals with requests received from natural and legal persons and provide answers within its jurisdiction. When a public authority decides that certain questions (or all questions) do not fall within the jurisdiction of a certain public authority, the request must be forwarded to the competent institution. That means that certain questions could have been answered not by Alytus RED, but other competent authorities. Therefore, all comments provided by the public to any public authority should be treated as the right way to express public' objections, provide comments and proposals.
2. Some of the comments were sent by the Communicant (dated 26 July 2010, 6 November 2010), some – by dr. Ramūnas Valiokas (the representative of the Communicant in the proceeding ACCC/C/98/2013) together with other private persons. All these comments were treated by the public authorities as received from the public, namely, from the Rudamina community.

The Communicant, as he confirms in his letter of 5 June 2015, sent his requests, comments, proposals to the following public authorities:

- (1) Ministry of Environment of the Republic of Lithuania (hereinafter 'the Ministry of Environment')
- (2) Ministry of Energy of the Republic of Lithuania (hereinafter 'the Ministry of Energy')
- (3) Department of Cultural Heritage under the Ministry of Culture (hereinafter 'Department of Cultural Heritage')
- (4) Municipality of Lazdijai

- (5) Parish of Pusk of the Republic of Poland (hereinafter 'Parish of Pusk')
- (6) Alytus RED
- (7) Office of the President of the Republic of Lithuania (hereinafter 'Office of the President')
- (8) State Service for Protected Areas under the Ministry of Environment (hereinafter 'State Service for Protected Areas')

The Communicant provided comments in the letters of:

- (1) 26 July 2010 (signed by the members of the Association Rudamina Community);
- (2) 6 November 2010 (signed by the members of the Association Rudamina Community);

The Communicant received answers from the public authorities, dated:

- (1) 2 September 2010 (the Ministry of Environment);
- (2) 23 December 2010 (the Ministry of Energy);
- (3) 1 December 2010 (Alytus RED).

However, in addition to the comments and answers mentioned by the Communicant, and having in mind explanations provided above, more comments were received from the members of the Association Rudamina community, namely:

- (1) Letter of 28 July 2010 (signed by four natural persons, one of them – a member of Association Rudamina Community, one of them – dr. Ramūnas Valiokas);
- (2) Letter of 8 November 2010 (signed by two natural persons, one of them – dr. Ramūnas Valiokas).

In addition to the answers by public authorities named by the Communicant, other public authorities were also involved in the communication. Answers were sent by:

- (1) The State Service for Protected Areas, dated 3 September 2010 (No. V3-10.7-1403);
- (2) The Ministry of Energy, dated 23 November 2010 (No. (11.2-13)-3-3275);
- (3) The Ministry of Environment, dated 3 December 2010 (No. (10-3)-D8-11340);
- (4) The Ministry of Environment, dated 8 December 2010 (No. (10-3)-D8-11477).

Comprehensive information, regarding public comments and proposals, received during the implementation of the construction project of a 400 kV overhead power line from the Alytus transformer substation to the Polish-Lithuanian state border (hereinafter 'the Project') and answers from the public authorities are provided below.

Comments by the members of Association Rudamina Community on the EIA report, dated 26 July 2010 and comments by natural persons on the EIA report, dated 28 July 2010

The Communicant on 26 July 2010 provided its comments and proposals on the EIA report to the preparer of the EIA documents¹, the Developer and certain public authorities. However, it should be also noted that another letter regarding comments on the EIA report of almost identical content was sent by natural persons (among them – dr. Ramūnas Valiokas) two days later (28 July 2010). In order to give a concentrated view of the answers provided by the public authorities to the issues raised by the Association Rudamina Community and its members, a table with major objections and responses is provided below.

¹ Term 'Consultant' is used by the Communicant.

<p>On 26 July 2010 comments were sent to <i>UAB Sweco Lietuva</i> (the Preparer of the EIA documents). Copies of these comments were sent to the Ministry of Environment, Ministry of Energy, Lazdijai District Municipality, Parish of Punks, Department of Cultural Heritage Protection.</p> <p>On 28 July 2010 comments were sent to: <i>UAB Sweco Lietuva, AB Lietuvos energija</i> (the Developer), Office of the President, Ministry of Environment, Ministry of Energy, Committee of Environmental Protection of the Parliament of the Republic of Lithuania², Department of Cultural Heritage Protection, State Agency for Protected Areas, Lazdijai District Municipality, Alytus District Municipality, Kalvarija Municipality, Parishes of Punks, Seiniai, the Member of the European Parliament Radvilė Morkūnaitė.</p>	<p>Major objections, provided by the Communicant (shortened objections as stated by the Communicant in the letter dated 5 June 2015):</p> <p>1. <i>The possible alternative OHL routes should have been identified not only in the territory of Lazdijai District Municipality, but also in the neighboring Kalvarija Municipality. The Consultant should have included in the performed evaluation also the recently adopted (2007) Master Plan of the Territory of Kalvarija Municipality, which foresees several broad infrastructural corridors designated for "technical infrastructures". The Consultant should have taken the advantage of these corridors for grouping the planned OHL with the existing and/or planned</i></p>	<p>Answers provided by the Ministry of Environment³ (dated 2 September 2010):</p> <p>The Communicant in its letter of 5 June 2015 wrote that <i>the Kalvarija biosphere monitoring area (around 2000 ha) was established near the state border with Poland, in the Municipality of Kalvarija, pursuant to the order No. D1-407 of the Minister of Environment, dated 14 July 2009.</i> Moreover, it was highlighted that the main purpose of this biosphere monitoring area (a part of Natura 2000) is to monitor, control, make prognosis on the changes of natural systems; to preserve ecosystem of agrarian landscape, in particular, to preserve population of corn crane (<i>Crex crex</i>), marsh harrier (<i>Circus aeruginosus</i>), harrier (<i>Circus pygargus</i>), spotted crane (<i>Porzana porzana</i>) and tawny pipit (<i>Anthus campestris</i>), natural grassland communities, including these natural habitat types of Community interest: steppic grassland, eutrophic tall-herb grasslands, alluvian meadows, mesophile hay meadows. It was concluded that the change of the border crossing point of the power line by setting it in the Municipality of Kalvarija may be not acceptable in respect of these protected areas.</p>	<p>Answers provided by the State Service for Protected Areas (dated 3 September 2010):</p> <p>State Service for Protected Areas noted that these comments from the public were already received at an earlier stage of the EIA procedure and added that the preparer of the EIA documents took into consideration public comments and concluded that the chosen border crossing point (next to the lake Galadusis) was not situated in the territory of Vingrėnai geomorphological reserve, the line does not fall within Rudamina hill fort visual protection zone.⁴</p>
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² Hereinafter 'Committee of Environmental Protection of the Lithuanian Parliament'.

³ Copy of the answer sent to the Alytus RED.

⁴ Questions regarding Galadusis lake and Vingrėnai geomorphological reserve were raised in the letters of 26 July 2010 and 28 July 2010.

<p><i>railways, OHLs.</i></p> <p>2. <i>The EIA report did not analyze the negative impact on the classified landscapes of the outstanding beauty and the numerous historical and cultural values around the village of Rudamina as a whole.</i></p>	<p>The Communicant was informed that Alytus RED is the competent authority which will take the decision regarding economic activity in question (the Project). All comments provided will be sent to the competent authority. It was added, that all relevant parties of the EIA, including Lazdijai, Alytus district municipalities and State Service for Protected Areas, endorsed the EIA report. Alytus RED approved EIA program on 17 March 2010.</p>	<p>The memorial of Kalniškės battle situated in the forest is approximately 920 meters away from the proposed optimal route alternative B1 of the electricity line.</p> <p>State Service for Protected Areas highlighted that it approved route alternative B1 under these conditions:</p> <ol style="list-style-type: none"> 1. 400 kV electricity line cannot cross state pedological reserve of Sabališkės. Moreover, supports cannot be built and the soil cannot be damaged in any other way during the construction on the power line in this reserve. 2. Supports cannot be built in the river protection zones, construction sites cannot be established next to the water bodies and their protected zones. It is recommended to install temporal construction sites in the already damaged, urbanized and agrarian territories. 3. Small open and shallow water bodies (small wetlands) should be preserved during the construction of the object. Measures designed to reduce negative impact on the environment mentioned above should be included in the environmental part of Project's technical design and should be implemented and financed by the Developer.
<p>3. <i>The Communicant expressed the protest against Consultant's attitude to informing the public. The local people became aware of</i></p>	<p>The Communicant was reminded that all information regarding preparation of a special plan was published on the websites of planning organizer AB Lietuvos energija, Ministry of Energy, Alytus District Administration, Alytus and Lazdijai district municipalities. Moreover, the information was</p>	

OHL project only after the EIA report has been published.

published in the national daily (*Respublika*) and local (*Miesto laikraštis, Alytaus naujienos, Dzūkų žinios, Lazdijų žvaigždė*) newspapers on 4 December 2009.

After the SEA report was prepared the information about the draft special plan and planned public hearing was published:

1. On the websites of the Developer www.litpol-ink.lt, www.le.lt
2. In local newspapers: *Lazdijų žvaigždė* (16-04-2010), *Alytaus naujienos* (17-04-2010).

3. On the billboards of district municipalities of Alytus, Lazdijai and of the elderships of Alytus, Miroslavas, Kriokialaukis, Simnas, Lazdijai, Krosna, Šėstokai, Teiziai, Būdviečiai.

The public had a possibility to access special planning documents during 20 working days period after the publication of the information. All addresses of the venues, where public could access special planning documents and get additional information, were listed in the letter of the Ministry of Environment.

Additional information regarding the EIA procedure and the right of the public to submit comments was provided in this letter of the Ministry of Environment. It was noted that according to the national legislation public could submit comments to the Developer or to the preparer of the EIA documents (copies of the comments may be submitted to the relevant parties of the EIA and to the competent authority as well). The Developer and the preparer of the EIA documents shall register the comments received during the whole EIA procedure, shall analyse them in detail and prepare a motivated assessment of the comments. The EIA report could be amended according to the public comments after the public hearing. Pursuant to the national legislation, the preparer of the EIA documents shall analyse all the comments received and give motivated answers for the public. It was re-affirmed that if it is as Communicant writes (that it has sent its comments to UAB Sweco Lietuva and the Developer) comments should be analysed according the procedure set in the national legislation. The Ministry of Environment noted that it informed Poland about Lithuania's plans to implement the Project (10 March 2010). Poland sent an official refusal to take part in the transboundary EIA.

<p>4. <i>The communicant proposed the responsible authorities to take an immediate action and to perform an evaluation of the OHL special planning procedure, making sure that the ultimate decision would cause as little damage as possible on the environment and on the interests of the rural communities</i></p>	<p>The Communicant was informed about the national legislation regulating territorial planning and especially legal provisions on the amendment of general (master) plans. It was noted that special plan of the Project was prepared according to: 1) the general plan of the Territory of the Republic of Lithuania; 2) the general plan of Alytus County; 3) general plans of Alytus and Lazdijai municipalities. It was concluded that it is not reasonable to initiate amendment procedure of general plans.</p>
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Comments by the Communicant, dated 6 November 2010

A letter with comments was addressed to the *Alytus RED*; copies of these comments were sent to the Office of the President, Lazdijai District Municipality, AB Lietuvos energija, the Ministry of Environment, the Ministry of Energy, State Service for Protected Areas, Department of Cultural Heritage.

The Communicant states that *"The Communicant received no detailed answer to these comments from the competent authority to the above letter, only a formal and short acknowledgement of taking into account (dated December 1st, 2010). Instead, the Ministry of Energy (...) sent a response"*.

It should be stated that answers to these comments were provided not only by Alytus RED (dated 1 December 2010) and the Ministry of Energy (dated 23 December 2010), but also by the Ministry of the Environment (dated 8 December 2010, No. (10-3)-D8-11477).

Major objections, provided by the Communicant (shortened substantive objections as stated by the Communicant in the letter dated 5 June 2015):	Answers provided by the Ministry of Energy (dated 23 December 2010):	Answers provided by the Ministry of Environment (dated 8 December 2010):	Answer provided by the Alytus RED (dated 1 December 2010, No. ARV2-5-1693):
<p>1. Comments regarding Project's route alternatives <i>(1) The OHL route preferred by the Consultant overlapped with that identified in the valid Master Plans only within 15% of its total length. The Communicant did not agree that the OHL was planned according to the valid Master Plans,</i></p>	<p>The Ministry of Energy stated that general plan only forms the principal spatial concept of the territory. This concept is being specified by the territorial planning documents of the lower level. Pursuant to the national legislation, solutions of the lower territorial planning documents cannot contradict the solutions of the</p>	<p>The Ministry of Environment noted that general plan only forms the principal spatial concept of the territory which is being specified with the territorial planning documents of the lower level. Pursuant to the national</p>	<p>Alytus RED confirmed that all comments sent by the public were taken into consideration. Alytus RED submitted received public comments to the preparer of the EIA documents with the request to update the EIA report according to the public comments.</p>

<p><i>contrary to the statement of the Consultant.</i></p> <p><i>(2) The Master Plan of the Territory of Kalvarija Municipality valid as of 2007 had also to serve as the base for identifying the alternative routes, especially as it enabled the shortest possible route for the entire OHL between Alytus (Lithuania) and Elk (Poland).</i></p> <p><i>(3) The Communicant protested against ignoring its request previously sent to the Ministry of Environment and Ministry of Energy, respectively, to launch an evaluation of the ongoing special planning procedure for the OHL.</i></p> <p><i>(4) The Communicant maintained its position that a significant section of the OHL should be placed in the industrial zone in the north-west of Lazdijai District and also along the infrastructural corridors in Kalvarija Municipality, both designated in the valid Master Plans.</i></p>	<p>territorial planning documents of the higher level (in our case – general plan of the Republic of Lithuania, county and district municipality general plans). National legislation does not specify the level of the compliance between special plan and general plan. On the contrary, national legislation enshrines one of the main goals of the special planning – to specify. It means, that specifying can be implemented within the administrative units (district municipalities) referred to in the general plan. In addition to this, the overhead power line marked in general plans should be treated as a direction rather than an exact trajectory. Moreover, applicants were informed, that after the open meeting of the Committee of Environmental Protection of the Lithuanian Parliament of 27 September 2010, UAB Sweco Lietuva and LitPol link were asked to analyse all possible legal, technical, environmental and economical alternatives of the Project repeatedly and according to the comments received from the Administration of Lazdijai District Municipality. Results of this analysis were submitted to the Committee of Environmental Protection of the Lithuanian Parliament, the Administration of Lazdijai District Municipality, Office of the President, Office of the Prime Minister, Ministry of Environment, Ministry of Energy, Ministry of Foreign</p>	<p>legislation, solutions of the lower territorial planning documents cannot contradict the solutions of the territorial planning documents of the higher level (in our case – general plan of the Republic of Lithuania, county and district municipality general plans). Specifying can be implemented within the administrative units referred to in the general plan. In addition to this, the overhead power line marked in general plans should be treated as a direction rather than an exact trajectory. Special plan of the regional level is prepared according to the national legislation and the general plan of the territory of the Republic of Lithuania and it does not contradict the general plans of Alytus and Lazdijai district municipalities.</p> <p>The Developer of the Project submitted the request to the Marijampolė and Kalvarija municipalities to give their opinion on the route alternative proposed by the public. These institutions</p>	<p>Alytus RED informed the Communicant that pursuant to the national legislation the public, relevant parties of the EIA and the preparer of the EIA documents will be invited to attend the meeting (public hearing) in Alytus RED and to discuss provided public comments before the final decision would be made.</p> <p>All parties would be informed about the date and venue of the meeting by a separate written letter after the amended EIA report and conclusions from the relevant parties would be received.</p>
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	<p>Affairs, Administration of Kalvarija Municipality, Alytus RED.</p> <p>It was concluded, that the suggested alternative route of the Project through the territory of Kalvarija Municipality is not in line with the Lithuania's future infrastructural plans – to access the ECN (European Continental Network) system. Moreover, the corridor for such infrastructure was not reserved in the general plan of Kalvarija Municipality; the infrastructural corridors for the railways cannot be used for the Project (on the contrary to what was said by the Communicant) without amendment of the solutions of the general plan.</p> <p>UAB Sweco Lietuva and LitPol Link made the preliminary analysis of all legal, technical, environmental, economic alternatives provided by the public and by the Lazdijai District Municipality.</p>	<p>informed about the necessity to amend general plans in order to implement suggested alternative.</p>	
<p>2. <i>(1) In the EIA report the Consultant ignored the available data about classified landscapes of outstanding beauty known as Sūduva-Dainava hill area, and ignored the fact that there was foreseen a new reserve for landscape protection.</i></p> <p><i>(2) The Consultant had no enough qualified experts to deal with all the aspects of the environmental impact and it did not analyze several important public studies and planning documents.</i></p>	<p>The applicants were informed that the impact of the Project on landscape was evaluated according to the various aspects of the landscape (fragmentation, aesthetic value, etc.). As it was stated in the EIA report, economic activity has a negative impact on landscape almost in all cases. The route of the line was designed in order to guarantee as little negative impact as possible.</p> <p>Environmental, landscape and cultural heritage values, listed by the applicants, were analysed and described in detail in</p>	<p>The Ministry of Environment informed that the impact of the Project on landscape was evaluated according to the various aspects of landscape (fragmentation, aesthetic value, etc.). As it was stated in the EIA report, economic activity has a negative impact on landscape almost in all cases. The route of the line was designed in order to guarantee as little negative</p>	

	<p>the EIA report.</p> <p>Many experts collaborated and made relevant research in relation to the Project: research regarding fauna - experts of the Environmental Research Center, research regarding flora and landscape – experts of the Institute of Botany, research were made also by experts of the UAB SWECO LIETUVA. Valuable advices were given by the experts of Lithuanian Ornithological Association, directorates of the reserve of Žuvintas biosphere and Meteliai regional park.</p>	<p>impact as possible.</p>	
<p>3. Comments regarding informing the public <i>(1)The Communicant repeatedly pointed out that the project Consultant failed to inform public in timely and efficient way.</i> <i>(2)Despite the Communicant had clearly expressed its interest in participation in the EIA procedure, the Consultant and Alytus RED did not inform Rudamina Community about a new version the EIA report submitted to the competent authority on October 25th, 2010 and about the term of 10 working days for lodging eventual complaints.</i></p>	<p>The Ministry of Energy informed that residents of Rudamina had a possibility to comment, give their proposals and receive answers concerning the Project from December 2009, when information regarding preparation of the concept of the special plan was published in the local newspapers <i>Alytaus naujienos</i>, <i>Dzūkų žinios</i>, <i>Lazdijų žvaigždė</i>, <i>Miesto laikraštis</i>, national newspaper <i>Respublika</i> and on the billboard of Lazdijai district municipality. The residents of Rudamina could also attend the public hearing regarding the concept of the special plan. Moreover, the public had a possibility to access the SEA report (information published on 16 April 2010 in the local press and on the billboards (including Lazdijai). The SEA report was discussed in the public hearing on 18 May 2010. Finally, the public could access the EIA</p>	<p>The Ministry of Environment listed all the dates and means of media, which were invoked to disseminate information about: (1) preparation of the special plan; (2) SEA report and public hearing; (3) EIA program; (4) EIA report and public hearing. Information about special booklets was provided as well as the dates and venues of the events, which assured early public participation (conferences in Jaczne (Poland) and in Alytus (Lithuania)).</p>	

report (information about the prepared EIA report was published on 25-26 June 2010 in the local, national newspapers and on the billboards including the billboard of Rudamina museum). The public hearing regarding the EIA report took place in the premises of Lazdijai District Municipality on 19 July 2010. All relevant information was also published by the Developer on the website www.litpol-link.lt.

The Ministry of Environment and the Ministry of Energy were not directly responsible for the organising of the special planning procedures and for the preparation of the EIA report. The preparer of the EIA documents - UAB Sweco Lietuva – was competent to answer all the questions regarding implementation of the Projects' special planning and EIA procedures. Moreover, the competent authority, which would take the EIA decision regarding this economic activity, was Alytus RED.

Applicants' statement that public was not efficiently informed is unfounded. The information about 10 public hearings was published, these public hearings were organized. Various means of dissemination of information were used including special booklet about the Project.

Comments by natural persons, dated 8 November 2010

There was also a letter of a similar content (as the one sent by the members of the Association Rudamina Community, dated 6 November 2010) signed by two natural persons (one of them – dr. Ramūnas Valiokas) and addressed to the *Alytus RED*; copies of these comments were sent to the Lazdijai District Municipality, State Service for Protected Areas, Department of Cultural Heritage.

Public authorities that provided their answers:

- (1) The Ministry of Energy (dated 23 November 2010);
- (2) The Ministry of Environment (dated 3 December 2010);
- (3) Alytus RED (dated 1 December 2010).

Major objections, provided by the applicants:	Answers provided by the Ministry of Energy (dated 23 November 2010 ⁵):	Answers provided by the Ministry of Environment (dated 3 December 2010):	Answers provided by the Alytus RED (dated 1 December 2010, No. ARV2-5-1694):
<p>1. The applicants stated that the Developer and the preparer of the EIA report did not provide a comprehensive and motivated explanation regarding technological solutions of the Project. The applicants provided an example of the Swedish project “Sydvästlänken”.</p>	<p>The Ministry of Energy commented upon a study provided by the applicants with the comments of 8 November 2010. It was stated that provided “Sydvästlänken” project of Sweden is an example of direct current link. In case of LitPol Link such technological solution is impossible. LitPol link project is an integral part of Lithuania’s electric energy sector’s strategic goal – synchronous work in the ECN. As it is stated in the L-2 9 written attachment of the EIA report, the costs of alternating current underground cable which would enable to connect Lithuanian energy system to ECN system synchronously are 15-25 times greater than that of a overhead line. 1 kilometer of the overhead line costs about 300-400 thousand euro. It should also be taken into</p>	<p>The Ministry of Environment explained that the competent authority cannot decide which technological alternative should be chosen by the subject of the planned economic activity. The alternative of underground cable is analysed and described by experts of UAB Sweco Lietuva in section L-1 5.4. of the EIA report and in the annex L-2 9.</p> <p>The price per kilometer of alternating current underground cable (2x400) which would enable to connect Lithuanian energy system to ECN system is 4 500 000 - 8 000 000 euros while the price per kilometer of overhead line (2x400) is approximately 300 000 – 400 000 euros. It should also be taken into consideration that in order</p>	<p>Alytus RED confirmed that all comments sent by the public were taken into consideration. Alytus RED submitted the received public comments to the preparer of the EIA documents with the request to update the EIA report according to the public comments.</p> <p>Alytus RED informed the Communicant that pursuant to the national legislation the public, relevant parties of the EIA and the preparer of the EIA documents will</p>

⁵ Remark: The answer from the Ministry of Energy is dated 23 November, not 23 December, as stated by the Communicant.

	<p>consideration that in order to lay the cable, a trench of 20 meters wide and 1,5 meters deep has to be dug. It is forbidden to construct buildings, to plant any plants or to conduct traffic over this area. Moreover, the cable would have to be cooled with oil on a daily basis, a 4,5 meters tall on-ground coupling would have to be constructed every 500 meters. It is considered that underground line would cause a greater negative impact compared to the overhead line.</p> <p>The example of Swedish "Sydvästlänken" project, provided by the applicants, is planned not only as the direct current cable. A big part of the line will mainly consist of alternating current overhead line and of sections of direct current overhead line. The costs of different sections may vary according to the technology used, however, cable sections are more expensive than overhead lines in all cases.</p> <p>The information provided by the applicants that the costs of the cable (Swedish project) are similar to the overhead power line costs is not correct. It should be noted that over land cable laying is technologically complicated. Cable is laid mostly in 500 m sections, which are joined together. Because of these connections the reliability of the line is greatly reduced.</p> <p>The Ministry of Energy stated that general plan only forms the principal spatial</p>	<p>to lay the cable, a trench of 20 meters wide and 1,5 meters deep has to be dug. Cable is laid mostly in 500 m sections, which are joined together. Because of these connections the reliability of the line is greatly reduced. The cable should be cooled with oil, it is forbidden to construct buildings, to plant trees in this area. After taking into consideration the technological issues of underground cable, it was concluded that construction of such cable would not have less negative impact than the overhead line (that is confirmed in the section L-1 5.4. of the EIA report and in the annex L-2 9).</p>	<p>be invited to attend the meeting (public hearing) in Alytus RED and to discuss provided public comments before the final decision would be made.</p> <p>All parties would be informed about the date and venue of the meeting by a separate written letter after the amended EIA report and conclusions from the relevant parties would be received.</p>
<p>2. The applicant stated that the route of the line is not in compliance with the route in</p>	<p>plan only forms the principal spatial</p>	<p>One of the main goals of the general territory planning – to make</p>	

<p>the general plan of the Territory of the Republic of Lithuania by 85 %. Moreover, applicants argue that the other infrastructural corridors should have been used to implement the Project.</p>	<p>concept of the territory. This concept is being specified with the territorial planning documents of the lower level. Pursuant to the national legislation, solutions of the lower territorial planning documents cannot contradict the solutions of the territorial planning documents of the higher level (in our case – general plan of the Republic of Lithuania, county and district municipality general plans). National legislation does not specify the level of compliance between special plan and general plan. On the contrary, national legislation enshrines one of the main goals of the special planning – to specify. It means, that specifying can be implemented within the administrative units (district municipalities) referred to in the general plan. In addition to this, the overhead power line marked in general plans should be treated as a direction rather than an exact trajectory.</p> <p>Moreover, applicants were informed, that after the open meeting of the Committee of Environmental Protection of the Lithuanian Parliament on 27 September 2010 UAB Sweco Lietuva and LitPol link were asked to analyse all possible legal, technical, environmental and economical alternatives of the Project repeatedly and according to the comments received from the administration of Lazdijai District Municipality. Results of this analysis were submitted to the Committee of</p>	<p>reservations of certain territories for the communication, engineering, transportation corridors, to determine principal urban spatial composition of the territory. These are specified by the solutions of territory planning documents of the lower level. Pursuant to the national legislation, solutions of the lower territorial planning documents cannot contradict the solutions of the territorial planning documents of the higher level.</p> <p>The overhead power line marked in general plans should be treated as a direction rather than an exact trajectory. The route proposed by the public of Lazdijai district contradicts the general plan of the Territory of the Republic of Lithuania, the general plan of Marijampolė county and the special planning conditions of the special plan of the Project.</p>	<p>Letters of the administrations of Marijampolė and Kalvarija district municipalities stating the need to amend territorial planning documents in order to have a possibility to implement the proposal of the public were provided in the section L-1 II of the EIA report.</p> <p>Due attention should be paid to the establishment of Kalvarija biosphere monitoring area (around 2000 ha) near the state border with Poland, in the municipality of Kalvarija, pursuant to</p>
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Environmental Protection of the Lithuanian Parliament, the Administration of Lazdijai District Municipality, Office of the President, Office of the Prime Minister, Ministry of Environment, Ministry of Energy, Ministry of Foreign Affairs, Administration of Kalvarija Municipality, Alytus RED. None of these institutions provided any additional comments, requests.

It was stated, that the suggested alternative to implement this Project in the territory of Kalvarija municipality is not in line with the Lithuania's future infrastructural plans – to access the ECN system. According to preliminary assessment, in order to connect the electricity system of Lithuania to the ECN for synchronous operation, a safe connection through at least two synchronous electricity lines must be ensured, i.e. the planned Lithuanian-Polish electricity link and one more electricity link between Lithuania and Poland. Taking into account the requirements of security, the systemic lines must be constructed at a safe distance. Having in mind that the length of Lithuanian-Polish border is short, most probably, the second electricity line would cross Marijampolė district.

It should be highlighted that the overhead power line is not set in the general plan of Kalvarija Municipality. Furthermore, the infrastructural corridors for railways

the order No. DI-407 of the Minister of Environment, dated 14 July 2009. The main purpose of this biosphere monitoring area (a part of Natura 2000) is to monitor, control, make prognosis on the changes of natural systems; to preserve ecosystem of agrarian landscape, in particular, to preserve population of corn crane (*Crex crex*), marsh harrier (*Circus aeruginosus*), harrier (*Circus pygargus*), spotted crane (*Porzana porzana*) and tawny pipit (*Anthus campestris*), natural grassland communities, including these natural habitat types of Community interest: steppic grassland, eutrophic tall-herb grasslands, alluvian meadows, mesophile hay meadows. It was concluded that the change of the border crossing point of the power line by setting it in the Municipality of Kalvarija may be not acceptable in respect of these protected areas.

		cannot be used for the construction of overhead power line (on the contrary to what was said by the Communicant) without amendment of the general plan.	
3.	<p>The applicants argued that the impact of the economic activity to the landscape and to the cultural heritage was not taken into consideration during the SEA and EIA processes.</p>	<p>The applicants were informed that impact of the Project on landscape was evaluated according to the various aspects of the landscape (fragmentation, aesthetic value, etc.). As it was stated in the EIA report, economic activity has a negative impact on landscape almost in all cases. The route of the line was designed in order to guarantee as little negative impact as possible.</p> <p>Environmental, landscape and cultural heritage values, listed by the applicants, were analysed and described in detail in the EIA report.</p>	<p>The applicants were informed that impact of the Project on landscape was evaluated according to the various aspects of the landscape (fragmentation, aesthetic value, etc.). As it was stated in the EIA report, economic activity has a negative impact on landscape almost in all cases. The route of the line was designed in order to guarantee as little negative impact as possible.</p> <p>Moreover, the Territorial Division of the Department of Cultural Heritage, as the relevant party of the EIA, gave its approval for the planned economic activity (a letter of 21 October 2010, No. 2A-278). Furthermore, a special commission was established in the Department of Cultural Heritage for the evaluation of the possible impact of the Project. This commission did not provide any objections (information provided in the book L-1 of the EIA report and in the additional documents to the EIA report).</p> <p>All measures that should be implemented in the latter stages of the Project were listed in the L-1 3.3.7.1. of the EIA report: archaeological explorations, archaeological researches.</p>
4.	The applicants stated that public's right to	The Ministry of Energy did not agree with	The Ministry of Environment listed all

<p>access information and public participation right were limited during the special planning process.</p>	<p>the statements provided by the applicants. The public was informed about the public hearing events, which were organized in Alytus and Lazdijai municipalities. Information about the Project was disseminated during the implementation of territory planning, SEA and EIA procedures. Applicants were informed that detailed description of the Project, public-information procedure is provided in the annexes of SEA report, EIA report. Even a special booklet was prepared in order to provide the public with simple, visual, understandable explanations about the goals of the Project, possible impact, implementation of the Project, etc. Moreover, the media was invited to the meetings regarding SEA report in Lazdijai municipality in order to increase public interest and awareness of this Project. The Developer of the project organized a conference in Jaszne, Poland (15 May 2009) and in Alytus, Lithuania (23 October 2009) in order to guarantee early public participation.</p>	<p>dates and means of media, which were invoked to disseminate information about:</p> <ol style="list-style-type: none"> (1) preparation of the special plan; (2) SEA report and public hearing; (3) EIA program; (4) EIA report and public hearing. <p>Information about special booklets was provided as well as the dates and venues of the events which ensured early public participation (conferences in Jaszne (Poland) and in Alytus (Lithuania)). Additional information about the transboundary EIA, communications with Poland and information about the implementation of Project related procedures on the Polish side were provided.</p>
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Public hearing initiated by the competent authority, dated 17 December 2010

As it was confirmed by the Communicant, the competent authority organized a public hearing in relation to the comments received from the public. The meeting was attended by the representatives of the Communicant, the Developer, the preparer of the EIA documents and the representatives of public authorities. The chairman of the meeting introduced all participants to the amended EIA report and informed that all public comments were thoroughly analysed and taken into consideration. The EIA report was amended according to the public comments and the proposals received from Lazdijai Municipality. Moreover, Alytus RED received all copies of the answers provided to the public by the Ministry of Energy and the Ministry of Environment (Alytus RED is not competent to answer part of the questions provided, especially those regarding territory planning, compliance of national legislation with European Union and international legislation).

Representatives of the public informed that they had already submitted appeals regarding EIA procedures. All other issues expressed by the public in writing were discussed in the meeting: lack of public information; lack of simplified information understandable for ordinary citizens; comments regarding publications in the newspapers; lack of interaction with the public in the territorial planning process; doubtful refusal to implement transboundary EIA; no explanations regarding technological alternatives; not enough information about the project of synchronization at this stage; lack of visualization in the special plan (in contrast, the Swedish example was presented).

The persons competent gave their answers to the questions raised. It was explained that public information procedures were implemented according to the national legislation. Project Developer used various means to make information available for the public (including comprehensive and simplified explanation of Project-related issues provided in the special booklets). More detailed explanation of technological alternatives as well as the impact on tourism of the Project was provided. Answers regarding the development of water supply and sewage disposal system in the related area and the impact of the Project on the landscape were submitted. It was noticed that the border crossing point of the Project should not be treated as an exact point of the border at this stage. A section of couple hundred meters' of the border as the possible crossing area was discussed with the relevant parties. Certain limitations on the selection of the crossing point appeared after analysis of related solutions of territorial planning documents on both sides of the border.

All information about the public hearing provided above was recorded in the minutes of the meeting, which were sent to dr. Ramūnas Valiokas on 29 December 2010 (No. ARV2-5-1812).

Yours sincerely,

Robertas Klovas
Chancellor of the Ministry

