

The answers to these questions have been prepared on the basis of materials supplied by the Akimat (Mayor's Office) of the City of Almaty.

Question 1.

What did the preliminary OVOS say about the location for the ski resort, including alternative locations?

Answer:

Under Article 48 of the Environmental Code of the Republic of Kazakhstan, dated 9 January 2007, No 212, *state environmental review of Category II, III and IV projects is to be performed by the local environmental protection authorities (the local executive agency of the oblast, city of national significance or capital city).*

The Kok-Zhailau Mountain Ski Resort is a Category III project, and so state environmental review of the project was carried out by the local environmental protection authority – in this case, the City of Almaty Directorate for Natural Resources and Regulation of Environmental Management.

The Kok-Zhailau Mountain Ski Resort has not been located as yet.

The preliminary OVOS of the Kok-Zhailau Mountain Ski Resort project was **approved** by the Report [conclusion] of State Environmental Review No 07-08-133 of 4 March 2013 ('the Report').

According to the published Report, the preliminary OVOS of the Kok-Zhailau Mountain Ski Resort showed that:

- there will be no significant change to aquatic illumination resulting from the creation of shade or the clearance of vegetation on the shore;
- no increase in the limits of allowable emissions from transport is envisaged;
- no significant changes in microclimate resulting from the project development are expected;
- no impact resulting from drainage or waste generation is foreseen.

Question 2.

With respect to the hearing on 11 January 2013, was the public told in advance that they needed to arrive 40 minutes in advance? If so, in what way was this information provided?

Answer:

According to information supplied by the Akimat of the City of Almaty, the contents of the announcement published on 27 December 2012 in the *Vecherniy Almaty* newspaper (Issue No 159) were as follows:

“Kok-Zhailau Mountain Ski Resort LLC announces that a public hearing on the Kok-Zhailau Mountain Ski Resort development project is to be held.

The hearing will take place on 11 January 2013 in the Conference Hall of the Kazgidromet Building, at the following address: 32 Abay Avenue, Almaty. The hearing will begin at 9 a.m. All interested parties are invited to take part. Participants must register: registration will take place from 8.30 a.m. Information on the Kok-Zhailau Mountain Ski Resort development project can be obtained from the Almaty City Office of Tourism at the following address: 7th Floor, 83, Zheltoksan Street. Tel.: 8(727) 243-85-74, 279-51-66, 279-52-61, email: uturizm@mail.ru, Contact person: Lolita Kim.”

The Rules on the Conduct of Public Hearings, adopted by Order No 135-p of the Minister of the Environment of the Republic of Kazakhstan of 7 May 2007, do not provide that the public should be told in advance that they need to arrive 40 minutes before the meeting. Therefore there was no advance information on that point.

Question 3.

Was the public hearing on 11 January 2013, the only opportunity for the public to provide their comments on the preliminary OVOS report and to have them taken into account, or could they also send written comments before and after the hearing and if so, what was the timeframe for sending written comments?

Answer:

Under paragraph 10 of the Rules on the Conduct of Public Hearings, adopted by Order No 135-p of the Minister of the Environment of the Republic of Kazakhstan of 7 May 2007 ('the Rules'), in force in 2012, the public had the opportunity to submit their comments and suggestions as from the date of the official announcement of the organization of a public hearing.

Question 4.

For how many days in the period between the public notice on 27 December 2012 and the public hearing on 11 January 2013 did the link to the preliminary OVOS report on the Office of Tourism website not work?

Answer:

According to the Webmaster (site administrator for the Akimat of the City of Almaty), the period when the official Office of Tourism website did not work **was not recorded.**

Question 5.

Could the preliminary OVOS report be inspected in person at the Office of Tourism in the period between 27 December 2012 and 11 January 2013? If so,

how many days in this period were the public able to go in person to the Office of Tourism to inspect the preliminary OVOS report?

Answer:

According to information from the Akimat of the City of Almaty, it was possible to inspect the Draft Preliminary OVOS at the Office of Tourism throughout the whole period. Anyone who wished could obtain a copy of the Draft on disk.

Question 6.

Please provide the full text of the public notice posted on the website on 27 December 2012.

Answer:

Under the Rules on the Conduct of Public Hearings, adopted by Order No 135-p of the Minister of the Environment of the Republic of Kazakhstan of 7 May 2007, in force in 2012, no provision existed for a notice to be posted on the website.

In fact, the announcement published on 27 December 2012 in the *Vecherniy Almaty* newspaper (Issue No 159) also gave the email address uturizm@mail.ru and the name of the contact person (Lolita Kim) from whom it was possible to obtain information about the Kok-Zhailau Mountain Ski Resort development project.

Question 7.

Was the public hearing on 25 February 2014 the only opportunity for the public to provide their comments on the “Feasibility study of the transfer of land plot of the Ile Alatau national park for the construction of the ski resort on Kok Zhailau” and to have them taken into account, or could they also send written comments before and after the hearing and if so, what was the timeframe for sending written comments?

Answer:

Under the legislation currently in force in the Republic of Kazakhstan, the public hearing **was not** the only opportunity for the public to submit their opinions about the Draft Feasibility Study.

Under paragraph 10 of the Rules on the Conduct of Public Hearings, adopted by Order No 135-p of the Minister of the Environment of the Republic of Kazakhstan of 7 May 2007 (‘the Rules’), the public had the opportunity to submit their comments and suggestions during a period of 20 calendar days from the date of the official announcement of the organization of a public hearing.

Under paragraph 19 of the Rules, the public had 7 calendar days after publication of the Minutes of the Public Hearing, within which they could submit their comments and suggestions. The public availed themselves of this opportunity, and all the comments and suggestions were compiled and then annexed to the Minutes of the Public Hearing.

Question 8.

With respect to the hearing on 25 February 2014, the communicants allege that the free buses arrived late. How many minutes/hours late did the buses arrive at the hearing, and did members of the public who caught the free buses miss all or some of the hearing? If they missed some of the hearing, how long after the start of the hearing did the people who took the free buses arrive at the hearing venue?

Answer:

According to information provided by the Akimat of the City of Almaty, free shuttle buses were organized on the day of the hearing from two points (the Central Stadium and the Hotel Kazakhstan) to the gondola lift station at Medeu, from where the public could ascend free of charge in the gondola lifts to Shymbulak.

All those wishing to register who had arrived at the public hearing, including those who took the free buses, registered before the start of the hearing.

Question 9.

Please provide the relevant excerpt(s) of national legislation in which the requirement to take due account of the outcome of public participation of decision-making within the scope of article 6 of the Convention is set out.

Question 10.

Please provide the relevant excerpt(s) of national legislation in which the requirement to take due account of the outcome of public participation of decision-making within the scope of article 7 of the Convention is set out.

Answer:

Provisions of the legislation of the Republic of Kazakhstan in force:

1. Environmental Code of the Republic of Kazakhstan dated 9 January 2007, No 212
2. Order of the Minister of Environmental Protection of the Republic of Kazakhstan of 7 May 2007, No 135-p, to approve Rules for the Conduct of Public Hearings.