

A complaint to the European Commission concerning execution of a project of double -circuit 400kV overhead power line between Elk and border of the Republic of Poland.

1. The information about the planned venture reached local inhabitants after the investor had made the choice of the option realization, which prevented the inhabitants from taking part in the natural stocktaking and participating in the stage of evaluation of the impact on the environment. First social consultations were carried out by the contractor of the project in February 2012 and then the inhabitants found out about the planned investment in accordance with investor's assumptions, which were accepted by the authorities of the particular communes. In December 2011 and January 2012 geodesists marked the route of the circuit without notifying the owners of the properties. (quote „ Most inhabitants will get to know about the beginning of works over the investment during the information meetings in communes. Individual owners may have come across the geodesists, who were working in the field and made detailed maps. It must be emphasized that these maps usually cover much broader area than the area where the investment takes place. That is why, seeing the geodesist does not always mean that on the specific field the power line is planned.. Only after the specific maps are prepared, the first detailed projects of the line route are made - Power line between Elk - border of the Republic of Poland. The Secretary of the Commune Authority Bakalarzewo governing the webpage BIP Bakalarzewo placed the announcement of the administrative officer of the commune Bakalarzewo from 10th January 2012 about the possibility of placing the requests to the dissertation with no possibility of getting to know the graphic appendices concerning the options of the route of the line.

2. Published maps showing the options show that one of the options did not go through the area of protected landscape and the area of Natura 2000 The Valley of Upper Rospuda. The investor chose the option on the area of commune Bakalarzewo which is the longest 19 km with a narrow passage through the protected area, but directly damaging the natural habitat, 6210 – kserothermic grasslands, 3260 – lowland and hill rivers with the groups of *włosieniczki*, 6510 - fresh meadows used extensively.



Natural habitats and bunkers of bats living in there near the route line 2x400kV in the municipality Bakalarzewo.

Despite making inventories of the bats on the area Natura 2000 The Valley of Upper Rospuda and finding presence of bats on the bunkers in Bakalarzewo, which are about 20 meters far from the planned investment, the research concerning these mammals was not carried out.



Source: Summer inventory of bats in the area of Natura 2000 Upper Valley Rospuda PLH200022

3. The option W3, which spares the protected area in the commune of Bakalarzewo is 7 km long and is far from the natural habitats and inhabited areas.

Quote from the report concerning impact on the environment “The option 3 (W3) an **alternative option of placing the route of the line** – From the new location Elk station in Nowa Wieś Elcka the route goes near the lane of the planned national road (nr 65 “Via Baltica”) being the ringroad of the town Elk from the south-eastern side. The route goes for about 13,5 km through forested areas, owned mainly by National Forest Inspectorate Mrozy. Leaving the forested area the route goes through rural areas in the commune of Olecko, Wieliczki, Kalinowo. In the aforementioned communes the route spares the areas of buildings and goes in the safe distance from human habitats. Occasionally the route leads close to single buildings of rural households. (picture 2-3) On the area of Raczki commune the route crosses the Rospuda Valley near the lane of the planned national ringroad of Augustów “Via Baltica”. The route of the ringroad is planned on the south-east from Raczki. The route near Raczki comes close to Ostoja Augustowska (Natura 2000 – birds habitats) in the distance of 0,4 km on the length of 0,5 km. Leaving the valley of the river Rospuda, meaning the cross of the valley between the area of Natura 2000 (The Valley of Upper Rospuda and Ostoja Augustowska), the line goes further north towards the route of the ringroad of Augustów. It is the result of the need to avoid the area of the aggregate mane and moving the line further from the flying passages of the developed airport in Suwałki.

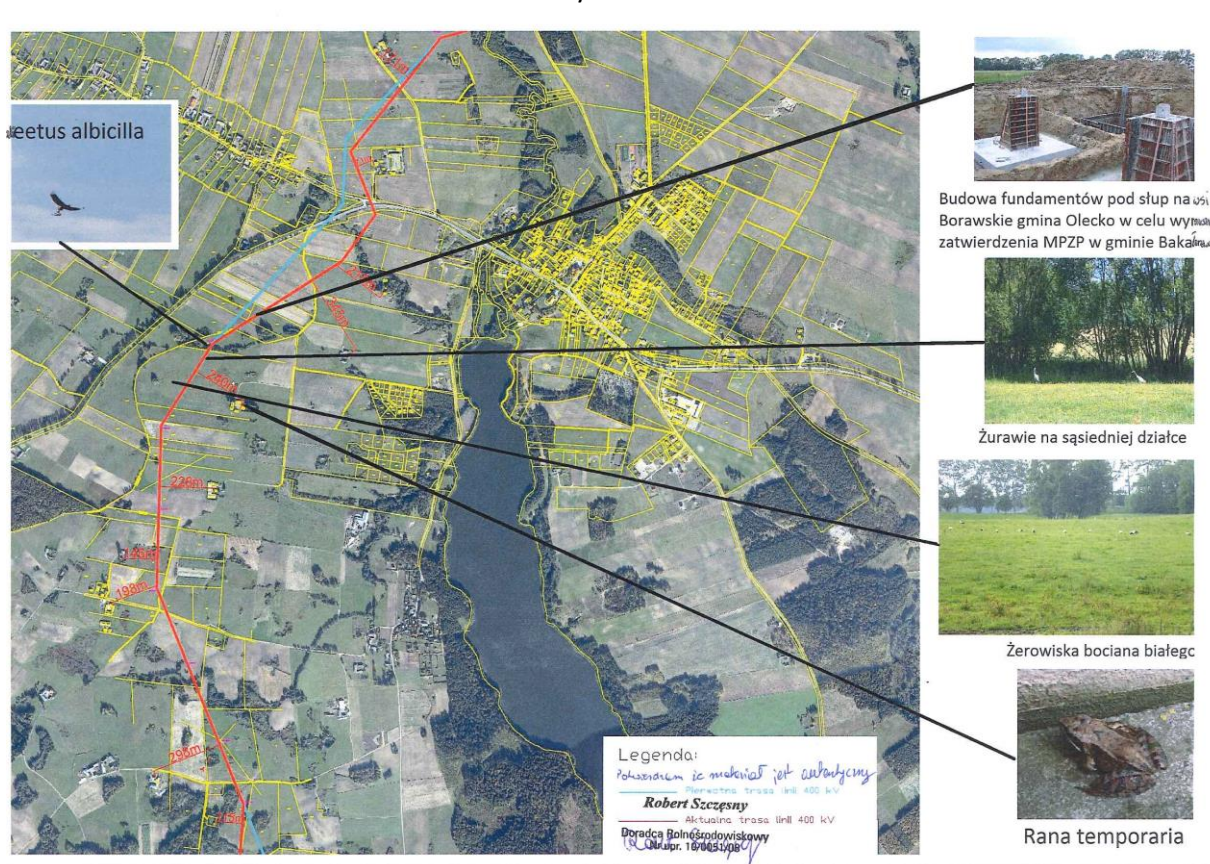
On the area of Commune Raczki and Suwałki the route goes through the hilly rural area.. The line is occasionally close to the single households. In Suwałki commune, from the point marked with the letter G to the border of Poland, option 3 is the same as option 2. Similarly as in the option 3 some of the passages of the route were modified because of the technical conditions of leading the route, consultations with authorities of particular communes and due to the natural conditions. Most modifications are on the passage A – B (further from tree nurseries and the existing nest of white-tailed eagle), B – E (modifications

due to technical conditions and after consultations with commune authorities), G – H ((modifications due to technical conditions and after consultations with commune authorities)."

This option is 11 km shorter on the area of Bakalarzewo commune from the option W4, chosen by the investor. It does not cross any protected areas and it is a satisfying solution for both the completion of the public investment and protection of the environment, especially natural habitats on the area of Natura 2000 The Valley of Upper Rospuda.

4. The report of the impact on the environment was not reliable. Given criteria of the choice of the options are untrue.

5. Although the community did not take part in the natural conduct, and in the proceedings considering placing the line 2x400 kV in planning documents of the communes, the decision was given the rigour of immediate effect. As a result the investor is given a building permit in priceless natural areas, he builds and destroys the environment despite the lasting appeal proceedings from the environmental decision. The court WSA in Warsaw has not considered the case yet.



Map of the line of 2x400kV around Bakalarzewo of ongoing construction and elements of the environment (*Haliaeetus albicilla*, *Grus grus*, *Ciconia ciconia*, *Rana temporaria*), that we want to protect. Pictures taken in the years 2013/2014 in the colony Bakalarzewo

6. Not all communes considered inhabitants' comments for the project of the plan. In Bakalarzewo, the administrative officer of the commune took all the comments into account – but the investor did not make any corrections of the route, and the governor issued a substitutive order concerning land development plan for the same route, ignoring all the inhabitants' comments concerning the project MPZP.

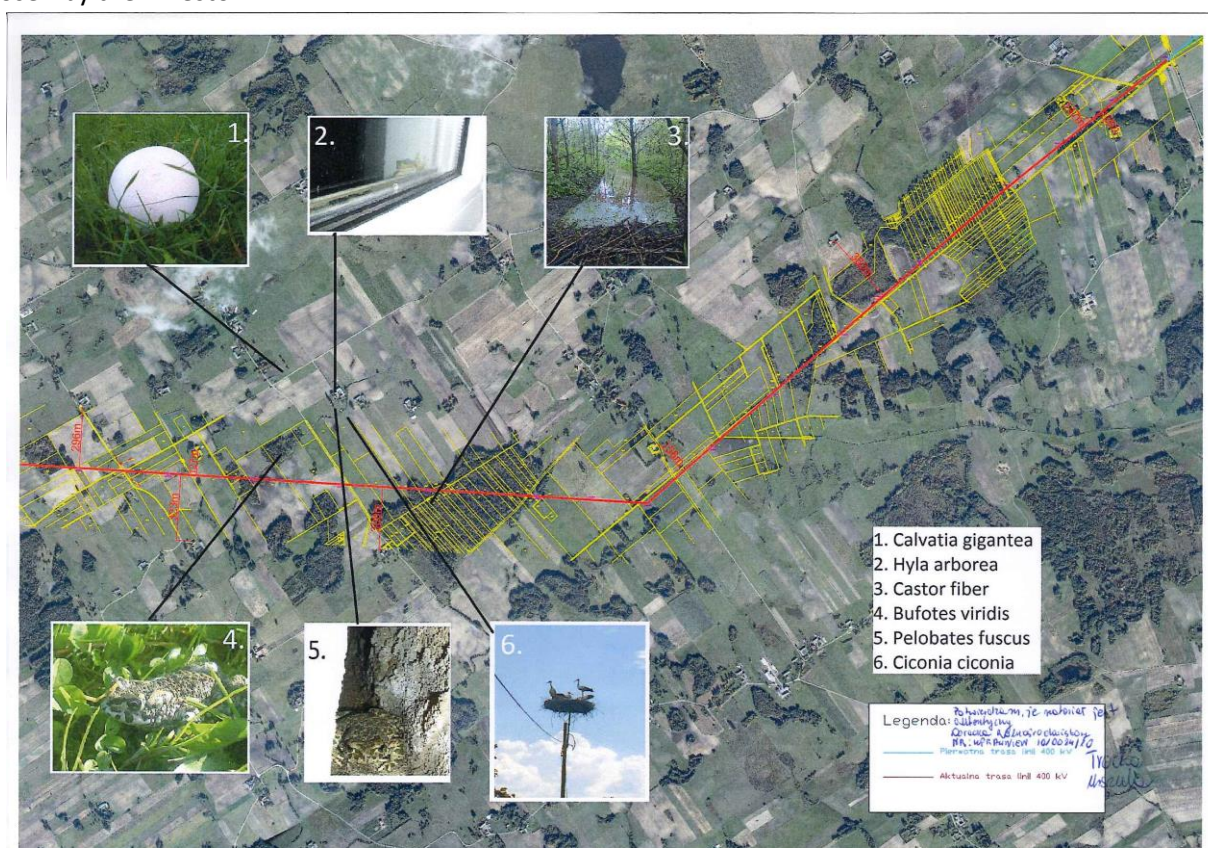
Quote from the answer given for the comments concerning the project of substitutive order of Podlasie Governor "in connection with the above, according to art.17 pt.12 upzp it was decided not to acknowledge the appeal." This answer concerned 15 pages of the comments given by 247 inhabitants of Bakalarzewo.

7. The investor builds without the building permit. (decision from 5th June 2014 - General Inspector of Building Control).



Construction lasted from 7 of 17 July 2014. on plots 18/2, 17/2, 24/1, 25/2 owner Adrian Hościło, precinct Zatyki, municipality Olecko.

8. Made environmental inventories are not full and reliable. The report concerning the impact on the environment is prepared to get favourable environmental decision, and not in the purpose of showing the actual condition of the environment and dangers connected with the location of the line in the option chosen by the investor.



Pictures taken in 2014 in the village Zdręby. 2x400kV rumble and objects protected landscape.

Locals, who at the stage of giving environmental decisions put forward their comments, faced arrogance and disregard from RDOŚ in Białystok. According to the workers of RDOŚ, the investor had already answered all the inhabitants' questions and "there was no need to check if these answers were true."

- 9.** All the administrative bodies engaged in environment protection, break the provisions of Bernenian Convention and operate contrary to the constitution of Poland., especially to the provisions concerning the right to protect the environment for present and future generations.
- 10.** The evidence showing breaking the provisions concerning natural habitats of wild birds, flora and fauna by building the circuit Poland – Lithuania are constantly delivered by the inhabitants of the neighboring communes.