Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		8
question which	fication no. for the n includes the entified by the RMGC	Alba Iulia, 31.07.2006
RMGC internal	unique code	MMGA_0030
Proposal	a description of the way in which the preservation of habitats listed in Annex 1 and 2 of Bern Conven will be guaranteed.	
Solution	a description of the way in which the preservation of habitats listed in Annex 1 and 2 of Bern Conventi	

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		8
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Alba Iulia, 31.07.2006
RMGC internal	l unique code	MMGA_0031
Proposal	An assessment of the alternatives from the point of view of Piatra Despicata and Piatra Corbului protecte areas.	
Solution	<ul> <li>Piatra Corbului is located in the protected area and won't be impacted.</li> <li>As far as Piatra Despicată is concerned, we have considered the solution of its relocation to the protecte area.</li> <li>Further details on this can be found in the Environmental Impact Assessment Report, Chapter 4. Landscape, page 32 – 33.</li> </ul>	

Domain		BIODIVERSITY
which include	no. for the question s the observation he RMGC internal	8
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Alba Iulia, 31.07.2006
RMGC interna	l unique code	MMGA_0032
Proposal	Solutions to n and post-closu	nitigate the impacts on aquatic and land ecosystems during construction, operations, clo ure phases.
Solution	Biodiversity M the impacts of The proposed to mitigate th details (see Pl the main stage	on solutions of impacts proposed in our Environmental Impact Assessment and in Management Plan (Plan H) cover all the phases of the mining project, taking also into acco f previous activities. Compensatory Functional Ecological Network represents one of the direct measures ta he impacts on aquatic and terrestrial ecosystems, which includes structural and function an H: p. 20-22), as well as a schedule of measures to be taken (see Plan H: p. 22-28) du es of the project (years: "0", "7", "10", "14" "16", and "19" respectively), that is for construct and the first phase of post-closure stage.
	Therefore, we would like to remind here several measures like: full collection of Acid Rock Drainage (ARD which is produced by historic pollution, treatment of waters that will be subsequently discharged, increase of the number of forested areas within Roşia Montană with approximately 85 ha, and increase the supporting capacity of natural habitats, etc. All these are measures aimed to mitigate existent and future potential impacts that will have potential adverse effects on aquatic and terrestrial ecosystems. For further details please refer to Annex no. 2 that includes the habitats map. The description of Compensating Functional Ecologic Network can be found in Biodiversity Managemer Plan (Plan H).	

Domain	6	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		8
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Alba Iulia, 31.07.2006
RMGC internal	unique code	MMGA_0039
Proposal	An assessmen points of view.	t of the theoretical and practical value of the area from natural heritage and biodive
	and extension it is defined in The legal requ ecosystems ric adequately cov	he conditions of site ecosystem defined by elements related to major impacts, action in time, the identification of several natural habitats in the true meaning of the word ar specific handbooks has remained at the stage of a hope. irements governing the assessment of biodiversity refer to the assessment of specific chness and to conservative identification of species and habitats. Both aspects have rered within the Environmental Impact Assessment Study.
Solution	biodiversity as a whole represents an element which is poorly represented within Roșia Montar Therefore, its value remains reduced even though theoretic or practical approaches are attempted.	
	No endemic, characteristic and thalassic species have been identified at Roșia Montană that may hav particular significance for biostrata either being local, regional or national. Moreover, no unique or habitats or habitats that may have priority for conservation have been identified within Project's imp area.	
	by the fact tha by the denial o proposal was	point of view, the low value of conservation of the impact area is also indirectly emphas t there is no proposal to designate the area a SPA (aviafaunistic special protected area) of the proposal to designate the area as a pSCI area (sites of community importance). denied by the Committee of Technical Experts of Ministry of Environment and W hat was summoned to assess the Natura 2.000 proposals.

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		16
question whic	ification no. for the h includes the entified by the RMGC	Rosia Montana, 24.07.2006
RMGC internal	unique code	MMGA_0079
Proposal		
Solution	<ul> <li>What will happen with people around Rosia Montana when this project is going to be accomplished at Rosia Montana? On a 100Km radius the entire biotope will suffer essential alterations.</li> <li>People from Roşia Montană have currently a poor health as compared to the neighboring towns [7] a the same time, there is the lowest life expectancy from the area [2]. The risk assessment has not press any health related risks for the people located in the close vicinity of the future mining operation [1].</li> <li>Currently, the human impact caused especially by previous mining operations (and we are talking abo estimated period of approximately 2.000 years) lead to major impact on the environment; maybe the affected element was water. The effects of current pollution are present along the entire Arieş str starting from the conflux with the Abrudel stream.</li> <li>The biotops will not undergo essential alterations on a 100Km radius, only habitats will undergo sea alterations on a radius that will not exceed 17 km<sup>2</sup>.</li> <li>Due to the used technologies, considered as BAT (Best Available Technologies), direct environm restoration methods - unprecedented until now for Romania, and compliance with the national European relevant legislation (the first mining operation in Romania and one of the first in Europe has been designed and developed in compliance with the 2006/21/EC European Directive on manage of waste from extractive industries), RMGC is, at its turn, entitled to consider that natural ecosystem be substantially modified, but in an essentially positive direction.</li> <li><b>References:</b></li> <li>[7] annexes, p. 147, volume 5 Health Baseline Report</li> <li>[2] table 3-2, figure 3-2 in Chapter 3 Demographic Data, p. 16,17, volume 5 Health Baseline Report</li> </ul>	

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		39
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Abrud, 25.07.2006
RMGC internal	unique code	MMGA_0131
Proposal	on the way in Rosia Montan The questione	er represents an organization established for the protection of animals and she is interes in which the company will get involved in the local biodiversity because many animals for ha have been left behind. er would like to see the company support the organization because the local authority he to the lack of necessary funds.
Solution	We believe that the question is related to the abandoned domestic animals. SC Roşia Montană ( Corporation SA (RMGC) will be involved to resolve this issue in the near future, as possible. To sta specific operational procedure would be in place for pets that would promote cooperation, eventuall establishing partnerships with organizations that get involved and have experience in similar activi- together with the Local Councils of Abrud and Roşia Montană, and a sanitary and veterinary unit, in o to develop a complete dog impound facility. This service implies taking the abandoned animals from their natural environment, and keeping them in quarantine, their disinfection, vaccination, and potent their treatment and sterilization, and where necessary (individuals with severe or incurable illnesse extremely aggressive) their euthanasia. Beside the dog impound facility; the partnerships will also the promote an adoption and relocation program for these animals.	

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		39
question whic	ification no. for the h includes the lentified by the RMGC	Abrud, 25.07.2006
RMGC interna	l unique code	MMGA_0132
Proposal	What will hap	open with the fishes from Rosia Montana lakes?
Solution	The Brazi, Ar this habitat f not be impac an associatio administratio development According to that can be r lakes. These Moreover, w lamellibranch Currently a s the managem	t will be impacted by the project are: Corna, Cartuş and Tăul Țapului. aghel, Țarina and Tăul Mare Lakes (representing almost 70% of the total surface covered by rom Project's implementation area) are included in the Project's conservation area and will ted and will be subjected to a program of ecologic restoration. These lakes are monitored by on of sporting fishing who intends to establish a public-private partnership with local on in order to promote several alternatives in the area under the concept of sustainable . RMGC expressed its availability to join this partnership. the principles included in the Biodiversity Management Plan, all flora and fauna specimens relocated will be recovered as circumstances allow it, including the fish from the impacted fish will be transported to lakes that won't be impacted, located in the close proximity. we would also like to relocate other aquatic organisms, crawfishes, gastropods, diate, and amphibians (eggs, larvae, and adults), etc. from these potentially impacted lakes. pecific operational procedure is in development (this will be part of the implementation of tent plan) aimed at establishing the relocation method of all above-mentioned species before cific activities developed for construction.
	Within our hydrobiologic Project imple Consequently The relocatio crawfishes, m want to hibe undertaking a	Environmental Impact Assessment Report (p. 52, Biodiversity Baseline Report), the cal assays have emphasized a depreciation of water quality (including for water of lakes from mentation area). This depreciation has occurred due to the use of previous mining methods. <i>a</i> , there is a low presence of fish populations, but relocation actions will be undertaken. In will be initiated during fall of 2007. During this period fishes and other aquatic organism, hollusks, or amphibians found in these lakes will be relocated. The amphibians that would ernate during winter and would move from terrestrial habitats to these lakes that are a drainage process will be captured by using specific measures, like terrestrial drift fences with and relocated to similar habitats. Other methods will be included in the relocation protocol

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	125
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Alba Iulia, 31.07.2006
RMGC internal unique code	MMGA_0290
	n't include an assessment with regard to water resources losses and land clearings? Which is ntal impact taking into consideration all the aforementioned issues?
Project's water Chapter 4 sect system are pre water balance of Proce Cârni Cetati from Acid V Tailin Fresh Water Drink Dome The concept, of balance of the prepared by M (described below been included years of closure Solution A joint set of of Project's weath obtained from section 4.1. Wa The average ra the water bala monthly value weather station for July and A that particular totals 1190.7n rainy month of totaling 496.1 4.1.13 Chapter	<ul> <li>balance is based on the strategy of water management that is illustrated in Exhibit 4.1.18 - ion 4.1 Water of EIA Report. More details regarding the flow and storage facilities of the sented by Exhibits 4.1.8, 4.1.10, 4.1.11 and 4.1.12 of the abovementioned section. For the model, the Project's systems have been divided in 9 groups:</li> <li>ssing installations;</li> <li>c Waste Dump; low grade ore stockpile and the pits (including the mine drainages resulted 714 gallery and Cetate Dam);</li> <li>Water Treatment Plant;</li> <li>gg Management Facility;</li> <li>Water Supply;</li> <li>r Reserve;</li> <li>ing water;</li> <li>sstic waste waters.</li> <li>operation and the results of the water balance model are described in the report on water Project, updated by the Technical memorandum from 7<sup>th</sup> of March 2006 – documentation Montgomery Watson Harza. These reviews also include the input data of precipitation ow) and the strategy of water management as described in Section 6.2. Years 18-20 have to assess both the modification made to the Tailings Management Facility during the first e stage and the ones regarding the flooding of pit lake.</li> <li>lata has been used for the water balance model, where the last 5 years of data secured from her station have been introduced in the longer series of data (dated as back as 1938) INMH's Rotunda weather station. This set of data is enclosed as Annex 4.1D-Chapter 4, ater of EIA Report.</li> <li>iny and droughty years have been selected from this long series of data in order to calculate nee. An average year value used in the water balance consists of a combination of average s and totals 722.8 mm. For a rainy year, the maximum value recorded at INMH's Rotunda n has been used (year 2001, 1056.9 mm), but increased with the help of RMGC set of data uput 2005 to perform the estimate by taking into account the extremely rainy summer of year (July 2005 value represented a maximum monthly value). The modeled rainy year mm. For the droughty year (year 1992, 563.7 mm), it ju</li></ul>

These values are significantly outside the recorded domain.

For the EIA, most of the values from the water balance have very little direct relevance, because they really describe internal flow rates of the operation. The most relevant values for the EIA are the ones related to

the discharges from the environmental installations – these values are highlighted in blue on the Exhibit 4.1.24- Chapter 4 Section 4.1 Water of EIA Report. These consist of the discharges of treated water resulted from Cârnic tailings dam in Corna Valley (when quality allows it) and the compensating flow rates from Roşia and Corna Valleys resulted from acid water treatment plant.

The water balance model is a dynamic entity and undergoes a continuous analysis and update consistent with the evolution of water management, operations plan and sets of input data.

The assessment of the forest located within Project site is provided by the intrinsic value of products and services that the respective forest provides. The value of the products consist mainly of the value of the wood estimated at approximately 30,000 mc. The wood will be cleared in four successive stages according with the development of the project (years 0, 7, 14, 16). The value may be theoretically assessed by multiplying the estimated wood volume with the average price of raw wood, which is established by current in force legislation (69 RON/mc), but its real value will be provided by the average value secured upon sale on the open wood market.

According to the EIA Report, the value of environmental factors from Roşia Montană area and the value of their associated functions (as discussed in Plan H, Biodiversity Management Plan p. 14-18) remains limited due to the impact that is major both from amplitude and time duration points of view. An assessment of losses induced to the aquatic and terrestrial ecosystems will be discussed below. Also, a set of compensatory measures are proposed here, aimed at fighting against production of adverse impacts (p. 18-28).

The environmental impact of the proposed project remains significant, especially because the project will cover the previous impact. But, the investments required for the ecologic restoration/rehabilitation of Roşia Montană aimed at addressing the complex current environmental issues are possible only after such economic projects are implemented that will be capable of generating and warranting direct and responsible actions, as a component of the base principle of sustainable development. Only in the presence of a solid economic environment, clean processes and technologies may be used, fully compliant with the environment that will also resolve previous impacts of anthropic activities.

The objectives assumed through the Biodiversity Management Plan, p. 18-19 (*Mitigate the "GAP" effect; Take on the affected bio-strata; Continue to ensure eco-stability; Ensure continuity of services within the natural factors area; Mitigate impacts on adjacent ecosystems; Ensure successful post-closure re-vegetation*) will subsequently be addressed in several detailed projects aimed at reconstructing and rehabilitating the environment; It is estimated that at the end of project's life, the impact will be minimized and the environmental conditions much more improved.

The base documents of the Project are in fact an unbiased reason of its implementation, due to the highly complex environmental commitments assumed within Roșia Montană area.

Domain	BIODIVERSITY	
which include	the observation 139 e RMGC internal	
question whic	fication no. for the nincludes the Alba Iulia, 31.07.2006 entified by the RMGC	
RMGC interna	unique code MMGA_0316	
Proposal	The questioner asks from biodiversity experts to state whether the number of trees the planted represent and reflect the value of the biodiversity of a habitat and to explain if a has the same scientific ecologic value as the one of a land that hasn't been impacted or h impacts.	a rehabilitated
	<ul> <li>The result of the activities performed during the last hundreds of years at Roşia Mori impacted the environment in general and fauna and flora in particular.</li> <li>Following this significant impact both in its intensity and in its duration in time, or regions of Romania, it is obvious the fact that Roşia Montană is far from being chabiodiversity indexes and therefore no one can speak about a <i>"land that hasn't been insignificant impacts"</i>.</li> <li>Therefore, the floristic specters, and also the fauna ones remain mainly impacted hubiquistic, synatropic, ruderal, and invasive species or species with elevated ecologic plase.</li> </ul>	compared to o aracterized by i <i>impacted or ha</i> by the presence
	The biodiversity remains a conceptual entity, resembling <i>Aesthetics</i> or the <i>Ecosistemic</i> very difficult to be quantified. However, it is commonly accepted the fact that based on scientific demonstrations, fo	: Integration, b
Solution	<ul><li>the climax status, i.e. the maximum stability. This is the case where all conditions of natural balances, the support capacity, and the productivity are met; all these are report unit, and they are maximal.</li><li>Thus, if we are to speak in a simple manner, to report the number of trees to the surprovide additional input to the value of biodiversity, with all its attributes: density, physiological status, etc. which on their turn must be considered. The tree numbers that do not represent by themselves the value of biodiversity of a particular forestry habitaterm, planting trees (a program initiated even from 2006) represents one of the most of mitigating the potential impact on forestry habitats.</li></ul>	maintenance of rted to the sur face unit, that age, specie, or at are to be play at, but on the
	Starting with the unquestionable realities, according to which there is an obvious signif level of the study area both from scale and magnitude points of view, i.e. a low numb our proposal included in the Closure Plan and in the Biodiversity Management F Compensatory Functional Ecologic Network, which will be operational even from the i Project (year 0); it seems that this network will represent an efficient answer from the emergent ecologic pressures.	er of trees spe Plan is to crea nitial period of
	It must be noted that 38 wood and shrubs species from local spontaneous flora a Biodiversity Management Plan (vol. 27, pg. 27-28), as part of the structural base Functional Ecologic Network. 27 additional wood species will be added, their presence w the increase of biodiversity indexes. All the abovementioned actions require major investments that could be paid only as pa If this project is not developed, the current poor ecologic status of Roşia Montană unbalances, not only at local level (which are already obvious), but also at regional level.	of Compensa vill certainly lea rt of this Proje

Domain		BIODIVERSITY
		209
question which i	cation no. for the ncludes the tified by the RMGC	Cluj Napoca, 07.08.2006
RMGC internal u	nique code	MMGA_0416
Proposal	baseline cond the Ministry prepare enviro The assessme discussed only impact assess impacted area - There are no who said that	professionalism of those who have prepared EIA report:For example, the biodiversity study, itions, it is said that the study is conducted by a certain SANTEC. This is not stipulated on of Environment and Water Management lists concerning the cerified persons who can onmental impact assessment studies. Int on actual risks, on the project's impact (subchapter 4.1.6 - biodiversity) this topic is being <i>x</i> in several pages, about 20 of 4500 pages of the entire study, which is named environmental sment study. Just that much is said about a project that will wipe everything out, the will disappear. to references within the entire study. Where have the presented data been taken from, and it is like that?
	Piesold. Betwee preparing/rev under the co preparation E in 1954 and p management,	een 2000 and 2006, STANTEC involved several teams of Romanian experts in the process of iewing/completing these baseline reports. The first draft of the report has been prepared bordination of Stantec (a Canadian-based, multinational company, dedicated to the nvironmental Impact Assessments; see <u>www.stantec.com</u> ). The company has been founded provides professional services in designing, consultancy, ecologic reconstruction, and project
	Inside Stantec	Services   Projects   News   Investor Relations   Careers   Information Center <u>home &gt; inside stantec &gt; locations</u>
Solution		Select a Location
	Our Pres	

Even from the initial stage Stantec, has contracted Romanian experts that have worked together in

preparing biodiversity baseline reports (Mr. Mircea Gomoiu, PhD, Academician; Mr. Mihai Valcu, PhD in Biology; Mr. Virgil Iordache, PhD in Biology; Mr. Gogu Mircea, Biologist, PhD; Mr. Calin Hodor, Biologist).

The initial report prepared by Stantec has been reviewed and updated between 2005 and 2006 by teams lead by Institutul de Cercetari si Amenajari Silvice (ICAS) (The Institute of Forest Research and Developments) and by Mr. Sergiu Mihut, PhD (USI) who are certified by Ministry of Environment and Water Management in preparing environmental assessments.

According to the provisions included in current in force law, Minister Order no. 978/2003, amended and altered by Minister Order no. 97/2004 and by Governmental Emergency Ordinance no. 195/2005, the EIA Report must be prepared by certified Natural or Legal Persons, but this is not a mandatory condition for the experts that contribute to the preparation of Baseline Conditions Reports, Management Plans, or any Land Surveys.

The bibliography will be included in Annex 1.

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		213
question which i	cation no. for the ncludes the ıtified by the RMGC	Cluj Napoca, 07.08.2006
RMGC internal u	nique code	MMGA_0435
Proposal	Will the flora	of the ecosystems from Rosia Montana be impacted through RMGC project?
Solution	will be a minin area lower that controlled thr Within the controlled thr Within the controlled thr Within the controlled thr significant im subsoil, flora a The mining environmenta May 1992 reg exist in the p conservation p of community	roposed by RMGC will impact the flora of ecosystems from Roşia Montană, but the impact num one at regional and national level, and major impacts will occur only at local level on an an 20 km <sup>2</sup> and will not have the potential to lead to the disappearance of a specie, being ough the mitigation measures that have been described. company's submitted documentations ( <i>Baseline Conditions reports, Environmental Impact port, and Social and Environmental Management Plans</i> ), the project is considered as having a pact on the environment, namely on the following environmental factors: water, air, soil, and fauna. project was designed even from the beginning to meet all Romanian and European l legal requirements. Therefore, even though species listed on Directive 92/43/EEC of 21 <sup>st</sup> of garding the conservation of natural habitats and wild flora and fauna (Habitats Directive) erimeter that will be impacted, they do not meet the criteria of an area significant from point of view. This fact also results from the denial of proposal to designate a pSCI area (sites <i>r</i> importance) that was submitted for this area by the technical experts committee of the prironment and Water Management summoned to assess Natura2000 proposals.
	because the prestore/rehabi possible only responsible ar processes and	believes the fact that project's impact on the environment remains important, especially project will overlap previous environmental impacts. But, the investments required to ilitate Roșia Montană area in order to resolve current complex environmental issues, are after the implementation of economic projects capable of generating and warranting ad direct action as a base component of sustainable development concepts. Clean economic d technologies may develop only in the presence of a solid economic system, in full rith environment that will resolve even the previous impacts caused by all anthropic

Project's base documents are an unbiased reason of its implementation, taking into account the complex environmental commitments assumed for Roșia Montană area.

Domain		BIODIVERSITY
which includes	no. for the question s the observation he RMGC internal	235
question whic	ification no. for the h includes the lentified by the RMGC	Cluj Napoca, 07.08.2006
RMGC internal	unique code	MMGA_0476
Proposal	mining sites t the biodiversi	er addresses questions related to biodiversity: The questioner wants to know if any of the that were closed and have been naturally rehabilitated in the past have been assessed from ity point of view after that rehabilitation. Where can this study be found and why it isn't the biodiversity impact assessment study?
Solution	forecast the p Project and t impact, respect According to recommendat and do not a (these are irree In Romania, areas, the acti Complex action mining operat The models p baseline cond areas where su Such techniqu only common sustainable de We would like report on the during operat instrument du prepared for biodiversity is closure stages	the current in force legislation, compliant with the European Directives and international ions, a process of assessing the environmental impact governs strictly a proposed project ussess biodiversity subsequent to some re-vegetations produced by other similar projects levant aspects because they are particular for each site). the actions undertaken to re-vegetate some mining perimeters have impacted only small ons remaining at the stage of an experiment or as pilot-projects. ons developed at large scale to rehabilitate mining sites, are now required globally for similar tions. proposed for Roşia Montană Project are typical for this area and reported strictly to the itions (volume 13, Chapter 4.6 on Biodiversity) because the ecologic conditions from various uch mining operations exist are different to the ones in Roşia Montană. ues, methodologies or procedures used to re-vegetate certain areas cannot be recreated. The a elements are the base-principles for these actions that must result from the concepts of evelopment and high and efficient development of natural resources. e to underline that up to date no other mining project has provided a baseline conditions biodiversity of the area to be impacted; not even a monitoring process was not implemented ions stage of a project to compile a database. Such database would have been used as a base uring closure and rehabilitation of the site. For other cases, the environmental assessment closure and rehabilitation stages of those projects was merely a schematic approach of ssues, no plan being prepared to manage the biodiversity issues during closure and post-
	would assess	ate there is no study comparable to the one that is proposed by us for Romania; a study that the measures of ecologic reconstruction and monitoring of biodiversity during post-closure ore, our company has performed a pioneering activity.

Domain		BIODIVERSITY	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		235	
question whic	tification no. for the ch includes the lentified by the RMGC	Cluj Napoca, 07.08.2006	
RMGC interna	l unique code	MMGA_0477	
Proposal	species of in	er expects a motivation for the destruction of the species after the mining operation. 20 vertebrates and 87 species of vertebrates having special statute according to Romanian e presented in the biodiversity impact study, and exist in the impact area and are considered nt.	
	endemic spec are no endem them special	won't be destroyed following the development of the mining operation. There aren't an ies of plants or animals whose existence may be threatened by the mining operation. There nic or rare habitats or other habitats that would require conservation and to designate for conservation sites. It is true that some populations of some species located within Project' npacted and for these, methods of mitigating the impact have been described.	
Solution	Through the closure measures (see Mine Rehabilitation and Closure Management Plan), and through the ones included in the Biodiversity Management Plan respectively, which will subsequently be implemented even from the initial stages of the project (pre-construction stage), a Compensatory Functional Ecologic Network will be established and all species of interest will not be removed (even though these are common species at national level), but on the contrary, the support capacity of some habitats will be increased in order to guarantee the presence of such species at Roşia Montană in the future, and especially to create the setting necessary to repopulate with species of major interest.		
		e historic impact, the flora and fauna from Roșia Montană remain heavily impacted by th biquistic, synantropic and ruderal species that have an elevated ecologic plasticity.	
	populations f being proved in the area a importance)	ent status of Romania, we believe that all discovered species are important, but the rom the area do not meet the required criteria so as to take special protection measures, this by the fact that there is no proposal to designate an SPA (aviafaunistic special protected area and the denial of the proposal to designate the area as an pSCI (sites of communit by the Committee of Technical Experts from the Ministry of Environment and Wate summoned to assess Natura 2000 proposals.	
	However, ma populations.	ny of these species remain rather common, widely spread at national level, with large, stab	

Domain BIODIVERSITY	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	2006
RMGC internal unique code MMGA_0510	
	mation on biodiversity, more precisely on the "Biodiversity Baseline name cannot be found on the list of certified legal persons.
Piesold. Between 2000 and 2006, S' preparing/reviewing/completing th under the coordination of Stantec Environmental Impact Assessments provides professional services i management. The company has more than 6,000 Caribbean.	s studies have been initiated in1999 under the coordination of Knight IANTEC involved several teams of Romanian experts in the process of ese baseline reports. The first draft of the report has been prepared (a Canadian-based, multinational company, specialized in preparing s; see <u>www.stantec.com</u> ). The company has been founded in 1954 and n designing, consultancy, ecologic reconstruction, and project of employees and over 80 offices/locations in North America and the $\underbrace{\below{restore} relations \ Careers \ Information Center} \ \below{restore} relations \ \below{restore} \ \below{restore} relations \ \below{restore} $

Even from the initial stage Stantec, has contracted Romanian experts that have worked together in preparing biodiversity baseline reports (Mr. Mircea Gomoiu, PhD, Academician; Mr. Mihai Valcu, PhD in Biology; Mr. Virgil Iordache, PhD in Biology; Mr. Gogu Mircea, PhD; Mr. Calin Hodor, Biologist).

The initial report prepared by Stantec has been reviewed and updated between 2005 and 2006 by teams lead by Institutul de Cercetari si Amenajari Silvice (ICAS) (The Institute of Forest Research and Developments) and by Mr. Sergiu Mihut, PhD (USI) who are certified by Ministry of Environment and Water Management in preparing environmental assessments.

According to the provisions included in current in force law, Minister Order no. 978/2003, amended and altered by Minister Order no. 97/2004 and by Governmental Emergency Ordinance no. 195/2005, the EIA Report must be prepared by certified Natural or Legal Persons; this is not a mandatory requirement for the experts that contribute to the preparation of Baseline Conditions Reports, Management Plans, or any other Land Surveys.

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		251
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Cluj Napoca, 07.08.2006
RMGC internal u	nique code	MMGA_0511
Proposal	What are the s	stocks of invertebrates and vertebrates species?
Solution	ammendment conducting so interest (birds Baseline Repo There are seve invertebrate Environmenta which are con established. The Biodivers assessment m requirements. making proces the smallest d Thus, we onl accessibility, in	eral estimates on the relative abundance for all vertebrate species (p. 52-58). In the case of species, populations estimate does not represent a common practice conducted for al Impact Assessments; such estimations remain the scope of detailed scientific studies, ducted on small study areas, for which some fairly accurate work methodologies have been ity Baseline Report (vol. 13, chapter. 4.6.), as an instrument of technical – administrative needed to cover several topics related to the compliance with current specific legal Considering its utility, the instrument will subsequently facilitate and serve decision ss, and at any given moment the issue of preparing an exhaustive study that will deplete to etails all biodiversity aspects was not discussed. y intended to present information of special relevance and with an elevated degree of n order to allow presentation of local natural surroundings, in general and the status of
		hand, Torsvik & coll. 1990, underlined the fact that <i>no one was able not even at local level until</i> e a habitat inventory".

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		251
question whic	ification no. for the h includes the lentified by the RMGC	Cluj Napoca, 07.08.2006
RMGC interna	l unique code	MMGA_0512
Proposal	The questione in the EIA.	er wants a list of all the habitats in the area, except for the forest habitats that are presented
Solution	are extremely l habitats in the identification impossible. In of major form related to futt overlooking c	where the project is proposed to be implemented "natural relations between species in the area limited by permanent anthropogenic intervention" being "little point in referring to preservation of cir natural state" (as presented in the Biodiversity Baseline Conditions Report). Therefore, the and correlation of at least the structure of such habitats with natural ones is almost in the same report it is stated that "for the present stage", it has been prepared an "identification ations, for better overall characterization, and especially for a good understanding of the issues ure impacts on the site". To conclude, at any given moment there was no intention of certain aspects related to the presence and distribution of natural habitats within studied tter understanding of habitats located within the impact area, generally speaking.
	The handbook describing the habitats of Romania has been recently published: end of 2005 – base volume; early 2006 – altered volume, according to the amendments for European Directive 92/43/EEC proposed by Romania and Bulgaria. But, for the next stage a complex and complete GIS map will be prepared for the habitats located within Project's implementation area (a detailed map), and adjacent areas respectively (a map of major habitats correlated with habitats from Project implementation area). This detailed map, accompanied by the percentage representation of habitats from mining area will be included in Annex no. 2.	

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		251
question whic	ification no. for the h includes the entified by the RMGC	Cluj Napoca, 07.08.2006
RMGC internal	unique code	MMGA_0513
Proposal	How can you lists?	explain some of the syntagms used such as: deleterious species, useful species or potential
	It is true that to rank species as deleterious/useful is rather outdated with respect to current practices, but this ranking was made when forestry management was in discussion. Through this, it is prevented the occurrence and the potential extension of some centers with an aggressive potential on nemoral habitats that are restored from ecologic point of view or on habitats located in their close proximity. The forestry management will firstly take into account the existing impact and major unbalances in order to contain them based on several integrated control techniques.	
Solution	assessment es based on trad well as referen habitats or fro occurrence o comprehensiv subsequent st be considered species, or spe	sity Baseline Report (vol. 13, chapter 4.6.), as a technical-administrative instrument of stablished a Systematic Lists of Species. This list includes both data collected directly on site litional methods (direct observations, traps, collection by using several techniques, etc.), as nees that we have used. The list has been also completed with species identified from similar or areas located in the close vicinity of the perimeter that will be impacted in order to avoid f omissions. Therefore, the establishment of a list of relevant taxonomic groups as re as possible was attempted, in order to allow implementation of detailed measures during tages of development. Through these future measures, all specific ecologic requirements will f for species that are valuable for natural habitats (key species, bio-indicator species, rare ecies of scientific interest, etc.) aintain the necessary consistency, the proposed list also included these potential species.

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	251
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0514
Proposal Have the comp	pany present the bibliographical sources for all the chapters on biodiversity.
The bibliograp Solution	hy of Biodiversity Chapter is presented in Annex 1 of this Report.

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		251
question whic	tification no. for the ch includes the dentified by the RMGC	Cluj Napoca, 07.08.2006
RMGC interna	l unique code	MMGA_0515
Proposal	The question	er wants to be presented the floristic structure of the vegetation.
	will present b Thus, the s	c point of vie, the term <i>floristic structure of vegetation species</i> is incorrect, but, nevertheless we below the overall floristic structure of vegetation located within Project's impact area. tructure of vegetation remains typically characterized by the presence of ubiquistic, and ruderal species, with an elevated ecologic plasticity.
Solution	2006 – alter Romania and habitats loca	k of habitats from Romania was rather recently published: end of 2005 – base volume; early ed volume, according to the amendments for European Directive 92/43/EEC proposed by l Bulgaria. During the next stage a complex and complete GIS map will be prepared for the ted within Project implementation area (a detailed map), and adjacent areas respectively (a r habitats correlated with habitats from Project implementation area). This detailed map is Annex no. 2.
	Section 3.1.6 3.2.2. (Terres the systemat electronic for	structure of some vegetal associations has been analyzed within Volume 13, Chapter 4.6., . (vegetation from aquatic ecosystems), Section 3.2.1. (vegetation from forested ecosystems), strial and Aquatic Flora), 3.2.3. (Mushroom resources), and all data have been completed with ic list of flora species from Annex 1 (Chapter 4, Potential Impact, Section 4.6 Biodiversity – mat) that includes 414 species. This list is presented in Annex 4 of this report. presents information on the relative abundance and occurrence at national level.

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	265
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0550
Proposal the state-own	fragmentation and the landscape deterioration refer to those hectares of land impacted by the mine operations. Besides that, the landscape is typical for a mountain area, with a diversity which has not been carefully analyzed so far.
Following the compared to r high biodivers impacted do n Due to the sa activities, by s their structure erosions, etc. The low conse the fact that to the denial as Solution importance) b Management s On the other h now to complet However, duri be accomplish Biodiversity M complex proce groups. Fauna connected to t will be ensur	diversity which has not been carefully analyzed so far. • significant impact both in its intensity and duration in time, the Roşia Montană area, many regions from Romania, it is obvious the fact that it is far from being characterized by idy indexes, and thus we cannot speak about <i>"typical mountain landscape"</i> . Such areas, deeply not represent a specific feature for Romanian Carpathian Mountains. The reasons stated above, the natural character of landscape is deeply altered (by mining sylviculture, by agriculture, etc.), resulting in fragmented and degraded forests regarding e and composition ratio, degraded secondary meadows, non-productive lands vulnerable to ervation value of impact area is circumstantially emphasized from practical point of view by here is no proposal to designate an SPA (aviafaunistic special protected area) in the area and being unfounded of the proposal to designate the area an pSCI (sites of community by the Committee of Technical Experts from the Ministry of Environment and Water summoned to assess Natura 2,000 proposals. hand, Torsvik & coll. 1990, underlined the fact that <i>"no one was able not even at local level until e a habitat inventory"</i> . ing the subsequent period in order to base the detailed decisions, the following actions will leed: the design of the Compensatory Functional Ecologic Network that is proposed in the Management Plan (volume 27), and starting with year "0" of project implementation, a edure will be established based on prior protocols of inventorying all bioecocenosis relevant a and flora inventories will be transposed in an electronic database by using GIS software the national database system of biodiversity (BIMS). Therefore, objectivity and transparence ed, these two aspects being vital for a management of biodiversity developed at an d scale for Romania.

Domain		BIODIVERSITY
which includes	no. for the question s the observation ne RMGC internal	265
question which	fication no. for the h includes the entified by the RMGC	Cluj Napoca, 07.08.2006
RMGC internal	unique code	MMGA_0551
Proposal	is infirmed by Rosia Montar	re than 100 species of protected animals in Rosia Montana, and the low level of preservation y the actual existence of these species as well as by the presence of some nature reserves in na and in the neighboring communes, namely: Piatra Corbului, Piatra Despicata, Detunatele, ccise (The Meadow with Narcissus – Narcissus poeticus) from the Bucium commune.
Proposalis infirmed by Rosia Montar Poiana cu Nar Although the has been rec populations of view. This val as SPA (avifar pSCI (sites of assess the res Taking all the Directive no. within Biodiv reconstruct/recTaking all the Directive no. within Biodiv reconstruct/recThe only res Despicată, wh latter one w conservation Bucium, etc. vSolutionReferences: [1] art.3. (2), to the represe in paragraph special areas of 		rcise (The Meadow with Narcissus – Narcissus poeticus) from the Buclum commune. presence of species listed on different annexes of Romanian Laws and European Directives ognized and assumed by the Report on Environmental Impact Assessment Study, the f such species show the low conservation value of the impact area, from a practical point of ue is circumstantially emphasized by the fact that there is no proposal to designate the area insitic special protection area) and the denial as unfounded of the proposal to designate a 'community importance) in the area by the Committee of Technical Experts summoned to pective proposals. se into account, we believe that the proposed Project is compliant with the provisions of EU 92/43 Habitats[1], and EU Directive no. 79/409 Birds[2] respectively, especially because ersity Management Plan, Plan H, several active and responsible measures are provided to ehabilitate several natural habitats, pursuant to the provisions of the same documents [3]. revations located within the project interest area are the geologic reservations Piatra tich is located in the impact area, and Piatra Corbului, located in the conservation area. The on't be impacted by the development, and Piatra Despicată will be relocated to the area. Detunatele, Poiana cu Narcise (The Meadow with Narcissus – Narcissus poeticus) from von't be impacted by this Project! Each Member State shall contribute to the creation of Natura 2000 (network) in proportion intation within its territory of the natural habitat types and the habitats of species referred to 1. To that effect each Member State shall designate, in accordance with Article 4, sites as of conservation taking account of the objectives set out in paragraph 1. the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each e shall propose a list of sites indicating which natural habitat types in Annex I and which nex III that are native to its territory the sites host. For animal species ranging o
	overriding pu	blutions, a plan or project must nevertheless be carried out for imperative reasons of blic interest, including those of a social or economic nature, the Member State shall take all <i>r</i> measures necessary to ensure that the overall coherence of Natura 2000 is protected. It

shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, (1). The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. [...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species, taking into account their protection requirements in the geographical sea and land area where this directive applies

[3] Directive 92/43 Habitats, art. 2, 2nd paragraph; Directive 79/409 Birds, art. 3, 2nd paragraph, letter c.

Domain		BIODIVERSITY
which include	no. for the question s the observation he RMGC internal	267
question whic	ification no. for the h includes the entified by the RMGC	Cluj Napoca, 07.08.2006
RMGC internal	unique code	MMGA_0558
Proposal	investigations Unfortunately questioner, th by an amateu	er makes the following observations and comments:The company performed very prec s when it began prospecting the rocks in order to assess the quantity on gold within the ro y, this aspect is completely neglected in the chapter on biodiversity. According to t he more than 100 pages of the report represent a mediocre study that was elaborated eith ar or by a very shallow person or it was meant not to reveal the true value of the natu the impacted area.
Solution	All biodiversi pages), Chapt compliance w annexes and 4 We would lik from 10 diffe The Biodiver	ty issues are studied within three different documents: Biodiversity Baseline Report (of eer 4.6 of Report on Environmental Impact Assessment Study (EIA) that was prepared in f with the provisions of Ministerial Order 863/2002 (which has112 pages, and includes 4 exhibits), and finally, The Biodiversity Management Plan (which has 31 pages). e to emphasize the fact that the biodiversity chapter has been prepared by over 20 expe rent national and international institutions, including experts from the Romanian Academ sity Chapter of EIA fully complies with legal requirements included in the legislati oping of such EIAs.
	decision maki to the smalle special releva surroundings Due to the fa	ts utility, as a technical-administrative instrument that will subsequently facilitate and ser ing process, at any given moment the issue of preparing an exhaustive study that will deple st details all biodiversity aspects was not discussed. We intended to present information ance and with an elevated accessibility level in order to emphasize the local natu , in general, and biodiversity, in particular. ct that we wanted to warrant the accessibility of our study, several unbiased limitations th lected upon the biodiversity chapter.

Domain		BIODIVERSITY		
which include	no. for the question es the observation the RMGC internal	267		
question which	tification no. for the ch includes the dentified by the RMGC	Cluj Napoca, 07.08.2006		
RMGC interna	l unique code	MMGA_0559		
Proposal	endangered p also the Habit	ould have been meant to identify the types of animal habitats and habitats for the species of lants and animals, protected under the national and international legislation that includes tats and Birds Directives. This thing never happened.		
	preservation abundance (P. 74, Biodivers Report). However, mar	pserved within Project area and in its close vicinity have been listed in tables where their status is mentioned, as per EU Habitats and Birds Directives, together their relative lants – Annex 1, Chapter 4.6. EIA, electronic format, vertebrates – table 3-9 to 3-12, p. 68- ity Baseline Report, benthonic invertebrates, table 3-4, p. 49-50, Biodiversity Baseline my of them remain rather common, widely spread at national level, and having large, stable the plant species that are frequent and very frequent represent 86.5% of the species met perimeter).		
	Considering the utility of the analyzed document as an instrument of technical administrative assessment that will subsequently facilitate and assist the decision making process, the issue of preparing a scientific exhaustive study that will deplete to the smallest detail all biodiversity aspects was never discussed. Taking all these into account, we believe that the proposed Project is compliant with the provisions of EU Directive no. 92/43 Habitats[1], and EU Directive no. 79/409 Birds [2] respectively, especially because			
	reconstruct/re	ersity Management Plan, Plan H, several active and responsible measures are provided to ehabilitate several natural habitats, pursuant to the provisions of the same documents [3]. p of the habitats located within Project's area is included in Annex 2 of this report.		
Solution	to the r referred	Each Member State shall contribute to the creation of Natura 2000 (network) in proportion representation within its territory of the natural habitat types and the habitats of species l to in paragraph 1. To that effect each Member State shall designate, in accordance with 4, sites as special areas of conservation taking account of the objectives set out in paragraph		
	each Me which s over wie which p species identifia reprodu the resu (1) .[] Mer species	n the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, ember State shall propose a list of sites indicating which natural habitat types in Annex I and pecies in Annex II that are native to its territory the sites host. For animal species ranging de areas these sites shall correspond to the places within the natural range of such species resent the physical or biological factors essential to their life and reproduction. For aquatic which range over wide areas, such sites will be proposed only where there is a clearly able area representing the physical and biological factors essential to their life and action. Where appropriate, Member States shall propose adaptation of the list in the light of alts of the surveillance referred to in Article 11. [] mber States whose sites hosting one or more priority natural habitat types and priority represent more than 5 % of their national territory may, in agreement with the Commission,		
	of Comr Art. 6. (4). I alternat overridi	that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites munity importance in their territory. [] if, in spite of a negative assessment of the implications for the site and in the absence of ive solutions, a plan or project must nevertheless be carried out for imperative reasons of ng public interest, including those of a social or economic nature, the Member State shall compensatory measures necessary to ensure that the overall coherence of Natura 2000 is		

protected. It shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, (1). The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. [...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species , taking into account their protection requirements in the geographical sea and land area where this directive applies

[3] Directive 92/43 Habitats, art. 2, 2<sup>nd</sup> paragraph; Directive 79/409 Birds, art. 3, 2<sup>nd</sup> paragraph, letter c.

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		267
question which	ication no. for the includes the ntified by the RMGC	Cluj Napoca, 07.08.2006
RMGC internal	unique code	MMGA_0560
Proposal	than 600 ha) i biodiversity, i as this is not primitive way known to mai The reference	er considers that the statement according to which only 18% of the area impacted (more in represented by forests and 60% or so by meadows, worthless from the point of view of the s totally false. The questioner wants to know whether a study was conducted in this respect c obvious from the EIA Report. Meadows were said to have been used in a traditional, r, namely for overgrazing and scythed hay. But in Romania, such a use of the meadows is ntain a very high level of biodiversity. on traditional use of meadows is included in the section that describes the scoping of the ersity Baseline Report, Chapter 1. Overview of the Vegetation pg. 5-8).
	In the Biodiv Resources of I Roșia Montan support and i	ersity Baseline Report, Chapter 1. Overview of the Vegetation pg. 5-6). ersity Baseline Report, within section 2.2. Terrestrial and Aquatic Flora (p. 33), and 2.4. Economically Important Plant Species (p. 37), several analyses are made on the potential of ta meadows, presented comparatively with the general data (p. 13-16) in order to impartially llustrate the differences, especially the functional ones. Through these solid arguments, the opic impact is emphasized.
Solution	biodiversity is context; but a p. 27, " <i>Extensi</i> <i>may represent</i>	at according to which traditional, primitive usage of meadows supports maintenance of a true, as it is claimed by the questioner, and by the Biodiversity Baseline Report in regional as demonstrated by the Environmental Impact Assessment Study (EIA), vol. 13, chapter 4.6, ive agriculture has determined total elimination of the open natural ecosystems [],the Project area a classic example of interaction between natural and anthropogenic factors, that have placed a m impact, of a unique character at the national level, that has been ongoing for centuries".
	A detailed ma	p of the habitats from Project's area is included in Annex 2 of this report.

Domain		BIODIVERSITY	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		267	
		Cluj Napoca, 07.08.2006	
RMGC internal	l unique code	MMGA_0561	
Proposal	this area. The mentions abo invertebrates there or they a mentioned in species. So the Assuming tha flora, but also aspect was no authors of thi species collect species includ characteristic The questione	With regard to the invertebrates: there is no species in the invertebrates lists said to have been found it this area. The lists and annexes to the EIA don't comprise any precise dates of collection, observation no mentions about the place, the habitat where the species in question was identified. There is a table of th invertebrates species protected. But there is no way to establish whether these species have been foun there or they are potential species because, as an expert, I can say that out of the 15 species of butterflie mentioned in the EIA, al least 4-5 have nothing to do in these types of habitats. And they are protecte species. So there was clearly a mistake: the natural patrimony is enhanced without any scientific base. Assuming that there are species that can really live in this area, this would mean that the meadow, th flora, but also the invertebrate fauna and other orthopterous groups, etc. are valuable in this habitat. This aspect was no investigated. Further on, there is a list of potential species of invertebrates. According to th authors of this study, a thorough investigation has been performed based on reliable methods, but th species collected with the Barber and light traps are not obvious from the EIA. There is a list of potentia species including species that do not normally exist below the beech tier, for instance there are specie characteristic to the Transylvanian plain region.	
Solution			

identification of species that will present some conservation interest. Extensive efforts will be made to reconstruct several habitats that will support such invertebrate species, but also vertebrate and plant species valuable from conservation point of view and their presence will ensure the success of the ecologic measures taken for reconstruction/rehabilitation.

Considering the utility of the analyzed document as a technical administrative instrument that will subsequently facilitate and assist the decision making process, the issue of preparing a scientific exhaustive study that will deplete to the smallest detail all biodiversity aspects was never discussed.

Domain	BIODIVERSITY
MMDD's item no. for the o which includes the observ identified by the RMGC int code	tion 270
MMDD's identification no. question which includes the observation identified by the internal code	Clui Napoca 07.08.2006
RMGC internal unique coo	MMGA_0568
the p bioge The c and t Proposal popul types and t inclu The c What	uestioner makes comments on the Biodiversity Baseline Report: The questioner mentions that from point of view of a student, the company's report does not match anything he was thought in ography during the second year of university study. Lestioner defines the biological diversity emphasizing the fact that it must not be mistaken by a flora auna survey, because it requires a comprehensive survey that includes the variability within the ations of these species, the relative and absolute size or the level of these populations. The main of biodiversity are mathematically and statistically assessed based on some biodiversity parameters, ney cannot be assessed in the absence of such mathematical models, but these aspects are not ed in the EIA. Lestioner wants answers to the following questions: is the scientific variability of this study?
scient The Althor challed Accor and t accep all its The comp the s Solution Thereform Beta variadate comp The asses as pe Due subse an ex The s	ding to Law 265/2006, the biodiversity is defined as "the diversity between living organism from aquatic rrestrial ecosystems and between the ecologic complexes to which they belong to". A definition widely ed is the one provided by Hunter in 1990, which states that the Biodiversity is "the diversity of life in forms and all its levels of organization". werimeter has been considered as a space that is somehow unified and has several distinct onents all being strongly impacted, on which the biodiversity studies have been conducted and thus, udies have been limited to an alpha assessment. fore, there is no need to conduct a detailed study on biodiversity levels (Beta or Gamma) not only technical and administrative point of view but also from scientific point of view. On the other hand a or Gamma Assessment of Biodiversity, a mathematical model or an analysis of populations ility, etc., would not only face certain unbiased restrains that have not been overcame in Romania to ot even by a scientific study, and further more, the utility of such information is void without some trison data secured at inter-regional, national, and even European level. iodiversity Baseline Report (vol. 13, chapter 4.6.), as a technical – administrative instrument of ment has covered several topics related to meeting the current specific in force legal requirements, Ministerial Order 863/2002.

Due to the fact that we wanted to warrant the accessibility of our study, several unbiased limitations have been reflected upon the biodiversity chapter.

Domain		BIODIVERSITY	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		270	
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Cluj Napoca, 07.08.2006	
RMGC interna	l unique code	MMGA_0569	
Proposal	Which are th	e source populations and the sor populations ?	
Solution	macro-levels The assessm and medical establishmen couldn't hav Biodiversity assessment, in force, acc namely the a existing with fauna specie population's to have a bas Considering decision mal to the smalle information	<ul> <li>th of source populations continues to be a very sensitive issue, having relevance only for (extensive regional territories, national territories, continents, etc.).</li> <li>tent of "sor" populations is an analysis that has been almost exclusively used in sociological studies (human medicine), etc., entailing detailed investigations, mainly aimed at the not of genetic diversity. This kind of approaches involve comparison terms at a detail level that e been reached yet (at least for Romania) for the study of wild species.</li> <li>Baseline Report (volume 13, chapter 4.6), as a technical-administrative instrument of included some of the issues related to the compliance with certain specific legal requirements cording to Ministerial Order no. 863 from 2002. because the current in force legislation, aforementioned Order, doesn't require conducting several estimates regarding the populations and the impacted area, this study has covered issues related to qualitative features of flora and es. Subsequent studies conducted during project's implementation will be completed with estimates of local species that are included in the scope of work of area's management so as the for ecologic reconstruction.</li> <li>its utility, as a technical-administrative instrument will subsequently facilitate and serve scing process, at any given moment the issue of preparing an exhaustive study that will deplete est details all biodiversity aspects was not discussed. We intended to present most significant and with an elevated level of accessibility, in order to emphasize the natural surroundings, in biodiversity, in particular.</li> </ul>	
		so like to mention that due to our desire to guarantee the accessibility of our study several itations occurred and have also been reflected upon the biodiversity chapter.	

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		270
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		Cluj Napoca, 07.08.2006
RMGC internal unique code		MMGA_0570
Proposal	What types of	f mathematical and statistical models were used to illustrate the populations?
Solution	<ul> <li>What types of mathematical and statistical models were used to illustrate the populations?</li> <li>The method used for the assessed bird species, implies the use of mathematic models which characteristic to the concept "Distance Sampling", the base of the Distance software, version 5.0. De information on the statistics theory that is the basis of all these estimates may be read in: Buckland et all (2001) Introduction to Distance Sampling -Estimating abundance of biological populations, O University Press.</li> <li>Considering its utility, the instrument will subsequently facilitate and serve decision making process at any given moment the issue of preparing an exhaustive study that will deplete to the smallest deta biodiversity aspects was not discussed.</li> <li>Taking into account the fact that current in force environmental legislation, especially Ministerial 0 no. 863 from 2002, doesn't specifically request development of population estimates compliant mathematical models nor does it require statistics of regional population to be impacted, this stulimited to approaching qualitative issues of flora and fauna. Subsequent studies, initiated durin implementation stage of the project, are going to be completed with population estimates for the sp that will represent the scope of work of area's management, in order to base all ecological reconstruativities.</li> <li>Due to the utility of the analyzed document as a technical-administrative instrument that subsequently facilitate and serve decision making process, at any given moment the issue of preparing</li> </ul>	
	the current particular. We would als	bresent only information having major relevance and high accessibility, in order to present local natural surroundings, in general and the condition of the biodiversity status, in the biodiversity status is the second state of the biodiversity status is the biodiversity status is the biodiversity of our study several tations occurred and have also been reflected upon biodiversity chapter.

Domain	6 d	BIODIVERSITY	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		298	
question whic	ification no. for the h includes the lentified by the RMGC	Turda, 09.08.2006	
RMGC interna	l unique code	MMGA_0634	
Proposal	living in the populations, a	o biodiversity - where are the analyses of variability within the populations of the spe area, the relative and absolute size of these populations, the source population, the and their distinction, the study on the dynamics and on the evolution of the biocen pecies are included.	
	relative abund vertebrates – 62-63, Baselin distribution a	species within the project area and in its close vicinity have been listed in tables w lance has been mentioned (plants – annex 1, chapter 4.6 Environmental Impact Assessm tab. 3-9 to 3-12, p. 64-70, Baseline Conditions Study, benthonic invertebrates, table. 3- ne Conditions Study). However, many of these species are relatively common, having a rea at national level, many of which having large, stable populations (plant species havi along from low to high represent 86.5% from the species identified within the project's s	
	framework sta in the Red Bool and doesn't s anyhow for se Estimates of t impact assess represent a cu studies, which	al Order no. 863 from 2002, regarding the endorsement of the guidelines applicable to ages for assessing the environmental impact only requires "habitats of animal species incles; bird species; alteration of bird species and populations; alteration/destruction of migration ro specifically request the development of population estimates, they have been development interest species (birds – p. 65-66), species that have certain hunting interest (p. 70- che relative abundance of all vertebrate (p.64), and invertebrate species are included in ment studies, but the estimate of the number of individuals within populations do urrent practice; this kind of estimates are in the scope of work only of detailed scier in have been on developed at the level of restricted study areas, for which approximodologies have been established.	
Solution	The approach of studying the source populations continues to be a very sensitive issue, having releva only for macro-levels (extensive regional territories, national territories, continents, etc.).		
	The assessment of "sor" populations is an analysis that has been used exclusively in sociological medical studies (human medicine), etc, entailing detailed investigations, mainly aimed at establishment of genetic diversity. This kind of approaches involve comparison terms at a detail level couldn't have been reached yet (at least for Romania) for the study of wild species.		
		Baseline Report (volume 13, chapter 4.6), as an instrument of technical-administra needed to include some of the issues regarding the compliance with certain specific in force.	
	subsequently exhaustive stu intended to p	utility of the analyzed document as a technical-administrative instrument that facilitate and serve decision making process, at any given moment the issue of preparin udy that will deplete to the smallest detail all biodiversity issue was never discussed. resent only information having major relevance and high accessibility degree, in orde urrent local natural surroundings, in general and the condition of the biodiversity statu	

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	n 419
MMDD's identification no. for the question which includes the observation identified by the RM internal code	Bucureeti 21.08.2006
RMGC internal unique code	MMGA_0892
Proposal would be	ioner quotes from Volume 27, paragraph 2.2, which states that a minimum number of trees cut down in these areas, according to a standard work procedure, although the company's itives have stated during the public consultations that no deforestation will occur.
According will be det 33ha of e 85+33ha v The stages developme approx. 46 location o reforested Solution The quote regarding : of uncerta would con References [1] "As des Two of the varying deg within the may be req which a Si	s of removal from forestry fund will follow a successive suit of steps according to the project's ent ones; that is, it will follow 4 distinct stages (year 0, 7, 14, 16) covering surfaces that will total 6 ha in year 0, approx. 135 ha in year 7, 48ha in year 14, and the remaining ha in year 16. The f lands that will be removed from forestry fund and the one of the lands proposed to be are presented in Annex no. 7. es are not exact quotes from the respective text, and probably several misunderstandings its interpretation might have occurred. That is why we provide the text below <b>[1]</b> hoping that all inties will be cleared. On this matter, no statement has been made during public meetings that tradict the statements included in the Environmental Impact Assessment.

Domain		BIODIVERSITY
which include	no. for the question s the observation he RMGC internal	420
question whic	ification no. for the h includes the lentified by the RMGC	Bucuresti, 21.08.2006
RMGC interna	l unique code	MMGA_0898
Proposal	experts menti	er comments on the chapter discussing biodiversity. In the environmental impact study, i ion only the snowdrop as plant species existing in the Rosia Montana area. The question w if the snowdrop is the only protected plant species in Rosia Montana?
	plant species	<i>alis</i> (common snowdrop) <i>and Arnica Montana</i> (wolf's bane) have been identified among t that are under a certain protection statute. These species are being collected at high rate ng even traded by several businesses.
Solution	species represe	annex 4 of Ministerial Order 1198/2005 these species are considered as "plant or anim nting an interest for the community, the sampling and development of which represent the scope gement measures".

Domain		BIODIVERSITY
which include	no. for the question s the observation he RMGC internal	420
question whic	ification no. for the h includes the lentified by the RMGC	Bucuresti, 21.08.2006
RMGC interna	l unique code	MMGA_0899
Proposal	the chapter or to the Mr. M developed, an (note: in the F the Faculty of	er challenges the professional competence of Mr. Sergiu Mihut, who is one of the authors of a biodiversity from the environmental impact assessment study, his arguments being related Mihut's inappropriate use of certain European funds obtained under various projects d to Mr. Mihut's professional activity carried out at the Romanian Herpetological Society Romanian version, the term used is "Societatea Epiderologica Romana", which doesn't exist), Biology in Cluj and the Task Force for the Apuseni Mountains Park.
Solution	accusations bi damages and i	to personal vendettas against Mr. Sergiu Mihuţ, we are in position to contradict all rought against him; the questioner is notified to stop doing similar actions that may cause s kindly asked to bring forth the necessary evidences that would support its claims.
		<i>n vitae</i> and a list with all published works of Mr. Sergiu Mihuț, PhD may be consulted in nay be accessed at the following web address: <u>http://www.studiidemediu.ro/despre.html</u>

Domain		BIODIVERSITY	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		420	
question whi	tification no. for the ch includes the dentified by the RMGC	Bucuresti, 21.08.2006	
RMGC interna	l unique code	MMGA_0900	
Proposal	no scientific k project – after in the absence the flora and The speaker v years, will be conditions, to not want to k	mphasizes that, without knowing the biodiversity baseline of the impacted area, there will be pasis for monitoring the natural heritage during the mining operations, and the repopulation r the mine closure – through the establishment of ecological corridors is absolutely irrelevant e of a detailed preliminary study, focusing on the qualitative and quantitative composition of fauna communities that are going to be destroyed. warns that, once destroyed, the habitats and species that were formed here over millions of completely annihilated within several years, without the possibility to restore the baseline o rehabilitate the biodiversity currently existing in the area, which the authors of the EIA do now and to present to the public.	
	consequence formed follow thousands an The current s regards the re status of cert (human) influ	ke to start by saying that fauna and flora of Europe, of Romania in general, and as a the one from the Apuseni Mountains (Roşia Montană being also included here), have been wing the events occurred during Ice Age period, therefore it is an age that is reported to d tens of thousand of years. Atatus of the biodiversity is the result of anthropic influence on natural ecosystems, and as eturn to the current status of impacted habitats, the project has solutions through which the ain elements from the impact area would be greatly improved. The habitats where external uence hasn't been exerted, once destroyed may not return to their previous status; but such	
Solution	The study re <b>Baseline Rep</b> conducted in	ats are not present at Roşia Montană. lated to the biodiversity aspects is approached in three different documents: <i>Biodiversity</i> <i>ort</i> (69 pages), Chapter 4.6 from the <i>Report on Environmental Impact Assessment Study</i> compliance with the provisions of Ministerial Ordinance 863/2002 (112 pages, 4 annexes s), and Plan H - <i>Biodiversity Management Plan</i> respectively (31 pages).	
	decision maki	ts utility, as a technical-administrative instrument that will subsequently facilitate and serve ing process, at any given moment the issue of preparing an exhaustive study that will deplete st details all biodiversity issues was not discussed.	
	represent a c (nature) 2000 major impact	ation measures through the establishment of a Compensatory Functional Ecologic Network current, commonly accepted approach, which is also the base of establishing the Natura D pan-European Network. Ecologic corridors within the networks are designed to mitigate as from certain vast territories, to undertake the bio-ecocenosis load and to ensure the of the interest species within certain habitats that have high support capacity.	

Domain	BIODIVERSITY	
which include	no. for the question s the observation 420 he RMGC internal	
question whic	ification no. for the h includes the Bucuresti, 21.08.2006 entified by the RMGC	
RMGC interna	unique code MMGA_0901	
Proposal	The questioner considers that the images from the Spanish mine – presented due consultations as a positive example of environmental rehabilitation after the mining o embarrassing. The population does not want a single-crop system of lucerne and a plan concrete in the area, where the natural conditions have created a mosaic of habitats.	perations -
Solution	The pictures presented during public meetings depicting similar examples of resp developed in Europe are not an integrant part of EIA Report; those pictures have merely i of increasing the awareness and presenting real cases. To prevent/minimize/eliminat impact following project implementation, the independent team of experts proposed that a Functional Ecologic Network should be established in order to reconstruct several natural for this area.	informative e the pote a Compensa

Domain		BIODIVERSITY	
which include	no. for the question s the observation he RMGC internal	426	
question whic	ification no. for the h includes the entified by the RMGC	Bucuresti, 21.08.2006	
RMGC interna	unique code	MMGA_0922	
Proposal	wants to know	id in the EIA that there are two endemic species in the Rosia Montana area. The questioner v if these two species have really been identified and if yes, whether the implementation or ses a possible threat to their existence.	
	There are no e been identified identified follo	endemic species mentioned in the EIA, from the simple reason that no endemic species have d to date within project's area. For any valuable specie, even an endemic one <b>[1]</b> , that will be owing any other subsequent studies, action plans will be in place to preserve these species measures of mitigating the impact on them.	
Solution	At the same time, if an endemic specie is identified and if it has stable populations, special measures of conservation management will be taken. These measures have been anticipated by the independent team of experts through the proposal of establishing a Compensatory Functional Ecologic Network. This network will undertake in an effective manner the bio-ecocenosis pressure and will ensure in-situ conservation and a potential repopulation of the entire area with species of certain interest, species with a certain ecologic and special conservation relevance.		
	following define part of a region	to the Biology Dictionary (Albatros Publishing House, 1989), the ENDEMIC term has th nition: «[something] referring to a biological phenomenon limited to a particular area or to n (island, country, area). For instance, the endemic species of plants or animals occupying the endemic disease or parasite maintaining or occurring successively in the same area o	

Domain		BIODIVERSITY
which include	no. for the question s the observation he RMGC internal	7
question whic	ification no. for the h includes the lentified by the RMGC	No. 108106/05.07.2006 and No. 74076/AF/07.07.2006
RMGC internal	l unique code	MMGA_1031
Proposal	-What are the	costs of loosing forest areas?
Solution	products and value of the w development estimated wo	ent of the value of forest located within Project site is provided by the intrinsic value of services that the respective forest provides. The value of the products consist mainly of the vood estimated at approximately 30,000 mc, cleared in successive stages according with the of the project (years 0, 7, 14, 16). This value may be theoretically assessed by multiplying the od volume with the average price of raw wood, which is established by Order no. 416/2000, but its real value will be provided by the average value secured upon sale on the wood operation.

Domain	BIODIVERSITY
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	287, 290, 291, 292, 301, 308, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321,
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MMDD's item no. for the question	1386, 1387, 1388, 1389, 1390, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400,
which includes the observation	1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414,
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MMDD's identification no. for the question which includes the observation identified by the RMGC internal code

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## Proposal The Project poses a threat for protected flora and fauna; SEE CONTENT CONTESTATION TYPE 1

The impact on protected flora and fauna will exist only locally, but this impact will not lead to the loss of any specie. The Project has been designed even from the beginning to fully comply with the requirements and norms imposed by Romanian and European environmental legislation.

The company believes the fact that the project impact on environment remains significant, especially because covers previous impacts. But, the investments required to ecologically restore/rehabilitate Roşia Montană area in order to address current complex environmental issues, are only achievable following the implementation of some economic projects that will generate and warrant implementation of some direct and responsible actions as a component of base principles of sustainable development concepts. Clean processes and technologies may be developed only in the presence of a solid economic environment fully compliant with the environment that will also resolve previous impacts of anthropic activities.

The base documents of the Project are in fact an unbiased reason of its implementation, considering the highly complex environmental commitment within Roşia Montană area.

Solution Some of the Roşia Montană species that are under a certain protection status stand for an insignificant percentage of the scale of populations estimated at national level. The characterization of species from their habitat point of view exists in the species tables presented in the Biodiversity Chapter of the EIA Report and its annexes, although this is not a requirement imposed by the Habitats Directive. Due to their large volume of information, the annexes of chapter 4.6 Biodiversity can be found in the electronic version of the EIA disclosed by the company both in Romanian and English through approx. 6,000 DVD/CD copies, being accessible on the company website, and on the websites of Ministry of Environment and Water Management, local and regional environmental protection agencies of Alba, Sibiu, Cluj, etc.

From practical point of view, the low value of conservation of the impact area is also indirectly emphasized by the fact that there is no proposal to designate the area a SPA (aviafaunistic special protected area) and by the denial as unfounded of the proposal to designate the area as a pSCI area (sites of community importance).

Taking all these into account, we believe that the proposed Project is compliant with the provisions of EU

Directive no. 92/43 Habitats**[1]**, and EU Directive no. 79/409 Birds**[2]** respectively, especially because within Biodiversity Management Plan, Plan H, several active and responsible measures are provided to reconstruct/rehabilitate several natural habitats, pursuant to the provisions of the same documents **[3]**.

## **References:**

[1] art.3, 2nd paragraph, Each Member State shall contribute to the creation of Natura 2000 (network) in proportion to the representation within its territory of the natural habitat types and the habitats of species referred to in paragraph 1. To that effect each Member State shall designate, in accordance with Article 4, sites as special areas of conservation taking account of the objectives set out in paragraph 1.

art.4, 1st paragraph. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11. [...]

2nd paragraph.[...] Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory.[...]

Art. 6, 4th paragraph. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, 1st paragraph. The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. [...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species, taking into account their protection requirements in the geographical sea and land area where this directive applies.

[3] Directive 92/43 Habitats, art. 2, 2nd paragraph; Directive 79/409 Birds, art. 3, 2nd paragraph, letter c.

Domain	BIODIVERSITY
	262, 263, 266, 267, 302, 303, 326, 327, 328, 333, 336, 337, 341, 342, 343, 344, 345, 34
	347, 348, 349, 351, 352, 356, 358, 359, 378, 379, 386, 387, 388, 389, 395, 396, 397, 39
	399, 400, 401, 402, 403, 424, 425, 426, 427, 428, 429, 432, 434, 435, 457, 458, 459, 46
	463, 464, 465, 466, 467, 468, 469, 470, 473, 474, 477, 544, 870, 871, 872, 880, 1440,
	1441, 1442, 1443, 1456, 1484, 1504, 1505, 1509, 1515, 1516, 1517, 1518, 1519, 1520,
	1527, 1530, 1539, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551,
MMDD's item no. for the question	1552, 1553, 1554, 1556, 1558, 1560, 1598, 1599, 1600, 1601, 1602, 1604, 1605, 1615,
which includes the observation	1616, 1617, 1618, 1619, 1620, 1621, 1688, 1694, 1695, 1701, 1778, 1779, 1788, 1789,
identified by the RMGC internal	1790, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1838, 1839, 1864, 1888,
code	1896, 1902, 1919, 1921, 1926, 1927, 2269, 2602, 2614, 2615, 2616, 2617, 2867, 2868,
	2989, 2990, 2991, 2992, 2993, 3015, 3016, 3019, 3022, 3025, 3026, 3028, 3034, 3064,
	3066, 3067, 3068, 3069, 3070, 3071, 3072, 3075, 3075BIS, 3076, 3130, 3131, 3132,
	3133, 3136, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3197, 3198, 3199, 3200,
	3231, 3243, 3610, 3611, 3612, 3613, 3614, 10/D;5465/B, 15/D;5470/B, 16/D;5471/B,
	17/D;5472/B, 18/D;5473/B, 5599, 5600, 5601, 5602, 5603, 5604, 5605
	No. 109011/07.08.2006 and No. 74479/08.08.2006, No. 109013/07.08.2006 and No. 74489/08.08.2006 No. 109020/07.08.2006 No. 74489/08.08.2006 No.
	74480/08.08.2006, No. 109009/07.08.2006 and No. 74483/08.08.2006, No.
	109010/07.08.2006 and No. 74484/08.08.2006, No. 109049/07.08.2006 and No.
	74519/08.08.2006, No. 109050/07.08.2006 and No. 74520/08.08.2006, No.
	109115/09.08.2006 and No. 109117/09.08.2006 and No. 74541/09.08.2006, No.
	109114/09.08.2006 and No. 74542/09.08.2006, No. 109117/09.08.2006 and No.
	74543/09.08.2006, No. 109108/09.08.2006 and No. 74548/09.08.2006, No.
	109106/09.08.2006 and No. 74551/09.08.2006, No. 109104/09.08.2006 and No.
	74552/09.08.2006, No. 109120/11.08.2006 and No. 74573/11.08.2006, No.
	109121/11.08.2006 and No. 74574/11.08.2006, No. 109122/09.08.2006 and No.
	74575/11.08.2006, No. 109123/11.08.2006 and No. 74576/11.08.2006, No.
	109124/11.08.2006 and No. 74577/11.08.2006, No. 109125/11.08.2006 and No.
	74578/11.08.2006, No. 109142/11.08.2006 and No. 74579/11.08.2006, No.
	109143/11.08.2006 and No. 74580/11.08.2006, No. 109144/11.08.2006 and No.
	74581/11.08.2006, No. 109146/11.08.2006 and No. 74583/11.08.2006, No.
	109147/11.08.2006 and No. 74584/11.08.2006, No. 109152/11.08.2006 and No.
	74588/11.08.2006, No. 109173/11.08.2006 and No. 74590/11.08.2006, No.
	109174/11.08.2006 and No. 74591/11.08.2006, No. 109215/14.08.2006 and No.
	74617/14.08.2006, No. 109215/14.08.2006 and No. 74618/14.08.2006, No.
	109223/14.08.2006 and No. 74626/15.08.2006, No. 109224/14.08.2006 and No.
MMDD's identification no. for the	74627/15.08.2006, No. 109225/14.08.2006 and No. 74628/15.08.2006, No.
question which includes the	109226/14.08.2006 and No. 74629/15.08.2006, No. 109232/14.08.2006 and No.
observation identified by the RMGC	74635/15.08.2006, No. 109233/14.08.2006 and No. 74636/15.08.2006, No.
internal code	109234/14.08.2006 and No. 74642/15.08.2006, No. 109235/14.08.2006 and No.
	74643/15.08.2006, No. 109236/14.08.2006 and No. 74644/15.08.2006, No.
	109237/14.08.2006 and No. 74645/15.08.2006, No. 109238/14.08.2006 and No.
	74646/15.08.2006, No. 109239/14.08.2006 and No. 74647/15.08.2006, No.
	109240/14.08.2006 and No. 74648/15.08.2006, No. 109261/14.08.2006 and No.
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	109266/14.08.2006 and No. $74674/15.08.2006$ , No. $109269/14.08.2006$ and No.
	74677/15.08.2006, No. 109271/14.08.2006 and No. 74679/15.08.2006, No.
	109276/15.08.2006 and No. 74680/16.08.2006 and No. 10931515.08.2006 and No.
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	109323/15.08.2006 and No. 74710/16.08.2006, No. 109325/15.08.2006 and No.
	74711/16.08.2006, No. 109326/15.08.2006 and No. 74712/16.08.2006, No.
	109327/15.08.2006 and No. 74713/16.08.2006, No. 109328/15.08.2006 and No.
	74714/16.08.2006, No. 109329/15.08.2006 and No. 74715/16.08.2006, No.
	109330/15.08.2006 and No. 74716/16.08.2006, No. 109333/15.08.2006 and No.
	74719/16.08.2006, No. 109334/15.08.2006 and No. 74720/16.08.2006, No.

109490/16.08.2006 and No. 74723/16.08.2006. No. 113012/25.08.2006 and No. 165220/12.09.2006, No. 109827/21.08.2006 and No. 75146/22.08.2006, No. 109828/21.08.2006 and No. 75147/22.08.2006, No. 109829/21.08.2006 and No. 75148/22.08.2006, No. 109885/21.08.2006 and No. 75156/22.08.2006, No. 111970/25.08.2006, No. 110513/25.08.2006, No. 110512/25.08.2006, No. 110511/25.08.2006, No. 75724/31.08.2006, No. 110638/25.08.2006, No. 110413/24.08.2006, No. 110414/24.08.2006, No. 109927/22.08.2006, No. 111058/25.08.2006, No. 111057/25.08.2006 and No. 75910/04.09.2006, No. 111056/25.08.2006, No. 111055/25.08.2006, No. 111054/25.08.2006, No. 111053/25.08.2006, No. 111046/25.08.2006, No. 111043/25.08.2006, No. 111034/25.08.2006, No. 111032/25.08.2006., No. 111031/25.08.2006, No. 111030/25.08.2006, No. 111029/25.08.2006, No. 111028/25.08.2006, No. 111027/25.08.2006, No. 111026/25.08.2006, No. 111025/25.08.2006, No. 111024/25.08.2006, No. 111023/25.08.2006, No. 111022/25.08.2006, No. 111021/25.08.2006, No. 111020/25.08.2006, No. 111019/25.08.2006, No. 111017/25.08.2006, No. 111015/25.08.2006, No. 111013/25.08.2006, No. 111005/25.08.2006, No. 111004/25.08.2006 and No. 75963/04.09.2006, No. 111003/25.08.2006 and No. 75964/04.09.2006, No. 111002/25.08.2006 and No. 75965/04.09.2006, No. 111001/25.08.2006 and No. 75966/04.09.2006, No. 110999/25.08.2006 and No. 75968/04.09.2006, No. 110998/25.08.2006 and No. 75969/04.09.2006, No. 110988/25.08.2006, No. 110987/25.08.2006, No. 110986/25.08.2006, No. 110985/25.08.2006, FR.No. and No. 75983/04.09.2006, No. 110984/25.08.2006, No. 110983/25.08.2006, No. 110785/25.08.2006, No. 110714/25.08.2006, No. 110713/25.08.2006, No. 110706/25.08.2006, No. 110754/25.08.2006 and No. 76073/05.09.2006, No. 110753/25.08.2006 and No. 7607405.09.2006, No. 110744/25.08.2006 and No. 76083/05.09.2006, No. 110743/25.08.2006 and No. 76084/05.09.2006, No. 110742/25.08.2006 and No. 76085/05.09.2006, No. 110982/25.08.2006 and No. 165076/07.09.2006, No. 110981/25.08.2006 and No. 165077/07.09.2006, No. 110980/25.08.2006 and No. 165078/07.09.2006, No. 110979/25.08.2006 and No. 165079/07.09.2006, No. 110978/25.08.2006 and No. 165080/07.09.2006, No. 110977/25.08.2006 and No. 165081/07.09.2006, No. 110976/25.08.2006 and No. 165082/07.09.2006, No. 110975/25.08.2006 and No. 165083/07.09.2006, No. 110974/25.08.2006 and No. 165084/07.09.2006, No. 110965/25.08.2006, No. 110964/25.08.2006, No. 110939/25.08.2006, No. 110915/25.08.2006, No. 112974/25.08.2006, No. 110720/25.08.2006, No. 110905/25.08.2006, No. 110903/25.08.2006, No. 110898/25.08.2006, No. 110897/25.08.2006, No. 112975/25.08.2006, No. 112396/25.08.2006, No. 112384/25.08.2006, No. 112383/25.08.2006, No. 112382/25.08.2006, No. 112381/25.08.2006, No. 112989/25.08.2006, No. 112976/25.08.2006, No. 112983/25.08.2006, No. 112984/25.08.2006, No. 112985/25.08.2006, No. 112986/25.08.2006, No. 112987/25.08.2006, No. 112887/25.08.2006, No. 112890/25.08.2006, No. 112894/25.08.2006, No. 112904/25.08.2006, No. 111776/25.08.2006, No. 111762/25.08.2006, No. 111763/25.08.2006, No. 11087/25.08.2006, No. 112881/25.08.2006, No. 112876/25.08.2006, No. 112156/25.08.2006, No. 112157/25.08.2006, No. 112127/25.08.2006, No. 112128/25.08.2006, No. 112882/25.08.2006, No. 112961/25.08.2006, No. 112990/25.08.2006, No. 112949/25.08.2006, No. 112892/25.08.2006, No. 112158/25.08.2006, No. 112161/25.08.2006, No. 112160/25.08.2006, No. 112159/25.08.2006, No. 112955/25.08.2006, No. 111319/25.08.2006, No. 111318/25.08.2006, No. 111315/25.08.2006, No. 111314/25.08.2006, No. 111313/25.08.2006, No. 111312/25.08.2006, No. 111311/25.08.2006, No. 111310/25.08.2006, No. 112967/25.08.2006, No. 112968/25.08.2006, No. 112969/25.08.2006, No. 113003/25.08.2006, No. 111371/25.08.2006, No. 111120/25.08.2006, No. 111096/25.08.2006, No. 111091/25.08.2006, No. 111130/25.08.2006, No. 111092/25.08.2006, No. 111421/25.08.2006, No. 114722/31.08.2006, No. 114730/31.08.2006, No. 114729/31.08.2006, No. 114728/31.08.2006, No. 114734/08.09.2006, No. 112999/25.08.2006, No. 113000/25.08.2006, No. 112929/25.08.2006, No. 112988/25.08.2006, No. 112954/25.08.2006, No. 112953/25.08.2006, No.

## 112877/25.08.2006

RMGC interna	l unique code MMGA_1073
Proposal	The Project poses a threat for the protected flora and fauna;SEE CONTENT CONTESTATION TYPE 3
	The impact on the protected flora and fauna will be obvious only at local level, and it will not lead to the disappearance of any species. The mining project was conceived from the onset so as to comply with the conditions and standards stipulated by the Romanian and European legislation in the field of environmental protection.
	The company believes that the environmental impact generated by proposed project remains significant the more so as it will cover the pre-existing ones. But the required investments for the ecological restoration/rehabilitation of the Roşia Montană area meant to solve complex environmental issues existing at present can be developed only after the implementation of economic projects able to generate and ensure that direct and responsible measures are taken, as part of the principles that represent the basis for the sustainable development concepts. The presence of a strong economic system is the key for the implementation of clean economic processes and technologies, in full respect of the environment, which are able to remove the previous effects generated by anthropic activities.
	The documentation drafted to support this mining project represents an objective justification for its implementation given that the company assumed the environmental responsibility, which is extremely complex in the Roșia Montană area.
Solution	Some of species existing at Roșia Montană that are under a certain protection status represent an insignificant percentage from populations estimated at national level. The characterization of species from their habitat point of view exists in the species tables presented in the Biodiversity Chapter of the EIA Report and its annexes, although this is not a requirement imposed by the Habitats Directive. Given the large amount of information contained, these tables are available in the electronic format of the EIA. 6000 DVD/CDs comprising the EIA Report have been made available to the public both in English and in Romanian. Moreover, the EIA is also available on RMGC's website as well as on the websites of the Ministry of Environment and Waters Management and of the Local and Regional Environment Protection Agencies of Alba County, Cluj County and Sibiu County, etc.
	From practical point of view, the low value of conservation of the impact area is also indirectly emphasized by the fact that there is no proposal to designate the area a SPA (aviafaunistic special protected area) and by the denial as unfounded of the proposal to designate the area as a pSCI area (sites of community importance).
	Taking all these into account, we believe that the proposed Project is compliant with the provisions of EU Directive no. 92/43 Habitats[1], and EU Directive no. 79/409 Birds[2] respectively, especially because within Biodiversity Management Plan, Plan H, several active and responsible measures are provided to restore/rehabilitate several natural habitats, pursuant to the provisions of the same documents [3].
	References:
	<b>[1]</b> art.3, 2nd paragraph, Each Member State shall contribute to the creation of Natura 2000 (network) in proportion to the representation within its territory of the natural habitat types and the habitats of species referred to in paragraph 1. To that effect each Member State shall designate, in accordance with Article 4, sites as special areas of conservation taking account of the objectives set out in paragraph 1.
	art.4, 1st paragraph. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific

art.4, Ist paragraph. On the basis of the criteria set out in Annex III (Stage I) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species

which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11. [...]

2nd paragraph.[...] Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory. [...]

Art. 6. 4th paragraph. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favorable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, 1st paragraph. The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. [...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species, taking into account their protection requirements in the geographical sea and land area where this directive applies.

Domain		BIODIVERSITY
MMDD's item no which includes t identified by the code		377
question which	cation no. for the includes the ntified by the RMGC	No. 109205/14.08.2006 and No. 74616/14.08.2006
RMGC internal u	nique code	MMGA_1123
Proposal	and makes the -the project w	er does not agree with the proposed gold and silver mining exploitation in Rosia Montana e following comments and observations: ill have negative impacts on terrestrial and aquatic ecosystems;
	disappearance comply with	In the protected flora and fauna will be obvious only at local level, and it will not lead to the e of any species nor habitats. The mining project was conceived from the onset so as to the conditions and standards stipulated by the Romanian and European legislation in the nmental protection.
	the more so restoration/re existing at pre and ensure th basis for the s the implement	believes that the environmental impact generated by proposed project remains significant as it will add to the pre-existing ones. But the required investments for the ecological chabilitation of the Roşia Montană area meant to solve complex environmental issues esent can be developed only after the implementation of economic projects able to generate that direct and responsible measures are taken, as part of the principles that represent the sustainable development concepts. The presence of a strong economic system is the key for intation of clean economic processes and technologies, in full respect of the environment, e to remove the previous effects generated by human activities.
	implementati	tation drafted to support this mining project represents an objective justification for its on given that the company has assumed the environmental responsibility, which is nplex in the Roșia Montană area.
Solution	insignificant p their habitat Report and its large amount 6,000 DVD/C Romanian. M Ministry of En	ties existing at Roşia Montană that are under a certain protection status represent an percentage from populations estimated at national level. The characterization of species from point of view exists in the species tables presented in the Biodiversity Chapter of the EIA is annexes, although this is not a requirement imposed by the Habitats Directive. Given the of information contained, these tables are available in the electronic format of the EIA. Ds comprising the EIA Report have been made available to the public both in English and in loreover, the EIA is also available on RMGC's website as well as on the websites of the nvironment and Waters Management and of the Local and Regional Environment Protection Iba County, Cluj County and Sibiu County, etc.
	by the fact th	l point of view, the low value of conservation of the impact area is also indirectly emphasized at there is no proposal to designate the area a SPA (aviafaunistic special protected area) and as unfounded of the proposal to designate the area as a pSCI area (sites of community
	Directive no. within Biodiv	se into account, we believe that the proposed Project is compliant with the provisions of EU 92/43 Habitats <b>[1]</b> , and EU Directive no. 79/409 Birds <b>[2]</b> respectively, especially because ersity Management Plan, Plan H, several active and responsible measures are provided to ilitate several natural habitats, pursuant to the provisions of the same documents <b>[3]</b> .
	proportion to species referre	paragraph, Each Member State shall contribute to the creation of Natura 2000 (network) in o the representation within its territory of the natural habitat types and the habitats of ed to in paragraph 1. To that effect each Member State shall designate, in accordance with as special areas of conservation taking account of the objectives set out in paragraph 1.

art.4, 1st paragraph. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11.[...]

2nd paragraph.[...] Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory.[...]

Art. 6. 4th paragraph. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, 1st paragraph. The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. [...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species , taking into account their protection requirements in the geographical sea and land area where this directive applies

Domain		BIODIVERSITY
which include	no. for the question the observation the RMGC internal	384
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 109221/14.08.2006 and No. 74624/15.08.2006
RMGC interna	l unique code	MMGA_1129
Proposal	-Rosia Monta legislation.	ana possesses a rich flora and fauna biodiversity, perfectly protected under the Romanian
	disappearance comply with	n the protected flora and fauna will be obvious only at local level, and it will not lead to the e of any species nor habitats. The mining project was conceived from the onset so as to the conditions and standards stipulated by the Romanian and European legislation in the pomental protection.
	the more so restoration/re existing at pro and ensure th basis for the the implement	a believes that the environmental impact generated by proposed project remains significant as it will add to the pre-existing ones. But the required investments for the ecological ehabilitation of the Roşia Montană area meant to solve complex environmental issues esent, can be developed only after the implementation of economic projects able to generate hat direct and responsible measures are taken, as part of the principles that represent the sustainable development concepts. The presence of a strong economic system is the key for nutation of clean economic processes and technologies, in full respect of the environment, e to remove the previous effects generated by human activities.
	implementati	ntation drafted to support this mining project represents an objective justification for its ion given that the company has assumed the environmental responsibility, which is mplex in the Roșia Montană area.
Solution	insignificant p their habitat Report and it large amount DVD/CDs co Romanian. M Ministry of E	cies existing at Roșia Montană that are under a certain protection status represent an percentage from populations estimated at national level. The characterization of species from point of view exists in the species tables presented in the Biodiversity Chapter of the EIA is annexes, although this is not a requirement imposed by the Habitats Directive. Given the of information contained, these tables are available in the electronic format of the EIA. 6000 mprising the EIA Report have been made available to the public both in English and in Moreover, the EIA is also available on RMGC's website as well as on the websites of the nvironment and Waters Management and of the Local and Regional Environment Protection lba County, Cluj County and Sibiu County, etc.
	emphasized h protected area	al point of view, the low value of the impact on protected flora and fauna is also indirectly by the fact that there is no proposal to designate the area a SPA (aviafaunistic special a) and by the denial as unfounded of the proposal to designate the area as a pSCI area (sites y importance).
	Directive 92/ Management	circumstances, we consider that the proposed project complies with the provisions of /43 Habitats [1] and Directive 79/409 Birds [2], the more so as Plan H- Biodiversity Plan includes active and responsible measures for the restoration/rehabilitation of natural istent with the provisions of the aforementioned documents [3].
	prop of sj	paragraph 2: Each Member State shall contribute to the creation of Natura 2000 in portion to the representation within its territory of the natural habitat types and the habitats pecies referred to in paragraph 1. To that effect, each Member State shall designate, in rdance with Article 4, sites as special areas of conservation taking account of the objectives

set out in paragraph 1.

Article 4, paragraph 1: On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species, which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11.[...]

Paragraph2: [...] Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5% of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory. [...]

- Article 6, paragraph 4: If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.
- Article 16: Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favorable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b): [...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

**[2]** Birds:

Article 4, paragraph 1: The species mentioned in Annex I shall be subject to special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.[...]

Trends and variations in population levels shall be taken into account as a background for evaluations.

Members States shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species, taking into account their protection requirements in the geographical sea and land where this Directive applies.

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		1356, 1357
question whic	ification no. for the h includes the lentified by the RMGC	No. 110300/24.08.2006, No. 110302/24.08.2006
RMGC internal	l unique code	MMGA_1179
Proposal	What will be t	he cost of loosing arable land and forest areas?
Solution	before remov same legislati and/or fertiliz	he Romanian legislation in force, the beneficiary of the investment must pay a series of fee ing the land from the forestry fund or changing the use of arable lands. Moreover, under th on, the beneficiary of the investment is under the obligation to ensure the reforestation ration of new land surfaces at least equal to the impacted ones. This means that the costs to the beneficiary will double.

Domain		BIODIVERSITY	
which includes	o. for the question the observation e RMGC internal	1834, 3114, 3122	
question which	ication no. for the includes the ntified by the RMGC	No. 110969/25.08.2006 and No. 165089/07.09.2006, No. 112980/25.08.2006, No. 112979/25.08.2006	
RMGC internal u	unique code	MMGA_1225	
Proposal		rsity point of view, Rosia Montana contains important habitats and fauna and flora species tected in accordance with the Romanian laws and Directive 92/43/EEC regarding habitats	
	disappearance	In the protected flora and fauna will be obvious only at local level, and it will not lead to the e of any species. The mining project was conceived from the onset so as to comply with the and standards stipulated by the Romanian and European legislation in the field of all protection.	
	the more so restoration/re existing at pre and ensure th basis for the s the implement	believes that the environmental impact generated by proposed project remains significant as it will add to the pre-existing ones. But the required investments for the ecological chabilitation of the Roşia Montană area meant to solve complex environmental issues esent can be developed only after the implementation of economic projects able to generate nat direct and responsible measures are taken, as part of the principles that represent the sustainable development concepts. The presence of a strong economic system is the key for nation of clean economic processes and technologies, in full respect of the environment, e to remove the previous effects generated by human activities.	
	implementatio	tation drafted to support this mining project represents an objective justification for its on given that the company has assumed the environmental responsibility, which is nplex in the Roşia Montană area.	
Solution	insignificant p their habitat p Report and its large amount 6,000 DVD/C Romanian. M Ministry of Er	ties existing at Roșia Montană that are under a certain protection status represent an bercentage from populations estimated at national level. The characterization of species from point of view exists in the species tables presented in the Biodiversity Chapter of the EIA is annexes, although this is not a requirement imposed by the Habitats Directive. Given the of information contained, these tables are available in the electronic format of the EIA. Ds comprising the EIA Report have been made available to the public both in English and in foreover, the EIA is also available on RMGC's website as well as on the websites of the nvironment and Waters Management and of the Local and Regional Environment Protection the County, Cluj County and Sibiu County, etc.	
	by the fact the	l point of view, the low value of conservation of the impact area is also indirectly emphasized at there is no proposal to designate the area a SPA (aviafaunistic special protected area) and as unfounded of the proposal to designate the area as a pSCI area (sites of community	
	Directive no. within Biodiv	se into account, we believe that the proposed Project is compliant with the provisions of EU 92/43 Habitats[1], and EU Directive no. 79/409 Birds[2] respectively, especially because ersity Management Plan, Plan H, several active and responsible measures are provided to ehabilitate several natural habitats, pursuant to the provisions of the same documents [3].	
	References:		
	proportion to species referre	paragraph, Each Member State shall contribute to the creation of Natura 2000 (network) in the representation within its territory of the natural habitat types and the habitats of ed to in paragraph 1. To that effect each Member State shall designate, in accordance with as special areas of conservation taking account of the objectives set out in paragraph 1.	

art.4, 1st paragraph. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11.[...]

2nd paragraph.[...] Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory.[...]

Art. 6, 4th paragraph. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favorable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, 1st paragraph. The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. [...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species, taking into account their protection requirements in the geographical sea and land area where this directive applies.

Domain		BIODIVERSITY
which include	no. for the question to the observation the RMGC internal	298, 1446, 1920, 2610, 34
	tification no. for the	No. 109049/07.08.2006 and No. 74515/08.08.2006, No. 110508/25.08.2006, No.
	ch includes the dentified by the RMGC	110904/25.08.2006, CONTESTATIAAFOSTTRANSMISAPRININTERMEDIULAMBASADEIROMANIEILABUD APESTA, No. 114516/13.09.2006
RMGC interna	l unique code	MMGA_1241
Proposal	The project im	nplementation would affect gravely the biodiversity;
	disappearance	In the protected flora and fauna will be obvious only at local level, and it will not lead to the e of any species. The mining project was conceived from the onset so as to comply with the and standards stipulated by the Romanian and European legislation in the field of all protection.
	the more so restoration/re existing at pre and ensure th basis for the s the implement	believes that the environmental impact generated by proposed project remains significant as it will add to the pre-existing ones. But the required investments for the ecological chabilitation of the Roşia Montană area meant to solve complex environmental issues esent can be developed only after the implementation of economic projects able to generate nat direct and responsible measures are taken, as part of the principles that represent the sustainable development concepts. The presence of a strong economic system is the key for nation of clean economic processes and technologies, in full respect of the environment, e to remove the previous effects generated by human activities.
	implementatio	ntation drafted to support this mining project represents an objective justification for its on given that the company has assumed the environmental responsibility, which is nplex in the Roșia Montană area.
Solution	insignificant p their habitat p Report and its large amount DVD/CDs con Romanian. M Ministry of Er	ties existing at Roşia Montană that are under a certain protection status represent an bercentage from populations estimated at national level. The characterization of species from point of view exists in the species tables presented in the Biodiversity Chapter of the EIA is annexes, although this is not a requirement imposed by the Habitats Directive. Given the of information contained, these tables are available in the electronic format of the EIA. 6000 mprising the EIA Report have been made available to the public both in English and in foreover, the EIA is also available on RMGC's website as well as on the websites of the nvironment and Waters Management and of the Local and Regional Environment Protection iba County, Cluj County and Sibiu County, etc.
	by the fact tha	l point of view, the low value of conservation of the impact area is also indirectly emphasized at there is no proposal to designate the area a SPA (aviafaunistic special protected area) and as unfounded of the proposal to designate the area as a pSCI area (sites of community
	Directive no. within Biodiv	se into account, we believe that the proposed Project is compliant with the provisions of EU 92/43 Habitats <b>[1]</b> , and EU Directive no. 79/409 Birds <b>[2]</b> respectively, especially because ersity Management Plan, Plan H, several active and responsible measures are provided to ilitate several natural habitats, pursuant to the provisions of the same documents <b>[3]</b> .
	proportion to species referre	paragraph, Each Member State shall contribute to the creation of Natura 2000 (network) in the representation within its territory of the natural habitat types and the habitats of ed to in paragraph 1. To that effect each Member State shall designate, in accordance with as special areas of conservation taking account of the objectives set out in paragraph 1.

art.4, 1st paragraph. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11. [...]

2nd paragraph.[...] Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory.[...]

Art. 6, 4th paragraph. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favorable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, 1st paragraph. The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. [...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species, taking into account their protection requirements in the geographical sea and land area where this directive applies.

Domain		BIODIVERSITY
which includes	io. for the question the observation le RMGC internal	2984
question which	fication no. for the i includes the entified by the RMGC	No. 111777/25.08.2006
RMGC internal	unique code	MMGA_1278
Proposal	The populatio	on from area and wild fauna can be affected by the "evaporation" phenomenon
		y information in specific literature on the issue of impacts caused by a potential exposure of ecosystems to cyanide polluted air and on fauna's health following breathing HCN polluted evaporation.
	However, the	following aspects need to be emphasized:
	HCN ma	lling and storing of Sodium Cyanide (NaCN) will be performed only within closed systems; y form and evaporate at low rates only at leaching tanks, tailings thickeners, or at the Management Facility (TMF);
	reduction	issions from the surface of tanks and tailings management facility may appear following a n of pH in the superficial layers of solutions (and that favors formation of HCN) and a on of this compound (volatilization in the air);
	mg/l (tot	concentrations in the used solutions will decrease from 300mg/l in leaching tanks down to 7 al cyanides) at the TMF discharge point, and the major reduction of cyanide concentrations scharge point being accomplished with the help of cyanide treatment system;
Solution	emission: t/year fro respective	what is known about cyanide chemistry and on similar experiences, the following potential s of HCN have been estimated to be released in air: 6 t/year released from leaching tanks, 13 om tailings thickeners and 30t/year from the surface of TMF (22.4 t, and 17 mg/h/m <sup>2</sup> ely, during hot season and 7.6 t, 11.6 mg/h/m <sup>2</sup> respectively, during cold season); it results a rage per day of HCN release of 134.2 kg;
		eased, HCN suffers several chemical reactions within low layers of air, and through these ammonia is formed;
	released I at soil lev	hematical model of HCN concentrations in the air (considering the situation in which the HCN does not suffer chemical reactions in the air) has emphasized the largest concentrations rel within industrial facilities, i.e. within TMF area and in an area located in the close vicinity sing plant; the maximum concentration per hour was determined to be 382 $\mu$ g/m <sup>3</sup> ;
	- The large	st HCN concentrations from air will be 2.6 times lower than the legal safety limit;
	facilities, national	V concentrations of the air from populated areas located in the close vicinity of industrial will amount to $4 - 80 \ \mu g/m^3$ , $250 - 12.5$ times lower than legal safety limits required by our legislation (national and EU legislation governing air quality do not include limits for the n of population health);
	phase (th pressures	olution within the air entails a rather insignificant component of reactions during its liquid ne water vapors from air, and water droplets) and that is because at partially reduced s that are typical for gases existing in the free air, HCN is weakly soluble in water and rain will ce these concentrations in an effective manner (Mudder, et al., 2001, Cicerone and Zellner,

- There is little probability to have significantly larger concentrations of HCN in the rain water inside or outside the Project area than base values (0.2 ppb).

Taking into account all the abovementioned facts, it clearly results that HCN releases can not have an impact on biodiversity and on population health as long as these concentrations in the air are way below standard limits. HCN is weakly soluble in water, and thus there is no chance to enter in the food chain or in contact with area's flora and fauna. It is not specific for CN and its compounds, under various forms of aggregation to bio-accumulate (because they are biodegradable) as in the case of heavy metals.

Domain	BIODIVERSITY
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MMDD's item no. for the question	1815, 1816, 1817, 1818, 1819, 1820, 1830, 1840, 1841, 1842, 1843, 1844, 1845, 1846,
which includes the observation	1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860,
identified by the RMGC internal	1861, 1862, 1863, 1865, 1866, 1867, 1868, 1869, 1874, 1875, 1876, 1877, 1878, 1879,
code	1881, 1882, 1883, 1898, 1899, 1900, 1901, 1912, 1923, 1924, 1925, 1928, 1929, 1930,
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RMGC interna	l unique code MMGA_1297
Proposal	The project represents a threatening for the protected flora and fauna;SEE THE CONTENT OF THE TYPE 1 CONTESTATION
	Also, the questioner sends a letter and two points of view of some independent specialists
	The impacts on protected flora and fauna will occur only locally, but these impacts will not lead to the disappearance of any species. The mining project was designed even from the beginning to meet all Romanian and European environmental legal requirements.
	The company believes that the project's impact on the environment remains significant, especially because the project will cover previous environmental impact. But, the investments required to restore/rehabilitate Roşia Montană area in order to resolve current complex environmental issues, are possible only after the implementation of economic projects capable of generating and warranting responsible and direct courses of action as a base component of sustainable development concepts. Clean economic processes and technologies may develop only in the presence of a solid economic system, in a total respect towards environment that will resolve even previous impacts caused by all anthropic activities.
	Project's base documents are an unbiased reasoning of its implementation, taking into account the complex environmental commitments assumed for Roșia Montană area.
	For a complete answer, the annexes will be consulted, because all issues included in contestations as well as the ones included in reports submitted by various experts are addressed in Annex 6.
Solution	Some of species existing at Roşia Montană that are under a certain protection status represent an insignificant percentage from populations estimated at national level. The species characterization can be found in the species tables included in Chapter 4.6, Biodiversity of the Report on Environmental Impact Assessment Study (EIA) as well as in its Annexes. Due to the large amount of information, these tables are available in the electronic format of EIA. 6,000 electronic copies of EIA Report presented on DVD/CDs have been disclosed to the public both in English and Romanian. Moreover, the EIA is also available on RMGC's website and on the websites of Ministry of Environment and Waters Management and Local and Regional Environment Protection Agencies of Alba, Cluj and Sibiu, etc.
	From practical point of view, the low value of conservation of the impact area is also indirectly emphasized by the fact that there is no proposal to designate the area an SPA (aviafaunistic special protected area) and by the denial as unfounded of the proposal to designate the area as a pSCI area (sites of community importance).
	Taking all these into account, we believe that the proposed Project is compliant with the provisions of EU Directive no. 92/43 Habitats <b>[1]</b> , and EU Directive no. 79/409 Birds <b>[2]</b> respectively, especially because within Biodiversity Management Plan, Plan H, several active and responsible measures are provided to restore/rehabilitate several natural habitats, pursuant to the provisions of the same documents <b>[3]</b> .
	<b>References:</b> [1] art.3, 2nd paragraph, Each Member State shall contribute to the creation of Natura 2000 (network) in proportion to the representation within its territory of the natural habitat types and the habitats of species referred to in paragraph 1. To that effect each Member State shall designate, in accordance with Article 4, sites as special areas of conservation taking account of the objectives set out in paragraph 1.
	art.4, 1st paragraph. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Anney I and which species in Anney II that are notive to its territory the sites host. For animal species

information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11. [...] 2nd paragraph.[...] Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory. [...]

Art. 6. 4th paragraph. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favorable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, 1st paragraph. The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.[...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species , taking into account their protection requirements in the geographical sea and land area where this directive applies.

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		3040
question whic	tification no. for the ch includes the dentified by the RMGC	No. 112911/25.08.2006
RMGC interna	l unique code	MMGA_1355
Proposal	The chapter re	egarding the biodiversity is not well enough argued
	pages), Chapt compliance w	ty issues are studied within three different documents: <i>Biodiversity Baseline Report</i> (of 6 ter 4.6 of <i>Report on Environmental Impact Assessment Study</i> that was prepared in fu ith the provisions of Minister Order 863/2002 (which has112 pages, and includes 4 annex s), and finally <i>The Biodiversity Management Plan</i> (which has 31 pages).
Solution	The EIA mana	aged to have over 4500 pages.
Solution	Due to the fact that we wanted to warrant the accessibility of our study, several unbiased limitations hav been reflected upon the biodiversity chapter.	
	subsequently	utility of the analyzed document as a technical-administrative instrument that w facilitate and serve the decision making process, at any given moment the issue of preparing study that will deplete to the smallest details all biodiversity aspects, was not discussed.

Domain		BIODIVERSITY
which include	no. for the question s the observation he RMGC internal	3114, 3122
question whic	ification no. for the h includes the entified by the RMGC	No. 112980/25.08.2006, No. 112979/25.08.2006
RMGC interna	unique code	MMGA_1382
Proposal		solutions to diminish the impact on the aquatic and terrestrial ecosystems during nd post-closure periods
	consist of the f	that will be taken to mitigate the adverse impact on aquatic and terrestrial ecosystems v following: full collection of ARD (caused by historic pollution), treatment of waters that v be discharged, and increase of forested areas within the area.
	in the Biodive	a solutions of impacts that are proposed in the Environmental Impact Assessment (EIA) a rsity Management Plan, Plan H, are meant for project's development stages and are a e impacts resulted from previous activities.
Solution	to mitigate in detailing (Plan	Compensatory Functional Ecologic Network represents one of the direct measures proponpacts on aquatic and terrestrial ecosystems, and includes a structural and functio H p. 20-22), as well as a scheduling of measures (Plan H p. 22-28) for the main stages ars: "0", "7", "10", "14" "16", and "19" respectively), construction, operations and a first phe stage.
		etails please refer to Annex 2 that includes the map of habitats and the description Functional Ecologic Network.

Domain		BIODIVERSITY	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		3115	
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 112129/25.08.2006	
RMGC interna	l unique code	MMGA_1395	
Proposal	Within the bio preservation i	odiversity management plan there is a discordance regarding the biodiversity protection mportance	
Solution	conservation. <i>Environmental</i> can see that tl the low value initiate severa	hy inconsistency or contradiction regarding the importance of biodiversity protection. This is emphasized by the following documents: <i>Baseline Conditions Report, Report Impact Assessment Study, Biodiversity Management Plan.</i> After studying these documents here aren't any impediments to take measures for ecologic restoration/rehabilitation du of biodiversity. On the contrary, there are arguments supporting and justifying the nee l active and responsible measures to increase the support capacity of habitats, to reconst with the model of several natural facieses, etc. by establishing a Compensatory Function rook.	

Domain		BIODIVERSITY			
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		339, 3065, 3117, 3119, 3120, 3121			
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 109102/09.08.2006 and No. 74554/09.08.2006, No. 111729/25.08.2006, No. 112996/25.08.2006, No. 112995/25.08.2006, No. 112994/25.08.2006, No. 112993/25.08.2006			
RMGC internal un	ique code	MMGA_1398			
Proposal	The project rej habitats;	presents a threatening to the protected flora and fauna infringing the EU Directive regarding			
	disappearance	on protected flora and fauna will occur only locally, but these impacts will not lead to the of any species. The mining project was designed even from the beginning to meet all European environmental legal requirements.			
	The company believes that the project's impact on the environment remains significant, especially because the project will cover previous environmental impact. But, the investments required to restore/rehabilitate Roşia Montană area in order to resolve current complex environmental issues, are possible only after the implementation of economic projects capable of generating and warranting responsible and direct courses of action as a base component of sustainable development concepts. Clean economic processes and technologies may develop only in the presence of a solid economic system, in a total respect towards environment that will resolve even previous impacts caused by all anthropic activities.				
		documents are an unbiased reasoning of its implementation, taking into account the onmental commitments assumed for Roșia Montană area.			
Solution	insignificant p their habitat p Report and its large amount copies of EIA Romanian. M	ies existing at Roșia Montană that are under a certain protection status represent an ercentage from populations estimated at national level. The characterization of species from point of view exists in the species tables presented in the Biodiversity Chapter of the EIA annexes, although this is not a requirement imposed by the Habitats Directive. Due to the of information, these tables are available in the electronic format of EIA. 6,000 electronic Report presented on DVD/CDs have been disclosed to the public both in English and oreover, the EIA is also available on RMGC's website and on the websites of Ministry of and Waters Management and Local and Regional Environment Protection Agencies of Alba, netc.			
	From practical point of view, the low value of conservation of the impact area is also indirectly emphasized by the fact that there is no proposal to designate the area an SPA (aviafaunistic special protected area) and by the denial as unfounded of the proposal to designate the area as a pSCI area (sites of community importance).				
	Directive no. within Biodive	se into account, we believe that the proposed Project is compliant with the provisions of EU 92/43 Habitats <b>[1]</b> , and EU Directive no. 79/409 Birds <b>[2]</b> respectively, especially because ersity Management Plan, Plan H, several active and responsible measures are provided to litate several natural habitats, pursuant to the provisions of the same documents <b>[3]</b> .			
	proportion to species referre	paragraph, Each Member State shall contribute to the creation of Natura 2000 (network) in the representation within its territory of the natural habitat types and the habitats of ed to in paragraph 1. To that effect each Member State shall designate, in accordance with as special areas of conservation taking account of the objectives set out in paragraph 1.			
	-	ngraph. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific each Member State shall propose a list of sites indicating which natural habitat types in			

Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11. [...]

2nd paragraph.[...] Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory. [...]

Art. 6. 4th paragraph. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favorable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, 1st paragraph. The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. [...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species , taking into account their protection requirements in the geographical sea and land area where this directive applies.

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		3230
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 111105/25.08.2006
RMGC interna	l unique code	MMGA_1410
Proposal	The foreseen	works will affect also two hunting grounds
Solution	The Project site will cover the hunting ground no. 7 Ciuruleasa (having a total area of 12,347 ha) and no. Detunata (having a total area of 14,057 ha), impacting 1,481 ha (10%) of the first one and 164 ha (1%) of the latter one, respectively.	
		ls may be found in the Environmental Impact Assessment Study, Chapter 4.6 Biodiversi and tables 3.13, 3.14.

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		3230
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 111105/25.08.2006
RMGC internal unique code		MMGA_1411
Proposal	The running v	waters are poor in fish species due to the pollution
Solution	In the Report on Environmental Impact Assessment Study (p. 64), the hydro-biological assays hav emphasized a depreciation of water quality (including the water of lakes located within Project implementation area) that is caused by previous mining activities.	
		at is why the fish populations are reduced at some lakes, all fish species being introduced neir value is low from economic and ecologic point of view.

Domain		BIODIVERSITY	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		4016	
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code		No. 113014/25.08.2006	
RMGC internal unique code		MMGA_1457	
Proposal	The report reg	garding the biodiversity is insufficiently treated;	
Solution	pages), Chap compliance w	All biodiversity issues are studied within three different documents: <i>Biodiversity Baseline Report</i> (of 6 pages), Chapter 4.6 of <i>Report on Environmental Impact Assessment Study</i> that was prepared in fu compliance with the provisions of Minister Order 863/2002 (which has112 pages, and includes 4 annex and 4 exhibits), and finally <i>The Biodiversity Management Plan</i> (which has 31 pages).	
	Due to the fact that we wanted to warrant the accessibility of our study, several unbiased limitations th have been reflected upon the biodiversity chapter.		
	The entire EIA has over 4500 pages.		
	subsequently	utility of the analyzed document as a technical-administrative instrument that facilitate and serve the decision making process, at any given moment the issue of prepar study that will deplete to the smallest details all biodiversity aspects, was not discussed.	

Domain		BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code		892
question whic	ification no. for the h includes the lentified by the RMGC	No. 110082/22.08.2006 and No. 75169/23.08.2006
RMGC internal	unique code	MMGA_1555
Proposal		e Biodiversity is concerned, Rosia Montana includes habitats and important fauna and flora are fully under protection status as per Romanian legislation and EU Directives.
	disappearance	on protected flora and fauna will only occur locally, but these impacts will not lead to the e of any species. The mining project was designed even from the beginning to meet all d European environmental legal requirements.
	the project restore/rehab possible only responsible ar economic pro	believes that the project's impact on the environment remains significant, especially because will cover previous environmental impact. But, the investments required to ilitate Rosia Montana area in order to resolve current complex environmental issues, are after the implementation of economic projects capable of generating and warranting and direct courses of action as a base component of sustainable development concepts. Clean cesses and technologies may develop only in the presence of a solid economic system, in a towards environment that will resolve even previous impacts caused by all anthropic
		e documents are an unbiased reasoning of its implementation, taking into account the ronmental commitments assumed for Roșia Montană area.
Solution	insignificant p found in the Assessment S available in th have been dis RMGC's webs	cies existing at Roșia Montană that are under a certain protection status represent an percentage from populations estimated at national level. The species characterization can be species tables included in Chapter 4.6, Biodiversity of the Report on Environmental Impact tudy (EIA) as well as in its Annexes. Due to the large amount of information, these tables are he electronic format of EIA. 6,000 electronic copies of EIA Report presented on DVD/CDs sclosed to the public both in English and Romanian. Moreover, the EIA is also available on site and on the websites of Ministry of Environment and Waters Management and Local and ironment Protection Agencies of Alba, Cluj and Sibiu, etc.
	by the fact tha	I point of view, the low value of conservation of the impact area is also indirectly emphasized at there is no proposal to designate the area an SPA (aviafaunistic special protected area) and a sunfounded of the proposal to designate the area as a pSCI area (sites of community
	Directive no. within Biodiv	ese into account, we believe that the proposed Project is compliant with the provisions of EU 92/43 Habitats <b>[1]</b> , and EU Directive no. 79/409 Birds <b>[2]</b> respectively, especially because resity Management Plan, Plan H, several active and responsible measures are provided to ilitate several natural habitats, pursuant to the provisions of the same documents <b>[3]</b> .
	proportion to species referre	paragraph, Each Member State shall contribute to the creation of Natura 2000 (network) in the representation within its territory of the natural habitat types and the habitats of ed to in paragraph 1. To that effect each Member State shall designate, in accordance with s as special areas of conservation taking account of the objectives set out in paragraph 1.
	information,	agraph. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific each Member State shall propose a list of sites indicating which natural habitat types in which species in Annex II that are native to its territory the sites host. For animal species

ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11. [...]

2nd paragraph.[...] Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory. [...]

Art. 6, 4th paragraph. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Art. 16. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):[...]

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

[2] Art.4, 1st paragraph. The species mentioned in annex 1 shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. [...]

Trends and variations in population levels shall be taken into account as a background for evaluations. Member states shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species , taking into account their protection requirements in the geographical sea and land area where this directive applies.