

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 unique code	MMGA_0030
Proposal	<p>The questioner presents a summary of the weak points from the EIA report, stating that it doesn't contain several elements, like: a description of the way in which the preservation of habitats listed in Annex 1 and 2 of Bern Convention will be guaranteed.</p>
Solution	<p>No clear reference to any kind of habitats is included in the text of Berna Convention to which Romania has adhered to, which is transposed into Romanian legislation by Law 13/1993; their listing is missing from its annexes. These habitats are included in Resolution 4 of the Convention that was adopted on December 6, 1996. Thus, Law 13/1993 lists flora species in Annex 1, and fauna species in Annex 2.</p> <p>For Roşia Montană area, none of the species listed in Annex 1 have been identified (flora species). Some of the fauna species existing in the project's implementation area have been identified as being species included in the scope of work of Berna Convention, but there are no populations that would require some special measures of conservation to be taken pursuant to the provisions of the respective Convention.</p> <p>The stipulations of the Convention under art.4 (1) through which it is recommended to "<i>take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species</i>", are explained through Resolution 1 (1989) of the Convention Committee and addressed to all signing parties. Thus, these measures will be aimed towards the protection of "<i>critical sites</i>", which are defined as essential for the conservation of species, which are included in the Convention's Annexes.</p> <p>According to the Baseline Conditions Report, due to the impact resulted from mining activities, Roşia Montană area will remain an area with a limited relevance for the protection of species of conservation interest, being far from being defined as a "<i>critical site</i>" based on these species.</p> <p>The measures included in Biodiversity Management Plan (Plan H) that is proposed by the company, fully comply with the provisions of Law 13/1993 on <i>conservation</i> of natural habitats, a term that defines "<i>maintenance and, where necessary, restoration or improvement of biotic and abiotic features of a habitat of a specie or of a natural habitat [..]</i>", pursuant to the provisions of Resolution 1 from 1989, guaranteeing the maintenance in the respective area of the species included in Law 13/1993, through ample measures of restoration of some natural habitats.</p>

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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_0031
<b>Proposal</b>	An assessment of the alternatives from the point of view of Piatra Despicata and Piatra Corbului protected areas.
<b>Solution</b>	<p>Piatra Corbului is located in the protected area and won't be impacted.</p> <p>As far as Piatra Despicatã is concerned, we have considered the solution of its relocation to the protected area.</p> <p>Further details on this can be found in the Environmental Impact Assessment Report, Chapter 4.7, Landscape, page 32 – 33.</p>

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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_0032
<b>Proposal</b>	Solutions to mitigate the impacts on aquatic and land ecosystems during construction, operations, closure and post-closure phases.
<b>Solution</b>	<p>The mitigation solutions of impacts proposed in our Environmental Impact Assessment and in the Biodiversity Management Plan (Plan H) cover all the phases of the mining project, taking also into account the impacts of previous activities.</p> <p>The proposed Compensatory Functional Ecological Network represents one of the direct measures taken to mitigate the impacts on aquatic and terrestrial ecosystems, which includes structural and functional details (see Plan H: p. 20-22), as well as a schedule of measures to be taken (see Plan H: p. 22-28) during the main stages of the project (years: "0", "7", "10", "14" "16", and "19" respectively), that is for construction, operations, and the first phase of post-closure stage.</p> <p>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 Management Plan (Plan H).</p>

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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
<b>Proposal</b>	An assessment of the theoretical and practical value of the area from natural heritage and biodiversity points of view.
<b>Solution</b>	<p>From theoretical point of view, the biodiversity value of a site is provided by quantitative and qualitative indexes of biodiversity. Considering the conditions of site ecosystem defined by elements related to major impacts, action area, and extension in time, the identification of several natural habitats in the true meaning of the word and as it is defined in specific handbooks has remained at the stage of a hope. The legal requirements governing the assessment of biodiversity refer to the assessment of specific and ecosystems richness and to conservative identification of species and habitats. Both aspects have been adequately covered within the Environmental Impact Assessment Study.</p> <p>From all data secured following field studies, several strong conclusions may be drawn according to which biodiversity as a whole represents an element which is poorly represented within Roşia Montană. Therefore, its value remains reduced even though theoretic or practical approaches are attempted.</p> <p>No endemic, characteristic and thalassic species have been identified at Roşia Montană that may have a particular significance for biostrata either being local, regional or national. Moreover, no unique or rare habitats or habitats that may have priority for conservation have been identified within Project's impact area.</p> <p>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 of the proposal to designate the area as a pSCI area (sites of community importance). The proposal was denied by the Committee of Technical Experts of Ministry of Environment and Water Management that was summoned to assess the Natura 2.000 proposals.</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	16
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Rosia Montana, 24.07.2006
RMGC internal unique code	MMGA_0079
<b>Proposal</b>	<p>What will happen with people around Rosia Montana when this project is going to be accomplished here at Rosia Montana? On a 100Km radius the entire biotope will suffer essential alterations.</p>
<b>Solution</b>	<p>People from Roşia Montană have currently a poor health as compared to the neighboring towns [7] and at the same time, there is the lowest life expectancy from the area [2]. The risk assessment has not presented any health related risks for the people located in the close vicinity of the future mining operation [1].</p> <p>Currently, the human impact caused especially by previous mining operations (and we are talking about an estimated period of approximately 2.000 years) lead to major impact on the environment; maybe the most affected element was water. The effects of current pollution are present along the entire Arieş stream, starting from the conflux with the Abrudel stream.</p> <p>The biotops will not undergo essential alterations on a 100Km radius, only habitats will undergo several alterations on a radius that will not exceed 17 km<sup>2</sup>.</p> <p>Due to the used technologies, considered as BAT (Best Available Technologies), direct environmental restoration methods - unprecedented until now for Romania, and compliance with the national and European relevant legislation (the first mining operation in Romania and one of the first in Europe that has been designed and developed in compliance with the 2006/21/EC European Directive on management of waste from extractive industries), RMGC is, at its turn, entitled to consider that natural ecosystems will be substantially modified, but in an essentially positive direction.</p> <p><b>References:</b>  [7] annexes, p. 147, volume 5 Health Baseline Report  [2] table 3-2, figure 3-2 in Chapter 3 Demographic Data, p. 16,17, volume 5 Health Baseline Report  [1] Chapter 6.6 Results and Discussion, p. 133-138, volume 5 Health Baseline Report</p>

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	<p>The questioner represents an organization established for the protection of animals and she is interested on the way in which the company will get involved in the local biodiversity because many animals from Rosia Montana have been left behind.</p> <p>The questioner would like to see the company support the organization because the local authority will not involve due to the lack of necessary funds.</p>
Solution	<p>We believe that the question is related to the abandoned domestic animals. SC Roşia Montană Gold Corporation SA (RMGC) will be involved to resolve this issue in the near future, as possible. To start, a specific operational procedure would be in place for pets that would promote cooperation, eventually by establishing partnerships with organizations that get involved and have experience in similar activities, together with the Local Councils of Abrud and Roşia Montană, and a sanitary and veterinary unit, in order 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 potentially their treatment and sterilization, and where necessary (individuals with severe or incurable illnesses or extremely aggressive) their euthanasia. Beside the dog impound facility; the partnerships will also try to promote an adoption and relocation program for these animals.</p>

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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_0132
<b>Proposal</b>	What will happen with the fishes from Rosia Montana lakes?
<b>Solution</b>	<p>The lakes that will be impacted by the project are: Corna, Cartuş and Tăul Țapului. The Brazi, Anghel, Țarina and Tăul Mare Lakes (representing almost 70% of the total surface covered by this habitat from Project's implementation area) are included in the Project's conservation area and will not be impacted and will be subjected to a program of ecologic restoration. These lakes are monitored by an association of sporting fishing who intends to establish a public-private partnership with local administration in order to promote several alternatives in the area under the concept of sustainable development. RMGC expressed its availability to join this partnership.</p> <p>According to the principles included in the Biodiversity Management Plan, all flora and fauna specimens that can be relocated will be recovered as circumstances allow it, including the fish from the impacted lakes. These fish will be transported to lakes that won't be impacted, located in the close proximity. Moreover, we would also like to relocate other aquatic organisms, crawfishes, gastropods, lamellibranchiate, and amphibians (eggs, larvae, and adults), etc. from these potentially impacted lakes. Currently a specific operational procedure is in development (this will be part of the implementation of the management plan) aimed at establishing the relocation method of all above-mentioned species before initiating specific activities developed for construction.</p> <p>Within our Environmental Impact Assessment Report (p. 52, Biodiversity Baseline Report), the hydrobiological assays have emphasized a depreciation of water quality (including for water of lakes from Project implementation area). This depreciation has occurred due to the use of previous mining methods. Consequently, there is a low presence of fish populations, but relocation actions will be undertaken.</p> <p>The relocation will be initiated during fall of 2007. During this period fishes and other aquatic organism, crawfishes, mollusks, or amphibians found in these lakes will be relocated. The amphibians that would want to hibernate during winter and would move from terrestrial habitats to these lakes that are undertaking a drainage process will be captured by using specific measures, like terrestrial drift fences with pitfall traps and relocated to similar habitats. Other methods will be included in the relocation protocol that is in development.</p>

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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

**Proposal** Why EIA doesn't include an assessment with regard to water resources losses and land clearings? Which is the environmental impact taking into consideration all the aforementioned issues?

Project's water balance is based on the strategy of water management that is illustrated in Exhibit 4.1.18 - Chapter 4 section 4. 1 Water of EIA Report. More details regarding the flow and storage facilities of the system are presented by Exhibits 4.1.8, 4.1.10, 4.1.11 and 4.1.12 of the abovementioned section. For the water balance model, the Project's systems have been divided in 9 groups:

- Processing installations;
- Cârnic Waste Dump;
- Cetate Waste Dump, low grade ore stockpile and the pits (including the mine drainages resulted from 714 gallery and Cetate Dam);
- Acid Water Treatment Plant;
- Tailings Management Facility;
- Fresh Water Supply;
- Water Reserve;
- Drinking water;
- Domestic waste waters.

The concept, operation and the results of the water balance model are described in the report on water balance of the Project, updated by the Technical memorandum from 7<sup>th</sup> of March 2006 – documentation prepared by Montgomery Watson Harza. These reviews also include the input data of precipitation (described below) and the strategy of water management as described in Section 6.2. Years 18-20 have been included to assess both the modification made to the Tailings Management Facility during the first years of closure stage and the ones regarding the flooding of pit lake.

**Solution**

A joint set of data has been used for the water balance model, where the last 5 years of data secured from Project's weather station have been introduced in the longer series of data (dated as back as 1938) obtained from INMH's Rotunda weather station. This set of data is enclosed as Annex 4.1D-Chapter 4, section 4.1. Water of EIA Report.

The average rainy and droughty years have been selected from this long series of data in order to calculate the water balance. An average year value used in the water balance consists of a combination of average monthly values and totals 722.8 mm. For a rainy year, the maximum value recorded at INMH's Rotunda weather station has been used (year 2001, 1056.9 mm), but increased with the help of RMGC set of data for July and August 2005 to perform the estimate by taking into account the extremely rainy summer of that particular year (July 2005 value represented a maximum monthly value). The modeled rainy year totals 1190.7mm. For the droughty year (year 1992, 563.7 mm), it just happened to include the most rainy month of October from all available records. Thus, it was replaced with the average value for October totaling 496.1 mm. The total of annual precipitations calculated for the model is presented in Figure 4.1.13 Chapter 4, Section 4.1 Water of EIA Report. The extreme precipitations recorded at Rotunda is also presented here (includes maximum and minimum values superior to the ones recorded at Abrud and RMGC weather stations – see Figure 4.1.7 Chapter 4, section 4.1 Water of EIA Report).

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



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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 Roşia Montană area.

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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_0316
Proposal	<p>The questioner asks from biodiversity experts to state whether the number of trees that are going to be planted represent and reflect the value of the biodiversity of a habitat and to explain if a rehabilitated land has the same scientific ecologic value as the one of a land that hasn't been impacted or having insignificant impacts.</p>
Solution	<p>The result of the activities performed during the last hundreds of years at Roşia Montană, has strongly impacted the environment in general and fauna and flora in particular. Following this significant impact both in its intensity and in its duration in time, compared to other regions of Romania, it is obvious the fact that Roşia Montană is far from being characterized by high biodiversity indexes and therefore no one can speak about a "land that hasn't been impacted or having insignificant impacts".</p> <p>Therefore, the floristic specters, and also the fauna ones remain mainly impacted by the presence of ubiquitous, synatropic, ruderal, and invasive species or species with elevated ecologic plasticity.</p> <p>The biodiversity remains a conceptual entity, resembling <i>Aesthetics</i> or the <i>Ecosystemic Integration</i>, being very difficult to be quantified.</p> <p>However, it is commonly accepted the fact that based on scientific demonstrations, forest is for this area the climax status, i.e. the maximum stability. This is the case where all conditions of maintenance of all natural balances, the support capacity, and the productivity are met; all these are reported to the surface unit, and they are maximal.</p> <p>Thus, if we are to speak in a simple manner, to report the number of trees to the surface unit, that may provide additional input to the value of biodiversity, with all its attributes: density, age, specie, origin, physiological status, etc. which on their turn must be considered. The tree numbers that are to be planted do not represent by themselves the value of biodiversity of a particular forestry habitat, but on the long term, planting trees (a program initiated even from 2006) represents one of the most efficient measures of mitigating the potential impact on forestry habitats.</p> <p>Starting with the unquestionable realities, according to which there is an obvious significant impact at the level of the study area both from scale and magnitude points of view, i.e. a low number of trees species; our proposal included in the Closure Plan and in the Biodiversity Management Plan is to create a Compensatory Functional Ecologic Network, which will be operational even from the initial period of the Project (year 0); it seems that this network will represent an efficient answer from the point of view of emergent ecologic pressures.</p> <p>It must be noted that 38 wood and shrubs species from local spontaneous flora are included in the Biodiversity Management Plan (vol. 27, pg. 27-28), as part of the structural base of Compensatory Functional Ecologic Network. 27 additional wood species will be added, their presence will certainly lead to the increase of biodiversity indexes.</p> <p>All the abovementioned actions require major investments that could be paid only as part of this Project. If this project is not developed, the current poor ecologic status of Roşia Montană will lead to major unbalances, not only at local level (which are already obvious), but also at regional level.</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	209
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_0416

**Proposal**

Regarding the professionalism of those who have prepared EIA report: For example, the biodiversity study, baseline conditions, it is said that the study is conducted by a certain SANTEC. This is not stipulated on the Ministry of Environment and Water Management lists concerning the certified persons who can prepare environmental impact assessment studies.

The assessment on actual risks, on the project's impact (subchapter 4.1.6 - biodiversity) this topic is being discussed only in several pages, about 20 of 4500 pages of the entire study, which is named environmental impact assessment study. Just that much is said about a project that will wipe everything out, the impacted area will disappear.

- There are no references within the entire study. Where have the presented data been taken from, and who said that it is like that?

The biodiversity baseline conditions studies have been initiated in 1999 under the coordination of Knight Piesold. Between 2000 and 2006, STANTEC involved several teams of Romanian experts in the process of preparing/reviewing/completing these baseline reports. The first draft of the report has been prepared under the coordination of Stantec (a Canadian-based, multinational company, dedicated to the preparation Environmental Impact Assessments; see [www.stantec.com](http://www.stantec.com)). The company has been founded in 1954 and provides professional services in designing, consultancy, ecologic reconstruction, and project management, etc.

The company has more than 6,000 employees and over 80 offices/locations in North America and the Caribbean.

**Solution**

The screenshot shows the Stantec website's 'Inside Stantec' section. At the top left is the Stantec logo. To its right is a banner with the text 'Inside Stantec' and 'One Team. Infinite Solutions.' Below the banner is a navigation menu with links: 'Inside Stantec', 'Services', 'Projects', 'News', 'Investor Relations', 'Careers', and 'Information Center'. Below the menu is a breadcrumb trail: 'home > inside stantec > locations'. There is a search box labeled 'Select a Location' with a 'GO' button. Below the search box is a map of North America with numerous red dots indicating office locations. A legend on the left side of the map shows a red square for 'Our Presence' and a grey square for 'Our Projects'.

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

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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.

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	213
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_0435
<b>Proposal</b>	Will the flora of the ecosystems from Rosia Montana be impacted through RMGC project?
<b>Solution</b>	<p>The project proposed by RMGC will impact the flora of ecosystems from Roşia Montană, but the impact will be a minimum one at regional and national level, and major impacts will occur only at local level on an area lower than 20 km<sup>2</sup> and will not have the potential to lead to the disappearance of a specie, being controlled through the mitigation measures that have been described.</p> <p>Within the company's submitted documentations (<i>Baseline Conditions reports, Environmental Impact Assessment Report, and Social and Environmental Management Plans</i>), the project is considered as having a significant impact on the environment, namely on the following environmental factors: water, air, soil, subsoil, flora and fauna.</p> <p>The mining project was designed even from the beginning to meet all Romanian and European environmental legal requirements. Therefore, even though species listed on Directive 92/43/EEC of 21<sup>st</sup> of May 1992 regarding the conservation of natural habitats and wild flora and fauna (Habitats Directive) exist in the perimeter that will be impacted, they do not meet the criteria of an area significant from conservation point of view. This fact also results from the denial of proposal to designate a pSCI area (sites of community importance) that was submitted for this area by the technical experts committee of the Ministry of Environment and Water Management summoned to assess Natura2000 proposals.</p> <p>The company believes the fact that project's impact on the environment remains important, especially because the project will overlap previous environmental impacts. 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 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 full compliance with environment that will resolve even the previous impacts caused by all anthropic activities.</p> <p>Project's base documents are an unbiased reason of its implementation, taking into account the complex environmental commitments assumed for Roşia Montană area.</p>

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code	235
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_0476
Proposal	<p>The questioner addresses questions related to biodiversity: The questioner wants to know if any of the mining sites that were closed and have been naturally rehabilitated in the past have been assessed from the biodiversity point of view after that rehabilitation. Where can this study be found and why it isn't stipulated in the biodiversity impact assessment study?</p>
Solution	<p>The current Report on Environmental Impact Assessment (EIA) has the role to estimate, quantify and forecast the potential impact on environmental factors following the implementation of Roşia Montană Project and to present concrete and efficient solutions to prevent/minimize/eliminate the potential impact, respectively.</p> <p>According to the current in force legislation, compliant with the European Directives and international recommendations, a process of assessing the environmental impact governs strictly a proposed project and do not assess biodiversity subsequent to some re-vegetations produced by other similar projects (these are irrelevant aspects because they are particular for each site).</p> <p>In Romania, the actions undertaken to re-vegetate some mining perimeters have impacted only small areas, the actions remaining at the stage of an experiment or as pilot-projects. Complex actions developed at large scale to rehabilitate mining sites, are now required globally for similar mining operations.</p> <p>The models proposed for Roşia Montană Project are typical for this area and reported strictly to the baseline conditions (volume 13, Chapter 4.6 on Biodiversity) because the ecologic conditions from various areas where such mining operations exist are different to the ones in Roşia Montană. Such techniques, methodologies or procedures used to re-vegetate certain areas cannot be recreated. The only common elements are the base-principles for these actions that must result from the concepts of sustainable development and high and efficient development of natural resources.</p> <p>We would like to underline that up to date no other mining project has provided a baseline conditions report on the biodiversity of the area to be impacted; not even a monitoring process was not implemented during operations stage of a project to compile a database. Such database would have been used as a base instrument during closure and rehabilitation of the site. For other cases, the environmental assessment prepared for closure and rehabilitation stages of those projects was merely a schematic approach of biodiversity issues, no plan being prepared to manage the biodiversity issues during closure and post-closure stages.</p> <p>Thus, up to date there is no study comparable to the one that is proposed by us for Romania; a study that would assess the measures of ecologic reconstruction and monitoring of biodiversity during post-closure stage. Therefore, our company has performed a pioneering activity.</p>

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RMGC internal unique code	MMGA_0477
Proposal	<p>The questioner expects a motivation for the destruction of the species after the mining operation. 20 species of invertebrates and 87 species of vertebrates having special statute according to Romanian legislation are presented in the biodiversity impact study, and exist in the impact area and are considered to be irrelevant.</p>
Solution	<p>The species won't be destroyed following the development of the mining operation. There aren't any endemic species of plants or animals whose existence may be threatened by the mining operation. There are no endemic or rare habitats or other habitats that would require conservation and to designate for them special conservation sites. It is true that some populations of some species located within Project's area will be impacted and for these, methods of mitigating the impact have been described.</p> <p>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.</p> <p>Following the historic impact, the flora and fauna from Roşia Montană remain heavily impacted by the presence of ubiquitous, synantropic and ruderal species that have an elevated ecologic plasticity.</p> <p>For the current status of Romania, we believe that all discovered species are important, but the populations from the area do not meet the required criteria so as to take special protection measures, this being proved by the fact that there is no proposal to designate an SPA (aviafaunistic special protected area) in the area and the denial of the proposal to designate the area as an pSCI (sites of community importance) by the Committee of Technical Experts from the Ministry of Environment and Water Management summoned to assess Natura 2000 proposals.</p> <p>However, many of these species remain rather common, widely spread at national level, with large, stable populations.</p>

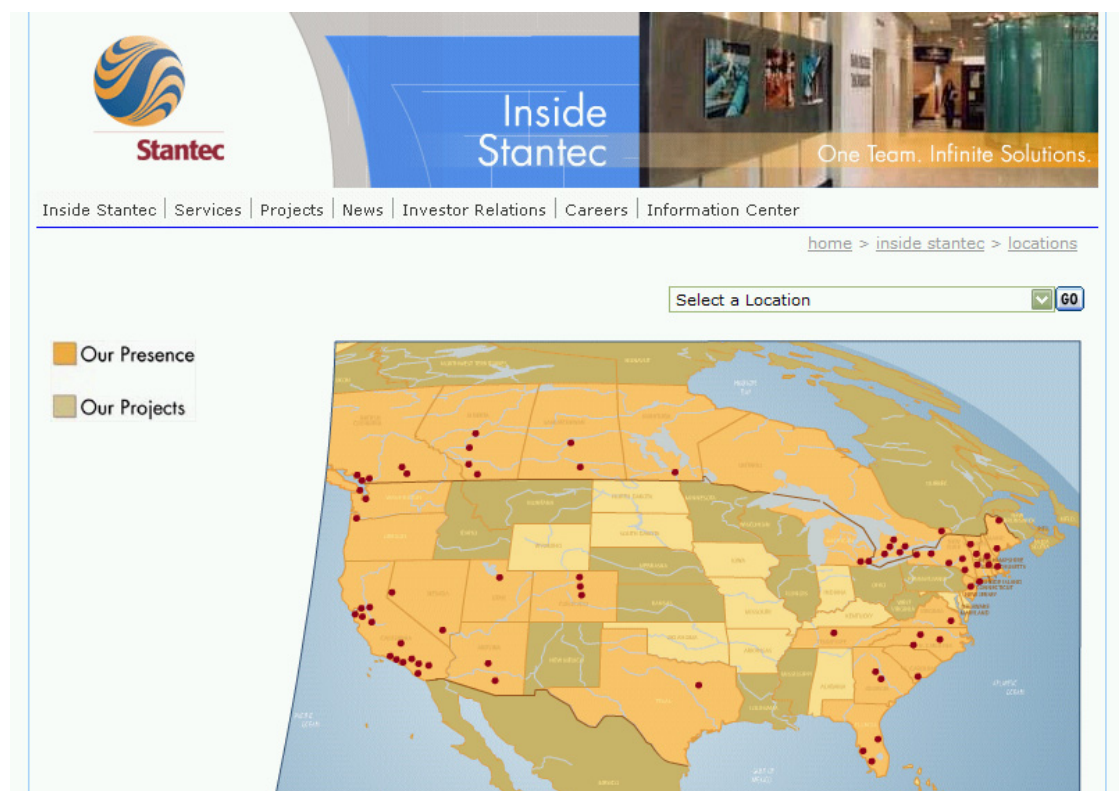


Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	251
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Cluj Napoca, 07.08.2006
RMGC internal unique code	MMGA_0510

**Proposal** The questioner wants further information on biodiversity, more precisely on the "Biodiversity Baseline Report": Who is this SANTEC as its name cannot be found on the list of certified legal persons.

The biodiversity baseline conditions studies have been initiated in 1999 under the coordination of Knight Piesold. Between 2000 and 2006, STANTEC involved several teams of Romanian experts in the process of preparing/reviewing/completing these baseline reports. The first draft of the report has been prepared under the coordination of Stantec (a Canadian-based, multinational company, specialized in preparing Environmental Impact Assessments; see [www.stantec.com](http://www.stantec.com)). The company has been founded in 1954 and provides professional services in designing, consultancy, ecologic reconstruction, and project management. The company has more than 6,000 employees and over 80 offices/locations in North America and the Caribbean.

**Solution**



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.



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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.

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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_0511
<b>Proposal</b>	What are the stocks of invertebrates and vertebrates species?
	<p>Although Order no. 863/ 2002 and Governmental Decision no. 918/2002 with its subsequent ammendments and alterations (Governmental Decision 1213/2006) do not include any requirements for conducting some estimates on the populations; however these have been conducted for several species of interest (birds - p. 53-54, Biodiversity Baseline Report), species of hunting interest (p. 60-62, Biodiversity Baseline Report).</p> <p>There are several estimates on the relative abundance for all vertebrate species (p. 52-58). In the case of invertebrate species, populations estimate does not represent a common practice conducted for Environmental Impact Assessments; such estimations remain the scope of detailed scientific studies, which are conducted on small study areas, for which some fairly accurate work methodologies have been established.</p>
<b>Solution</b>	<p>The Biodiversity Baseline Report (vol. 13, chapter. 4.6.), as an instrument of technical – administrative assessment needed to cover several topics related to the compliance with current specific legal requirements. Considering its utility, the instrument will subsequently facilitate and serve decision making process, and at any given moment the issue of preparing an exhaustive study that will deplete to the smallest details all biodiversity aspects was not discussed.</p> <p>Thus, we only intended to present information of special relevance and with an elevated degree of accessibility, in order to allow presentation of local natural surroundings, in general and the status of biodiversity, in particular.</p> <p>On the other hand, Torsvik &amp; coll. 1990, underlined the fact that “<i>no one was able not even at local level until now to complete a habitat inventory</i>”.</p>

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_0512
Proposal	The questioner wants a list of all the habitats in the area, except for the forest habitats that are presented in the EIA.
Solution	<p>For the site where the project is proposed to be implemented "<i>natural relations between species in the area are extremely limited by permanent anthropogenic intervention</i>" being "<i>little point in referring to preservation of habitats in their natural state</i>" (as presented in the Biodiversity Baseline Conditions Report). Therefore, the identification and correlation of at least the structure of such habitats with natural ones is almost impossible. In the same report it is stated that "<i>for the present stage</i>", it has been prepared an "<i>identification of major formations, for better overall characterization, and especially for a good understanding of the issues related to future impacts on the site</i>". To conclude, at any given moment there was no intention of overlooking certain aspects related to the presence and distribution of natural habitats within studied area, but a better understanding of habitats located within the impact area, generally speaking.</p> <p>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.</p>

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_0513
<b>Proposal</b>	How can you explain some of the syntagms used such as: deleterious species, useful species or potential lists?
<b>Solution</b>	<p>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.</p> <p>The Biodiversity Baseline Report (vol. 13, chapter 4.6.), as a technical-administrative instrument of assessment established a Systematic Lists of Species. This list includes both data collected directly on site based on traditional methods (direct observations, traps, collection by using several techniques, etc.), as well as references that we have used. The list has been also completed with species identified from similar habitats or from areas located in the close vicinity of the perimeter that will be impacted in order to avoid occurrence of omissions. Therefore, the establishment of a list of relevant taxonomic groups as comprehensive as possible was attempted, in order to allow implementation of detailed measures during subsequent stages of development. Through these future measures, all specific ecologic requirements will be considered for species that are valuable for natural habitats (key species, bio-indicator species, rare species, or species of scientific interest, etc.)</p> <p>In order to maintain the necessary consistency, the proposed list also included these potential species.</p>

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 company present the bibliographical sources for all the chapters on biodiversity.
Solution	The bibliography 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
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_0515
<b>Proposal</b>	The questioner wants to be presented the floristic structure of the vegetation.
<b>Solution</b>	<p>From botanic point of view, the term <i>floristic structure of vegetation species</i> is incorrect, but, nevertheless we will present below the overall floristic structure of vegetation located within Project's impact area. Thus, the structure of vegetation remains typically characterized by the presence of ubiquitous, synantropic, and ruderal species, with an elevated ecologic plasticity.</p> <p>The handbook of habitats from Romania was rather 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. During the next stage a complex and complete GIS map will be prepared for the habitats located within Project implementation area (a detailed map), and adjacent areas respectively (a map of major habitats correlated with habitats from Project implementation area). This detailed map is presented in Annex no. 2.</p> <p>The floristic structure of some vegetal associations has been analyzed within Volume 13, Chapter 4.6., Section 3.1.6. (vegetation from aquatic ecosystems), Section 3.2.1. (vegetation from forested ecosystems), 3.2.2. (Terrestrial and Aquatic Flora), 3.2.3. (Mushroom resources), and all data have been completed with the systematic list of flora species from Annex 1 (Chapter 4, Potential Impact, Section 4.6 Biodiversity – electronic format) that includes 414 species. This list is presented in Annex 4 of this report. The list also presents information on the relative abundance and occurrence at national level.</p>

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	<p>The habitats fragmentation and the landscape deterioration refer to those hectares of land impacted by the state-owned mine operations. Besides that, the landscape is typical for a mountain area, with a significant biodiversity which has not been carefully analyzed so far.</p>
Solution	<p>Following the significant impact both in its intensity and duration in time, the Roşia Montană area, compared to many regions from Romania, it is obvious the fact that it is far from being characterized by high biodiversity indexes, and thus we cannot speak about “<i>typical mountain landscape</i>”. Such areas, deeply impacted do not represent a specific feature for Romanian Carpathian Mountains.</p> <p>Due to the same reasons stated above, the natural character of landscape is deeply altered (by mining activities, by silviculture, by agriculture, etc.), resulting in fragmented and degraded forests regarding their structure and composition ratio, degraded secondary meadows, non-productive lands vulnerable to erosions, etc.</p> <p>The low conservation value of impact area is circumstantially emphasized from practical point of view by the fact that there is no proposal to designate an SPA (aviafaunistic special protected area) in the area and the denial as being unfounded of the proposal to designate the area an pSCI (sites of community importance) by the Committee of Technical Experts from the Ministry of Environment and Water Management summoned to assess Natura 2,000 proposals.</p> <p>On the other hand, Torsvik &amp; coll. 1990, underlined the fact that “<i>no one was able not even at local level until now to complete a habitat inventory</i>”.</p> <p>However, during the subsequent period in order to base the detailed decisions, the following actions will be accomplished: the design of the Compensatory Functional Ecologic Network that is proposed in the Biodiversity Management Plan (volume 27), and starting with year “0” of project implementation, a complex procedure will be established based on prior protocols of inventorying all bioecocenosis relevant groups. Fauna and flora inventories will be transposed in an electronic database by using GIS software connected to the national database system of biodiversity (BIMS). Therefore, objectivity and transparency will be ensured, these two aspects being vital for a management of biodiversity developed at an unprecedented scale for Romania.</p>

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_0551
<b>Proposal</b>	<p>There are more than 100 species of protected animals in Rosia Montana, and the low level of preservation is infirmed by the actual existence of these species as well as by the presence of some nature reserves in Rosia Montana and in the neighboring communes, namely: Piatra Corbului, Piatra Despicata, Detunatele, Poiana cu Narcise (The Meadow with Narcissus – Narcissus poeticus) from the Bucium commune.</p> <p>Although the presence of species listed on different annexes of Romanian Laws and European Directives has been recognized and assumed by the Report on Environmental Impact Assessment Study, the populations of such species show the low conservation value of the impact area, from a practical point of view. This value is circumstantially emphasized by the fact that there is no proposal to designate the area as SPA (avifaunistic special protection area) and the denial as unfounded of the proposal to designate a pSCI (sites of community importance) in the area by the Committee of Technical Experts summoned to assess the respective proposals.</p> <p>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].</p> <p>The only reservations located within the project interest area are the geologic reservations Piatra Despicată, which is located in the impact area, and Piatra Corbului, located in the conservation area. The latter one won't be impacted by the development, and Piatra Despicată will be relocated to the conservation area. Detunatele, Poiana cu Narcise (The Meadow with Narcissus – Narcissus poeticus) from Bucium, etc. won't be impacted by this Project!</p> <p><b>References:</b></p> <p>[1] art.3. (2), 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.</p> <p>art.4. (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.[...]</p> <p>(2).[...] 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. [...]</p> <p>Art. 6. (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</p>
<b>Solution</b>	



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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.

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Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	267
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_0558
Proposal	<p>The questioner makes the following observations and comments: The company performed very precise investigations when it began prospecting the rocks in order to assess the quantity on gold within the rock. Unfortunately, this aspect is completely neglected in the chapter on biodiversity. According to the questioner, the more than 100 pages of the report represent a mediocre study that was elaborated either by an amateur or by a very shallow person or it was meant not to reveal the true value of the natural heritage from the impacted area.</p>
Solution	<p>All biodiversity issues are studied within three different documents: Biodiversity Baseline Report (of 69 pages), Chapter 4.6 of Report on Environmental Impact Assessment Study (EIA) that was prepared in full compliance with the provisions of Ministerial Order 863/2002 (which has 112 pages, and includes 4 annexes and 4 exhibits), and finally, The Biodiversity Management Plan (which has 31 pages).</p> <p>We would like to emphasize the fact that the biodiversity chapter has been prepared by over 20 experts from 10 different national and international institutions, including experts from the Romanian Academy. The Biodiversity Chapter of EIA fully complies with legal requirements included in the legislation governing scoping of such EIAs.</p> <p>Considering its utility, as a technical-administrative instrument that 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 details all biodiversity aspects was not discussed. We intended to present information of special relevance and with an elevated accessibility level in order to emphasize the local natural surroundings, in general, and biodiversity, in particular.</p> <p>Due to the fact that we wanted to warrant the accessibility of our study, several unbiased limitations that have been reflected upon the biodiversity chapter.</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	267
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_0559
Proposal	<p>This study should have been meant to identify the types of animal habitats and habitats for the species of endangered plants and animals, protected under the national and international legislation that includes also the Habitats and Birds Directives. This thing never happened.</p> <p>All species observed within Project area and in its close vicinity have been listed in tables where their preservation status is mentioned, as per EU Habitats and Birds Directives, together their relative abundance (Plants – Annex 1, Chapter 4.6. EIA, electronic format, vertebrates – table 3-9 to 3-12, p. 68-74, Biodiversity Baseline Report, benthonic invertebrates, table 3-4, p. 49-50, Biodiversity Baseline Report).</p> <p>However, many of them remain rather common, widely spread at national level, and having large, stable populations (the plant species that are frequent and very frequent represent 86.5% of the species met within Project perimeter).</p> <p>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.</p> <p>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]. A detailed map of the habitats located within Project's area is included in Annex 2 of this report.</p>
Solution	<p><b>References:</b></p> <p>[1] art.3. (2), 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.</p> <p>art.4. (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. [...]</p> <p>(1) [...] 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. [...]</p> <p>Art. 6. (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</p>

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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.

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Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	267
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_0560
Proposal	<p>The questioner considers that the statement according to which only 18% of the area impacted (more than 600 ha) is represented by forests and 60% or so by meadows, worthless from the point of view of the biodiversity, is totally false. The questioner wants to know whether a study was conducted in this respect as this is not obvious from the EIA Report. Meadows were said to have been used in a traditional, primitive way, namely for overgrazing and scythed hay. But in Romania, such a use of the meadows is known to maintain a very high level of biodiversity.</p>
Solution	<p>The reference on traditional use of meadows is included in the section that describes the scoping of the study (Biodiversity Baseline Report, Chapter 1. Overview of the Vegetation pg. 5-8). In the Biodiversity Baseline Report, within section 2.2. Terrestrial and Aquatic Flora (p. 33), and 2.4. Resources of Economically Important Plant Species (p. 37), several analyses are made on the potential of Roşia Montană meadows, presented comparatively with the general data (p. 13-16) in order to impartially support and illustrate the differences, especially the functional ones. Through these solid arguments, the scale of anthropic impact is emphasized.</p> <p>The statement according to which traditional, primitive usage of meadows supports maintenance of biodiversity is true, as it is claimed by the questioner, and by the Biodiversity Baseline Report in regional context; but as demonstrated by the Environmental Impact Assessment Study (EIA), vol. 13, chapter 4.6, p. 27, "<i>Extensive agriculture has determined total elimination of the open natural ecosystems [...], the Project area may represent a classic example of interaction between natural and anthropogenic factors, that have placed a strong, long term impact, of a unique character at the national level, that has been ongoing for centuries</i>".</p> <p>A detailed map of the habitats from Project's area is included in Annex 2 of this report.</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	267
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_0561
<b>Proposal</b>	<p>With regard to the invertebrates: there is no species in the invertebrates lists said to have been found in this area. The lists and annexes to the EIA don't comprise any precise dates of collection, observation nor mentions about the place, the habitat where the species in question was identified. There is a table of the invertebrates species protected. But there is no way to establish whether these species have been found there or they are potential species because, as an expert, I can say that out of the 15 species of butterflies mentioned in the EIA, at least 4-5 have nothing to do in these types of habitats. And they are protected species. So there was clearly a mistake: the natural patrimony is enhanced without any scientific base.</p> <p>Assuming that there are species that can really live in this area, this would mean that the meadow, the flora, but also the invertebrate fauna and other orthopterous groups, etc. are valuable in this habitat. This aspect was not investigated. Further on, there is a list of potential species of invertebrates. According to the authors of this study, a thorough investigation has been performed based on reliable methods, but the species collected with the Barber and light traps are not obvious from the EIA. There is a list of potential species including species that do not normally exist below the beech tier, for instance there are species characteristic to the Transylvanian plain region.</p> <p>The questioner concludes that, according to the EIA logic, even the Panda bear could live in the Rosia Montana area, as a potential species.</p>
<b>Solution</b>	<p>The Biodiversity chapter (vol. 13, chapter 4.6.), as an instrument of technical-administrative assessment required a systematic list of species to be prepared, to include invertebrate, field data collected based on traditional methods (direct observations, traps, different collection techniques, etc), as well as references that we have used. The systematic list of invertebrates was completed with species identified in similar habitats or from areas located in the close vicinity of the site that will be subsequently impacted. The list includes 977 species, including butterflies (Annex 3 vol. 13, chapter 4.6., the electronic format that was disclosed to the public in over 6000 copies, DVD/CD format, being accessible on the company web-page, and on the web-pages of Ministry of Environment and Water Management, Regional Environmental Protection Agency and Environmental Protection Agencies of Cluj, Sibiu, and Alba, etc.).</p> <p>Considering the utility of the analyzed document, as a technical administrative instrument that 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 details all biodiversity aspects was not discussed. Many of these species remain rather common, widely distributed at national level, and having large, stable populations.</p> <p>The low conservation value of the impact area is circumstantially proven from practical point of view by the fact that there is no proposal to designate an SPA (aviafaunistic special protected area) in the area and the denial of the proposal to designate the area as an pSCI (sites of community importance) by the Committee of Technical Experts from the Ministry of Environment and Water Management summoned to assess Natura 2000 proposals.</p> <p>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 the species of interest will not be eliminated (even though these are common species at national level). RMGC will initiate the process of increasing the support capacity of some habitats in order to guarantee the future presence of such species at Roşia Montană, and especially to create the setting necessary to repopulate and re-colonize with species of major interest.</p> <p>The species of particular interest, which are present in similar habitats to the ones from Arieş River basin area, have been mentioned in order to guide the subsequent studies that have been included in the Biodiversity Management Plan (measures scheduled to be developed during year "0") towards</p>

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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.

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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_0568
Proposal	<p>The questioner makes comments on the Biodiversity Baseline Report: The questioner mentions that from the point of view of a student, the company's report does not match anything he was thought in biogeography during the second year of university study.</p> <p>The questioner defines the biological diversity emphasizing the fact that it must not be mistaken by a flora and fauna survey, because it requires a comprehensive survey that includes the variability within the populations of these species, the relative and absolute size or the level of these populations. The main types of biodiversity are mathematically and statistically assessed based on some biodiversity parameters, and they cannot be assessed in the absence of such mathematical models, but these aspects are not included in the EIA.</p> <p>The questioner wants answers to the following questions:  What is the scientific variability of this study?</p> <p>With respect to the “<i>scientific variability of this study</i>”, we are unaware of the existence of any kind of methodology on this matter, because we strongly believe that a study may not vary even more from scientific point of view.</p> <p>The term “biodiversity” is a rather confusing one because there are many definitions for this term. Although it wants to clearly quantify some indexes, these remain evasive due to current technical challenges.</p> <p>According to Law 265/2006, the biodiversity is defined as “<i>the diversity between living organism from aquatic and terrestrial ecosystems and between the ecologic complexes to which they belong to</i>”. A definition widely accepted is the one provided by Hunter in 1990, which states that the Biodiversity is “<i>the diversity of life in all its forms and all its levels of organization</i>”.</p> <p>The perimeter has been considered as a space that is somehow unified and has several distinct components all being strongly impacted, on which the biodiversity studies have been conducted and thus, the studies have been limited to an alpha assessment.</p>
Solution	<p>Therefore, there is no need to conduct a detailed study on biodiversity levels (Beta or Gamma) not only from technical and administrative point of view but also from scientific point of view. On the other hand a Beta or Gamma Assessment of Biodiversity, a mathematical model or an analysis of populations variability, etc., would not only face certain unbiased restrains that have not been overcome in Romania to date not even by a scientific study, and further more, the utility of such information is void without some comparison data secured at inter-regional, national, and even European level.</p> <p>The Biodiversity Baseline Report (vol. 13, chapter 4.6.), as a technical – administrative instrument of assessment has covered several topics related to meeting the current specific in force legal requirements, as per Ministerial Order 863/2002.</p> <p>Due to the utility of the analyzed document as a technical-administrative instrument that will subsequently facilitate and serve the decision making process, at any given moment the issue of preparing an exhaustive study that will deplete to the smallest details all biodiversity aspects, was not discussed.</p> <p>The special relevant information remained to be presented, information with an elevated accessibility level necessary to present the status of local natural surroundings, in general and the biodiversity status, in particular.</p>



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

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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_0569

Proposal	Which are the source populations and the sor populations ?
Solution	<p>The approach of source populations continues to be a very sensitive issue, having relevance only for macro-levels (extensive regional territories, national territories, continents, etc.).</p> <p>The assessment of “sor” populations is an analysis that has been almost exclusively used in sociological and medical studies (human medicine), etc., entailing detailed investigations, mainly aimed at the establishment of genetic diversity. This kind of approaches involve comparison terms at a detail level that couldn't have been reached yet (at least for Romania) for the study of wild species.</p> <p>Biodiversity Baseline Report (volume 13, chapter 4.6), as a technical-administrative instrument of assessment, included some of the issues related to the compliance with certain specific legal requirements in force, according to Ministerial Order no. 863 from 2002. because the current in force legislation, namely the aforementioned Order, doesn't require conducting several estimates regarding the populations existing within the impacted area, this study has covered issues related to qualitative features of flora and fauna species. Subsequent studies conducted during project's implementation will be completed with population's estimates of local species that are included in the scope of work of area's management so as to have a base for ecologic reconstruction.</p> <p>Considering its utility, as a technical-administrative 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 details all biodiversity aspects was not discussed. We intended to present most significant information and with an elevated level of accessibility, in order to emphasize the natural surroundings, in general, and biodiversity, in particular.</p> <p>We would also like to mention that due to our desire to guarantee the accessibility of our study several unbiased limitations occurred and have also been reflected upon the biodiversity chapter.</p>

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
<b>Proposal</b>	What types of mathematical and statistical models were used to illustrate the populations?
<b>Solution</b>	<p>The method used for the assessed bird species, implies the use of mathematic models which are characteristic to the concept "Distance Sampling", the base of the Distance software, version 5.0. Detailed information on the statistics theory that is the basis of all these estimates may be read in: Buckland, S.T. et all (2001) Introduction to Distance Sampling -Estimating abundance of biological populations, Oxford University Press.</p> <p>Considering its utility, the instrument will subsequently facilitate and serve decision making process, and at any given moment the issue of preparing an exhaustive study that will deplete to the smallest details all biodiversity aspects was not discussed.</p> <p>Taking into account the fact that current in force environmental legislation, especially Ministerial Order no. 863 from 2002, doesn't specifically request development of population estimates compliant with mathematical models nor does it require statistics of regional population to be impacted, this study is limited to approaching qualitative issues of flora and fauna. Subsequent studies, initiated during the implementation stage of the project, are going to be completed with population estimates for the species that will represent the scope of work of area's management, in order to base all ecological reconstruction activities.</p> <p>Due to the utility of the analyzed document as a technical-administrative instrument that 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 detail all biodiversity issue was never discussed. We intended to present only information having major relevance and high accessibility, in order to present the current local natural surroundings, in general and the condition of the biodiversity status, in particular.</p> <p>We would also like to mention that due to our desire to guarantee the accessibility of our study several unbiased limitations occurred and have also been reflected upon biodiversity chapter.</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	298
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Turda, 09.08.2006
RMGC internal unique code	MMGA_0634
Proposal	<p>With regard to biodiversity - where are the analyses of variability within the populations of the species living in the area, the relative and absolute size of these populations, the source population, the sor populations, and their distinction, the study on the dynamics and on the evolution of the biocenoses where these species are included.</p>
	<p>All observed species within the project area and in its close vicinity have been listed in tables where relative abundance has been mentioned (plants – annex 1, chapter 4.6 Environmental Impact Assessment, vertebrates – tab. 3-9 to 3-12, p. 64-70, Baseline Conditions Study, benthonic invertebrates, table. 3-6, p. 62-63, Baseline Conditions Study). However, many of these species are relatively common, having a large distribution area at national level, many of which having large, stable populations (plant species having a presence frequency from low to high represent 86.5% from the species identified within the project's site).</p> <p>The Ministerial Order no. 863 from 2002, regarding the endorsement of the guidelines applicable to the framework stages for assessing the environmental impact only requires “habitats of animal species included in the Red Book; bird species; alteration of bird species and populations; alteration/destruction of migration routes” and doesn't specifically request the development of population estimates, they have been developed anyhow for several interest species (birds – p. 65-66), species that have certain hunting interest (p. 70-72). Estimates of the relative abundance of all vertebrate (p.64), and invertebrate species are included in the impact assessment studies, but the estimate of the number of individuals within populations doesn't represent a current practice; this kind of estimates are in the scope of work only of detailed scientific studies, which have been on developed at the level of restricted study areas, for which approximate working methodologies have been established.</p>
Solution	<p>The approach of studying the source populations continues to be a very sensitive issue, having relevance only for macro-levels (extensive regional territories, national territories, continents, etc.).</p> <p>The assessment of “sor” populations is an analysis that has been used exclusively in sociological and medical studies (human medicine), etc, entailing detailed investigations, mainly aimed at the establishment of genetic diversity. This kind of approaches involve comparison terms at a detail level that couldn't have been reached yet (at least for Romania) for the study of wild species.</p> <p>Biodiversity Baseline Report (volume 13, chapter 4.6), as an instrument of technical-administrative assessment, needed to include some of the issues regarding the compliance with certain specific legal requirements in force.</p> <p>Due to the utility of the analyzed document as a technical-administrative instrument that 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 detail all biodiversity issue was never discussed. We intended to present only information having major relevance and high accessibility degree, in order to present the current local natural surroundings, in general and the condition of the biodiversity status, in particular.</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	419
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Bucuresti, 21.08.2006
RMGC internal unique code	MMGA_0892
Proposal	<p>The questioner quotes from Volume 27, paragraph 2.2, which states that a minimum number of trees would be cut down in these areas, according to a standard work procedure, although the company's representatives have stated during the public consultations that no deforestation will occur.</p>
	<p>At any given moment, no one has stated that trees would be cut down within Project's development area.</p> <p>According to our study, 255ha of land out of 433 ha of forested land will be cleared on stages. This process will be developed together with reforestation of other lands totaling 335ha. To all these, approximately 33ha of ecologic forested corridors will be added, thus a plus of forestry habitats of approximately 85+33ha will result.</p> <p>The stages of removal from forestry fund will follow a successive suit of steps according to the project's development ones; that is, it will follow 4 distinct stages (year 0, 7, 14, 16) covering surfaces that will total approx. 46 ha in year 0, approx. 135 ha in year 7, 48ha in year 14, and the remaining ha in year 16. The location of lands that will be removed from forestry fund and the one of the lands proposed to be reforested are presented in Annex no. 7.</p>
Solution	<p>The quotes are not exact quotes from the respective text, and probably several misunderstandings regarding its interpretation might have occurred. That is why we provide the text below [1] hoping that all of uncertainties will be cleared. On this matter, no statement has been made during public meetings that would contradict the statements included in the Environmental Impact Assessment.</p> <p>References:</p> <p>[1] "As described in Section 5.6, there are six areas of ecological significance in and in vicinity of the Project Area. Two of these sites are located entirely outside of the project area, while the remaining four will be affected o varying degrees. These areas should be designated as EPZs, and development should be limited in the sites situated within the project footprint. The locations of the six EPZs are shown on Figure 3. During construction, tree clearing may be required from the EPZs. <b>A minimum amount of tree cutting should be undertaken in these areas for which a Standard Operating Procedure for tree cutting will be developed.</b> If rare flora are encountered that will be damaged by construction activities, they should be relocated according to a Standard Operating Procedure to be developed". (a quote from Biodiversity Management Plan, Plan H, Chapter 2.2)</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	420
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Bucuresti, 21.08.2006
RMGC internal unique code	MMGA_0898
Proposal	The questioner comments on the chapter discussing biodiversity. In the environmental impact study, the experts mention only the snowdrop as plant species existing in the Rosia Montana area. The questioner wants to know if the snowdrop is the only protected plant species in Rosia Montana?
Solution	<p><i>Galanthus nivalis</i> (common snowdrop) and <i>Arnica Montana</i> (wolf's bane) have been identified among the plant species that are under a certain protection statute. These species are being collected at high rate in Romania, being even traded by several businesses.</p> <p>According to annex 4 of Ministerial Order 1198/2005 these species are considered as "<i>plant or animal species representing an interest for the community, the sampling and development of which represent the scope of work of management measures</i>".</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	420
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Bucuresti, 21.08.2006
RMGC internal unique code	MMGA_0899
Proposal	The questioner challenges the professional competence of Mr. Sergiu Mihut, who is one of the authors of the chapter on biodiversity from the environmental impact assessment study, his arguments being related to the Mr. Mihut's inappropriate use of certain European funds obtained under various projects developed, and to Mr. Mihut's professional activity carried out at the Romanian Herpetological Society (note: in the Romanian version, the term used is "Societatea Epiderologica Romana", which doesn't exist), the Faculty of Biology in Cluj and the Task Force for the Apuseni Mountains Park.
Solution	With respect to personal vendettas against Mr. Sergiu Mihut, we are in position to contradict all accusations brought against him; the questioner is notified to stop doing similar actions that may cause damages and is kindly asked to bring forth the necessary evidences that would support its claims.  <i>The Curriculum vitae</i> and a list with all published works of Mr. Sergiu Mihut, PhD may be consulted in Annex 5 and may be accessed at the following web address: <a href="http://www.studiidemediu.ro/despre.html">http://www.studiidemediu.ro/despre.html</a>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	420
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Bucuresti, 21.08.2006
RMGC internal unique code	MMGA_0900
Proposal	<p>The speaker emphasizes that, without knowing the biodiversity baseline of the impacted area, there will be no scientific basis for monitoring the natural heritage during the mining operations, and the repopulation project – after the mine closure – through the establishment of ecological corridors is absolutely irrelevant in the absence of a detailed preliminary study, focusing on the qualitative and quantitative composition of the flora and fauna communities that are going to be destroyed.</p> <p>The speaker warns that, once destroyed, the habitats and species that were formed here over millions of years, will be completely annihilated within several years, without the possibility to restore the baseline conditions, to rehabilitate the biodiversity currently existing in the area, which the authors of the EIA do not want to know and to present to the public.</p>
Solution	<p>We would like to start by saying that fauna and flora of Europe, of Romania in general, and as a consequence the one from the Apuseni Mountains (Roşia Montană being also included here), have been formed following the events occurred during Ice Age period, therefore it is an age that is reported to thousands and tens of thousand of years.</p> <p>The current status of the biodiversity is the result of anthropic influence on natural ecosystems, and as regards the return to the current status of impacted habitats, the project has solutions through which the status of certain elements from the impact area would be greatly improved. The habitats where external (human) influence hasn't been exerted, once destroyed may not return to their previous status; but such natural habitats are not present at Roşia Montană.</p> <p>The study related to the biodiversity aspects is approached in three different documents: <b>Biodiversity Baseline Report</b> (69 pages), Chapter 4.6 from the <i>Report on Environmental Impact Assessment Study</i> conducted in compliance with the provisions of Ministerial Ordinance 863/2002 (112 pages, 4 annexes and 4 exhibits), and Plan H - <i>Biodiversity Management Plan</i> respectively (31 pages).</p> <p>Considering its utility, as a technical-administrative instrument that 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 details all biodiversity issues was not discussed.</p> <p>Impact mitigation measures through the establishment of a Compensatory Functional Ecologic Network represent a current, commonly accepted approach, which is also the base of establishing the Natura (nature) 2000 pan-European Network. Ecologic corridors within the networks are designed to mitigate major impacts from certain vast territories, to undertake the bio-ecocenosis load and to ensure the preservation of the interest species within certain habitats that have high support capacity.</p>



Domain	BIODIVERSITY	
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	420	
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Bucuresti, 21.08.2006	
RMGC internal unique code	MMGA_0901	
Proposal	The questioner considers that the images from the Spanish mine – presented during the public consultations as a positive example of environmental rehabilitation after the mining operations – are embarrassing. The population does not want a single-crop system of lucerne and a plantation of iron-concrete in the area, where the natural conditions have created a mosaic of habitats.	
Solution	The pictures presented during public meetings depicting similar examples of responsible mining developed in Europe are not an integrant part of EIA Report; those pictures have merely informative role of increasing the awareness and presenting real cases. To prevent/minimize/eliminate the potential impact following project implementation, the independent team of experts proposed that a Compensatory Functional Ecologic Network should be established in order to reconstruct several natural habitats typical for this area.	

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	426
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	Bucuresti, 21.08.2006
RMGC internal unique code	MMGA_0922
Proposal	<p>It has been said in the EIA that there are two endemic species in the Rosia Montana area. The questioner wants to know if these two species have really been identified and if yes, whether the implementation of the project poses a possible threat to their existence.</p>
Solution	<p>There are no endemic species mentioned in the EIA, from the simple reason that no endemic species have been identified to date within project's area. For any valuable specie, even an endemic one [1], that will be identified following any other subsequent studies, action plans will be in place to preserve these species, together with measures of mitigating the impact on them.</p> <p>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.</p> <p>References:  [1] According to the Biology Dictionary (Albatros Publishing House, 1989), the ENDEMIC term has the following definition: «[something] referring to a biological phenomenon limited to a particular area or to a part of a region (island, country, area). For instance, the endemic species of plants or animals occupying a reduced area, the endemic disease or parasite maintaining or occurring successively in the same area or collectivity».</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	7
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 108106/05.07.2006 and No. 74076/AF/07.07.2006
RMGC internal unique code	MMGA_1031
Proposal	-What are the costs of loosing forest areas?
Solution	The assessment of the value of 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, cleared in successive stages according with the development of the project (years 0, 7, 14, 16). This value may be theoretically assessed by multiplying the estimated wood volume with the average price of raw wood, which is established by Order no. 416/2006 (69 RON/mc), but its real value will be provided by the average value secured upon sale on the wood open market.

MMDD's item no. for the question  
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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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RMGC internal unique code

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Proposal

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

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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).

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

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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.

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Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	<p>262, 263, 266, 267, 302, 303, 326, 327, 328, 333, 336, 337, 341, 342, 343, 344, 345, 346, 347, 348, 349, 351, 352, 356, 358, 359, 378, 379, 386, 387, 388, 389, 395, 396, 397, 398, 399, 400, 401, 402, 403, 424, 425, 426, 427, 428, 429, 432, 434, 435, 457, 458, 459, 461, 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, 1552, 1553, 1554, 1556, 1558, 1560, 1598, 1599, 1600, 1601, 1602, 1604, 1605, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1688, 1694, 1695, 1701, 1778, 1779, 1788, 1789, 1790, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1838, 1839, 1864, 1888, 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</p>
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	<p>No. 109011/07.08.2006 and No. 74479/08.08.2006, No. 109013/07.08.2006 and 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. 74627/15.08.2006, No. 109225/14.08.2006 and No. 74628/15.08.2006, No. 109226/14.08.2006 and No. 74629/15.08.2006, No. 109232/14.08.2006 and No. 74635/15.08.2006, No. 109233/14.08.2006 and No. 74636/15.08.2006, No. 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. 74669/15.08.2006, No. 109262/14.08.2006 and No. 74670/15.08.2006, No. 109263/14.08.2006 and No. 74671/15.08.2006, No. 109264/14.08.2006 and No. 74672/15.08.2006, No. 109265/14.08.2006 and No. 74673/15.08.2006, No. 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, No. 109315/15.08.2006 and No. 74703/16.08.2006, No. 109316/15.08.2006 and No. 74704/16.08.2006, No. 109318/15.08.2006 and No. 74705/16.08.2006, No. 109320/15.08.2006 and No. 74707/16.08.2006, No. 109322/15.08.2006 and No. 74709/16.08.2006, No. 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.</p>

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.

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RMGC internal unique code

MMGA\_1073

Proposal

The Project poses a threat for the protected flora and fauna;SEE CONTENT CONTESTATION TYPE 3

Solution

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 Roşia Montană area.

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 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:**

[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

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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.

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

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Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	377
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109205/14.08.2006 and No. 74616/14.08.2006
RMGC internal unique code	MMGA_1123
Proposal	<p>The questioner does not agree with the proposed gold and silver mining exploitation in Rosia Montana and makes the following comments and observations: -the project will have negative impacts on terrestrial and aquatic ecosystems;</p>
Solution	<p>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 nor habitats. 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.</p> <p>The company believes that the environmental impact generated by proposed project remains significant the more so as it will add to 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 human activities.</p> <p>The documentation drafted to support this mining project represents an objective justification for its implementation given that the company has assumed the environmental responsibility, which is extremely complex in the Roşia Montană area.</p> <p>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 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. 6,000 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.</p> <p>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).</p> <p>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].</p> <p><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.</p>

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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.

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Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	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 internal unique code	MMGA_1129
Proposal	<p>-Rosia Montana possesses a rich flora and fauna biodiversity, perfectly protected under the Romanian legislation.</p>
Solution	<p>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 nor habitats. 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.</p> <p>The company believes that the environmental impact generated by proposed project remains significant the more so as it will add to 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 human activities.</p> <p>The documentation drafted to support this mining project represents an objective justification for its implementation given that the company has assumed the environmental responsibility, which is extremely complex in the Roşia Montană area.</p> <p>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 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.</p> <p>From practical point of view, the low value of the impact on protected flora and fauna 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).</p> <p>Under these circumstances, we consider that the proposed project complies with the provisions of Directive 92/43 Habitats [1] and Directive 79/409 Birds [2], the more so as Plan H- Biodiversity Management Plan includes active and responsible measures for the restoration/rehabilitation of natural habitats consistent with the provisions of the aforementioned documents [3].</p> <p><b>References:</b>  <b>[1]</b>Habitats  Article 3, paragraph 2: Each Member State shall contribute to the creation of Natura 2000 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</p>

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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.[...]

Paragraph 2: [...] 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.

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



Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1356, 1357
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110300/24.08.2006, No. 110302/24.08.2006
RMGC internal unique code	MMGA_1179
Proposal	What will be the cost of loosing arable land and forest areas?
Solution	Pursuant to the Romanian legislation in force, the beneficiary of the investment must pay a series of fees before removing the land from the forestry fund or changing the use of arable lands. Moreover, under the same legislation, the beneficiary of the investment is under the obligation to ensure the reforestation and/or fertilization of new land surfaces at least equal to the impacted ones. This means that the costs to be covered by the beneficiary will double.

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	1834, 3114, 3122
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110969/25.08.2006 and No. 165089/07.09.2006, No. 112980/25.08.2006, No. 112979/25.08.2006
RMGC internal unique code	MMGA_1225
<b>Proposal</b>	<p>From biodiversity point of view, Roşia Montana contains important habitats and fauna and flora species which are protected in accordance with the Romanian laws and Directive 92/43/EEC regarding habitats</p> <p>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.</p> <p>The company believes that the environmental impact generated by proposed project remains significant the more so as it will add to 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 human activities.</p> <p>The documentation drafted to support this mining project represents an objective justification for its implementation given that the company has assumed the environmental responsibility, which is extremely complex in the Roşia Montană area.</p> <p>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 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. 6,000 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.</p> <p>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).</p> <p>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].</p>
<b>Solution</b>	<p><b>References:</b></p> <p>[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.</p>

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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.

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

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Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	298, 1446, 1920, 2610, 34
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 109049/07.08.2006 and No. 74515/08.08.2006, No. 110508/25.08.2006, No. 110904/25.08.2006, CONTESTATIAAFOSTTRANSMISAPRININTERMEDIULAMBASADEIROMANIEILABUD APESTA, No. 114516/13.09.2006
RMGC internal unique code	MMGA_1241

Proposal	The project implementation would affect gravely the biodiversity;
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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 add to 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 human activities.

The documentation drafted to support this mining project represents an objective justification for its implementation given that the company has assumed the environmental responsibility, which is extremely complex in the Roşia Montană area.

**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 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:**

[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.

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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.

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

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Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	2984
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 111777/25.08.2006
RMGC internal unique code	MMGA_1278
<b>Proposal</b>	The population from area and wild fauna can be affected by the "evaporation" phenomenon
<b>Solution</b>	<p>There isn't any information in specific literature on the issue of impacts caused by a potential exposure of vegetation or ecosystems to cyanide polluted air and on fauna's health following breathing HCN polluted air, following evaporation.</p> <p>However, the following aspects need to be emphasized:</p> <ul style="list-style-type: none"> <li>- The handling and storing of Sodium Cyanide (NaCN) will be performed only within closed systems; HCN may form and evaporate at low rates only at leaching tanks, tailings thickeners, or at the Tailings Management Facility (TMF);</li> <li>- HCN emissions from the surface of tanks and tailings management facility may appear following a reduction of pH in the superficial layers of solutions (and that favors formation of HCN) and a desorption of this compound (volatilization in the air);</li> <li>- Cyanide concentrations in the used solutions will decrease from 300mg/l in leaching tanks down to 7 mg/l (total cyanides) at the TMF discharge point, and the major reduction of cyanide concentrations at the discharge point being accomplished with the help of cyanide treatment system;</li> <li>- Based on what is known about cyanide chemistry and on similar experiences, the following potential emissions of HCN have been estimated to be released in air: 6 t/year released from leaching tanks, 13 t/year from tailings thickeners and 30t/year from the surface of TMF (22.4 t, and 17 mg/h/m<sup>2</sup> respectively, during hot season and 7.6 t, 11.6 mg/h/m<sup>2</sup> respectively, during cold season); it results a total average per day of HCN release of 134.2 kg;</li> <li>- Once released, HCN suffers several chemical reactions within low layers of air, and through these reactions ammonia is formed;</li> <li>- The mathematical model of HCN concentrations in the air (considering the situation in which the released HCN does not suffer chemical reactions in the air) has emphasized the largest concentrations at soil level within industrial facilities, i.e. within TMF area and in an area located in the close vicinity of processing plant; the maximum concentration per hour was determined to be 382 µg/m<sup>3</sup>;</li> <li>- The largest HCN concentrations from air will be 2.6 times lower than the legal safety limit;</li> <li>- The HCN concentrations of the air from populated areas located in the close vicinity of industrial facilities, will amount to 4 – 80 µg/m<sup>3</sup>, 250 – 12.5 times lower than legal safety limits required by our national legislation (national and EU legislation governing air quality do not include limits for the protection of population health);</li> <li>- HCN evolution within the air entails a rather insignificant component of reactions during its liquid phase (the water vapors from air, and water droplets) and that is because at partially reduced pressures that are typical for gases existing in the free air, HCN is weakly soluble in water and rain will not reduce these concentrations in an effective manner (Mudder, et al., 2001, Cicerone and Zellner, 1983);</li> </ul>

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- 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.

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MMDD's item no. for the question which includes the observation identified by the RMGC internal code

14, 15, 16, 17, 21, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151, 152, 153, 154, 155, 156, 157, 158, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 190, 196, 197, 198, 199, 200, 201, 204, 206, 210, 211, 212, 213, 215, 217, 218, 219, 220, 222, 223, 224, 225, 226, 227, 228, 229, 235, 236, 237, 238, 239, 240, 241, 244, 247, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 264, 272, 274, 275, 276, 277, 278, 279, 280, 281, 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2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309,

2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2985

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No. 108386/19.07.2006 and No. 74152/AF/20.07.2006, No. 108384/19.07.2006 and No. 74150/AF/20.07.2006, No. 1081385/19.07.2006 and No. 74151/AF/20.07.2006, No. 1081330/17.07.2006 and No. 74153/AF/20.07.2006, No. 108444/21.07.2006 and No. 74177/AF/24.07.2006, No. 74173/AF/24.07.2006, No. 108407/20.07.2006 and No. 74172/AF/24.07.2006, No. 108408/20.07.2006 and No. 74171/AF/24.07.2006, No. 108479/24.07.2006 and No. 74179/AF/25.07.2006, No. 108449/21.07.2006 and No. 74180/AF/25.07.2006, No. 108478/24.07.2006 and No. 74181/AF/25.07.2006, No. 108475/24.07.2006 and No. 74182/AF/25.07.2006, No. 108474/24.07.2006 and No. 74183/AF/25.07.2006, No. 108474/24.07.2006 and No. 74184/AF/25.07.2006, No. 108473/24.07.2006 and No. 74185/AF/25.07.2006, No. 108472/24.07.2006, No. 108471/24.07.2006 and No. 74187/AF/25.07.2006, No. 108563/26.07.2006 and No. 74192/AF/26.07.2006, No. 108562/26.07.2006 and No. 108474/24.07.2006 and No. 74193/AF/26.07.2006, No. 108561/26.07.2006 and No. 74194/AF/26.07.2006, No. 108559/26.07.2006 and No. 74195/AF/26.07.2006, No. 108558/26.07.2006. and No. 74196/AF/26.07.2006, No. 108557/26.07.2006 and No. 74197/AF/26.07.2006, No. 108555/26.07.2006 and No. 74198/AF/26.07.2006, No. 108554/26.07.2006 and No. 74199/AF/26.07.2006, No. 108553/26.07.2006 and No. 74200/AF/26.07.2006, No. 108556/26.07.2006 and No. 74201/AF/26.07.2006, No. 108552/26.07.2006 and No. 74202/AF/26.07.2006, No. 108522/25.07.2006 and No. 74203/AF/26.07.2006, No. 108521/25.07.2006 and No. 74204/AF/26.07.2006, No. 108520/25.07.2006 and No. 74205/AF/26.07.2006, No. 108519/25.07.2006 and No. 74206/AF/26.07.2006, No. 108518/25.07.2006 and No. 74207/AF/26.07.2006, No. 108517/25.07.2006 and No. 74208/AF/26.07.2006, No. 108494/25.07.2006 and No. 74209/AF/26.07.2006, No. 108493/25.07.2006 and No. 74210/AF/26.07.2006, No. 108489/25.07.2006 and No. 74211/AF/26.07.2006, No. 108564/26.07.2006 and No. 74212/AF/26.07.2006, No. 108601/28.07.2006 and No. 74221/AF/28.07.2006, No. 108602/28.07.2006 and No. 74222/AF/28.07.2006, No. 108603/28.07.2006 and No. 74223/AF/28.07.2006, No. 108605/28.07.2006 and No. 74225/AF/28.07.2006, No. 108606/28.07.2006 and No. 74226/AF/28.07.2006, No. 108607/28.07.2006 and No. 74227/AF/28.07.2006, No. 108608/28.07.2006 and No. 74228/AF/28.07.2006, No. 108610/28.07.2006 and No. 74230/AF/28.07.2006, No. 108611/28.07.2006 and No. 74231/AF/28.07.2006, No. 108612/28.07.2006 and No. 74232/AF/28.07.2006, No. 108613/28.07.2006 and No. 74233/AF/28.07.2006, No. 108615/28.07.2006 and No. 74235/AF/28.07.2006, No. 108616/28.07.2006 and No. 74236/AF/28.07.2006, No. 108617/28.07.2006 and No. 74237/AF/28.07.2006, No. 108618/28.07.2006 and No. 74238/AF/28.07.2006, No. 108619/28.07.2006 and No. 74239/AF/28.07.2006, No. 108620/28.07.2006 and No. 74240/AF/28.07.2006, No. 108621/28.07.2006 and No. 74241/AF/28.07.2006, No. 108622/28.07.2006 and No. 74242/AF/28.07.2006, No. 108623/28.07.2006 and No. 74243/AF/28.07.2006, No. 108625/28.07.2006 and No. 74244/AF/28.07.2006, No. 108626/28.07.2006 and No. 74245/AF/28.07.2006, No. 108627/28.07.2006 and No. 74246/AF/28.07.2006, No. 108628/28.07.2006 and No. 74247/AF/28.07.2006, No. 108629/28.07.2006 and No. 74248/AF/28.07.2006, No. 108630/28.07.2006 and No. 74249/AF/28.07.2006, No. 108636/28.07.2006 and No. 74250/AF/28.07.2006, No. 108637/28.07.2006 and No. 74251/AF/28.07.2006, No. 108638/28.07.2006 and No. 74252/AF/28.07.2006, No. 108639/28.07.2006 and No. 74253/AF/28.07.2006, No. 108640/28.07.2006 and No. 74254/AF/28.07.2006, No. 10841/28.07.2006 and No. 74255/AF/28.07.2006, No. 108642/28.07.2006 and No. 74256/AF/28.07.2006, No. 108643/28.07.2006 and No. 74257/AF/28.07.2006, No. 108644/28.07.2006 and No. 74258/AF/28.07.2006, No. 108645/28.07.2006 and No. 74259/AF/28.07.2006, No.

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MMDD's identification no. for the question which includes the observation identified by the RMGC internal code





















**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 Roşia 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[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:**

[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. [...]

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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.

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

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Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3040
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 112911/25.08.2006
RMGC internal unique code	MMGA_1355
<b>Proposal</b>	The chapter regarding the biodiversity is not well enough argued
<b>Solution</b>	<p>All biodiversity issues are studied within three different documents: <i>Biodiversity Baseline Report</i> (of 69 pages), Chapter 4.6 of <i>Report on Environmental Impact Assessment Study</i> that was prepared in full compliance with the provisions of Minister Order 863/2002 (which has 112 pages, and includes 4 annexes and 4 exhibits), and finally <i>The Biodiversity Management Plan</i> (which has 31 pages).</p> <p>The EIA managed to have over 4500 pages.</p> <p>Due to the fact that we wanted to warrant the accessibility of our study, several unbiased limitations have been reflected upon the biodiversity chapter.</p> <p>Due to the utility of the analyzed document as a technical-administrative instrument that will subsequently facilitate and serve the decision making process, at any given moment the issue of preparing an exhaustive study that will deplete to the smallest details all biodiversity aspects, was not discussed.</p>

Domain	BIODIVERSITY
MMDD's item no. for the question which includes the observation identified by the RMGC internal code	3114, 3122
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 112980/25.08.2006, No. 112979/25.08.2006
RMGC internal unique code	MMGA_1382
<b>Proposal</b>	There are no solutions to diminish the impact on the aquatic and terrestrial ecosystems during the construction and post-closure periods
	<p>The solutions that will be taken to mitigate the adverse impact on aquatic and terrestrial ecosystems will consist of the following: full collection of ARD (caused by historic pollution), treatment of waters that will subsequently be discharged, and increase of forested areas within the area.</p> <p>The mitigation solutions of impacts that are proposed in the Environmental Impact Assessment (EIA) and in the Biodiversity Management Plan, Plan H, are meant for project's development stages and are also considering the impacts resulted from previous activities.</p>
<b>Solution</b>	<p>The proposed Compensatory Functional Ecologic Network represents one of the direct measures proposed to mitigate impacts on aquatic and terrestrial ecosystems, and includes a structural and functional detailing (Plan H p. 20-22), as well as a scheduling of measures (Plan H p. 22-28) for the main stages of the Project (years: "0", "7", "10", "14" "16", and "19" respectively), construction, operations and a first phase of post-closure stage.</p> <p>For further details please refer to Annex 2 that includes the map of habitats and the description of Compensatory Functional Ecologic Network.</p>



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 internal unique code	MMGA_1395	
Proposal	Within the biodiversity management plan there is a discordance regarding the biodiversity protection and preservation importance	
Solution	There isn't any inconsistency or contradiction regarding the importance of biodiversity protection and conservation. This is emphasized by the following documents: <i>Baseline Conditions Report</i> , <i>Report on Environmental Impact Assessment Study</i> , <i>Biodiversity Management Plan</i> . After studying these documents one can see that there aren't any impediments to take measures for ecologic restoration/rehabilitation due to the low value of biodiversity. On the contrary, there are arguments supporting and justifying the need to initiate several active and responsible measures to increase the support capacity of habitats, to reconstruct them consistent with the model of several natural facieses, etc. by establishing a Compensatory Functional Ecologic Network.	

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 unique code	MMGA_1398
Proposal	<p>The project represents a threatening to the protected flora and fauna infringing the EU Directive regarding habitats;</p> <p>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.</p> <p>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.</p> <p>Project's base documents are an unbiased reasoning of its implementation, taking into account the complex environmental commitments assumed for Roşia Montană area.</p> <p>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 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 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.</p> <p>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).</p> <p>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].</p>
Solution	<p><b>References:</b></p> <p>[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.</p> <p>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</p>

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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.

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

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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_1410
<b>Proposal</b>	The foreseen works will affect also two hunting grounds
<b>Solution</b>	<p>The Project site will cover the hunting ground no. 7 Ciuruleasa (having a total area of 12,347 ha) and no. 8 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.</p> <p>Further details may be found in the Environmental Impact Assessment Study, Chapter 4.6 Biodiversity, pages 70-74, and tables 3.13, 3.14.</p>

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
<b>Proposal</b>	The running waters are poor in fish species due to the pollution
<b>Solution</b>	<p>In the Report on Environmental Impact Assessment Study (p. 64), the hydro-biological assays have emphasized a depreciation of water quality (including the water of lakes located within Project's implementation area) that is caused by previous mining activities.</p> <p>Therefore, that is why the fish populations are reduced at some lakes, all fish species being introduced in time. Thus, their value is low from economic and ecologic point of view.</p>

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
<b>Proposal</b>	The report regarding the biodiversity is insufficiently treated;
	All biodiversity issues are studied within three different documents: <i>Biodiversity Baseline Report</i> (of 69 pages), Chapter 4.6 of <i>Report on Environmental Impact Assessment Study</i> that was prepared in full compliance with the provisions of Minister Order 863/2002 (which has 112 pages, and includes 4 annexes and 4 exhibits), and finally <i>The Biodiversity Management Plan</i> (which has 31 pages).
<b>Solution</b>	Due to the fact that we wanted to warrant the accessibility of our study, several unbiased limitations that have been reflected upon the biodiversity chapter.  The entire EIA has over 4500 pages.  Due to the utility of the analyzed document as a technical-administrative instrument that will subsequently facilitate and serve the decision making process, at any given moment the issue of preparing an exhaustive 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
MMDD's identification no. for the question which includes the observation identified by the RMGC internal code	No. 110082/22.08.2006 and No. 75169/23.08.2006
RMGC internal unique code	MMGA_1555
<b>Proposal</b>	<p>- As far as the Biodiversity is concerned, Rosia Montana includes habitats and important fauna and flora species which are fully under protection status as per Romanian legislation and EU Directives.</p> <p>The impacts on protected flora and fauna will only occur 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.</p> <p>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 Rosia Montana 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.</p> <p>Project's base documents are an unbiased reasoning of its implementation, taking into account the complex environmental commitments assumed for Roşia Montană area.</p> <p>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.</p> <p>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).</p> <p>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].</p>
<b>Solution</b>	<p><b>References:</b></p> <p>[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.</p> <p>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</p>



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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.

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