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Bulgaria:

Centre for Environmental Information
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Za Zemiata, For the Earth

Croatia:

Green Action

Czech Republic:

Centrum pro dopravu a energetiku
(CDE)

Hnutí DUHA

Estonia:

Estonian Green Movement-FoE

Georgia:

Green Alternative

Hungary:

National Society of Conservationists -
Friends of the Earth Hungary (MTVSZ)

Latvia:

Latvian Green Movement

Lithuania:

Atgaja

Macedonia:

Eko-svest

Poland:

Polish Green Network (PGN)

Russia:

Sakhalin Environmental Watch

Serbia:

Center for Ecology and Sustainable
Development (CEKOR)

Slovakia:

Friends of the Earth - Center for
Environmental Public Advocacy (FoE-
CEPA)

Ukraine:

National Ecological Centre of Ukraine
(NECU)

CEE Bankwatch Network's mission is
to prevent environmentally and
socially harmful impacts of
international development finance,

TO: Mr Alistair Clark, Corporate Director,

CC: Mr Robert Adamczyk, Senior Environmental Advisor,

Environment and Sustainability Department

European Bank for Reconstruction and Development
One Exchange Square
London EC2A 2JN
United Kingdom

Dear Mr Clark,

We are writing regarding the draft Report of the Environmental and Social Impact Assessment (ESIA) for the Facility "Reconstruction of SS 750 kV "Kyivska" with installation of second 750 kV autotransformer and construction of diversions of 330 kV overhead transmission lines in Kyiv region" (Facility) that is Part C and D of the 750 kV Rivne - Kyiv High Voltage Line Construction Project.

As you may recall the ESIA for Part C and D of the 750 kV Rivne - Kyiv High Voltage Line Construction Project (hereafter Project) has been missing from the initial ESIA for the whole Project (750 kV Rivne - Kyiv High Voltage Line Construction Project) back in 2006.

In June 2014 NEC "Ukrenergo" has announced public consultation on the draft Report of the ESIA for the Facility and published relevant documents on the company's official website¹. Scoping stage has been conducted during summer-autumn 2013.

Within the scope of public consultations, NECU has analyzed the non-technical summary and the draft Report of the ESIA for the Facility and has concluded the following:

- 1. The scope of the ESIA for the Facility appears to be narrowed down in comparison to what has been identified during the scoping stage in 2013.** While the scoping report has clearly identified among the factors of impact "Forests and green plantations" (Annex 5. Content of ESIA Report, p. 35-36 of Scoping (Initial) Report), draft Report of ESIA omits this factor, providing no information on forests (ratio of artificial/natural forests, species and age composition) and no information on potential negative impacts on those forests. This is despite the fact that almost half of the proposed route (32 km) is planed through forests and that the scoping report evaluates impacts on forests with High-Medium level of significance;

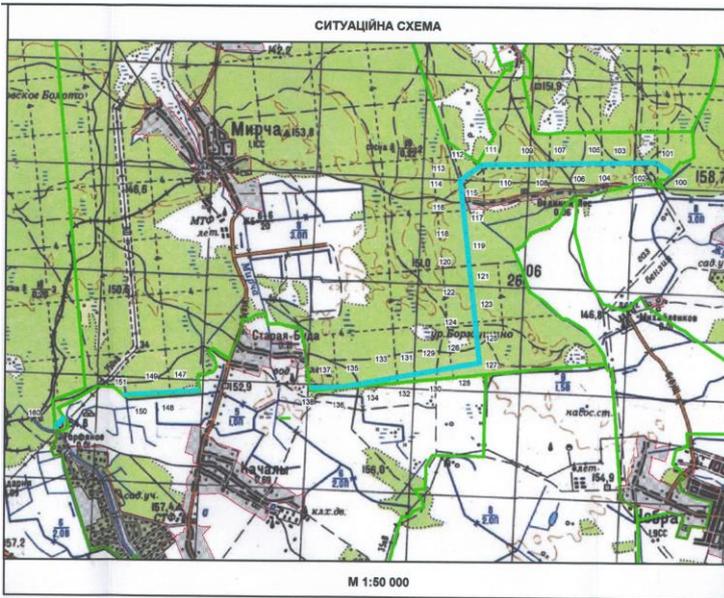
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http://ukrenergo.energy.gov.ua/ukrenergo/control/en/publish/article?art_id=170698&cat_id=36968

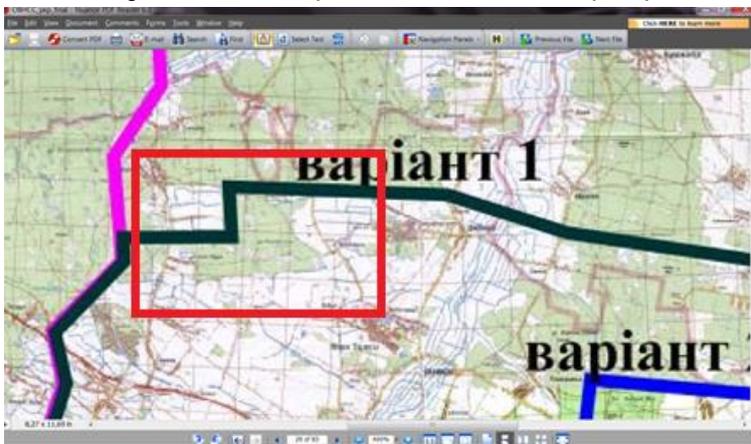
2. **The ESIA for the Facility does not provide sufficient level of assessment of potential environmental impacts and sufficient information on proposed alternatives to avoid/mitigate such impacts. The EBRD Environmental and Social Policy 2008 requires that “this assessment [ESIA] will include an examination of technically and financially feasible alternatives to the source of such impacts, and documentation of the rationale for selecting the particular course of action proposed.”** (p. 17 of EBRD ESP 2008). In case of the Facility under assessment, ESIA should have included description of proposed measures to avoid/mitigate the most significant negative impacts to the environment, as well as the rationale for selecting particular measure (like minimization instead of avoiding). Negative impacts from falling down trees in forests have been identified among the most significant potential impacts at the scoping stage and yet deserved no adequate attention in the draft ESIA Report. At minimum, the measures identified during the scoping stage should have been elaborated in details in the ESIA, namely: *restriction of cutting of trees, bushes and other important elements of the landscape; reforestation to replace cut trees in other places and / or compensation in the case of loss of natural habitat of animals (such as planting new trees). Felling green spaces should be avoided by careful routing lines* (p. 36, Scoping (Initial) Report). The ESIA report should have assessed and presented, at minimum, where and how much (in hectares) logging is planned, why there is no feasible options to avoid these cuts (avoidance of felling green spaces is among the measures), where and how much reforestation is planned as a compensation.
3. The same concerns impacts on rivers floodplains. The transmission line will cross at least two floodplains (Kozka and Zdvyzh rivers) and the non-technical summary mentions that “while installing towers in river floodplains the special attention will be payed to protecting floodplains integrity”². But in the corresponding chapter of the draft ESIA Report (Chapter 3. Impact on surface waters) there is no mentioning of towers installations in floodplains, no description of potential impacts, no details on proposed mitigation measures. The ESIA report should have assessed and presented in the corresponding chapter, at minimum, how many towers will be installed in floodplains and size of floodplain territories to be damaged, characteristics of floodplains, its flora and fauna, number of trees to be logged there (if any), description of protecting/mitigating measures, as mentioned in the non-technical summary.
4. **The quality of cartographic materials in the draft ESIA Report, as well as the absence of general description of forests at the proposed route, does not allow to establish whether or not the planed TL rout (option no. 1) is going to affect valuable oakeries on territories between Velykyj Lis and Mircha villages (Great Forest).** From ESIA materials it is also not possible to establish if the routing was done in a way to minimize cutting down trees in forests. From the fragment of the map, attached to Ukrenergo’s reply (№ 01/02-1-1/11563 from 14 October 2014) to Uriadovyj Courier’s request, it seems that TL corridor will penetrate through forest more than suggested by the map used for public consultations (See Pic. 1 and 2). The map from the draft ESIA report suggests that TL corridor may bypass the forest and go through fields near village Mircha (See Pic. 2).

² P. 15 of project’s non-technical summary (Ukrainian version)

Pic 1. Fragment of the map attached to NEC Ukrenergo's reply to Uriadovjy Courier's request;

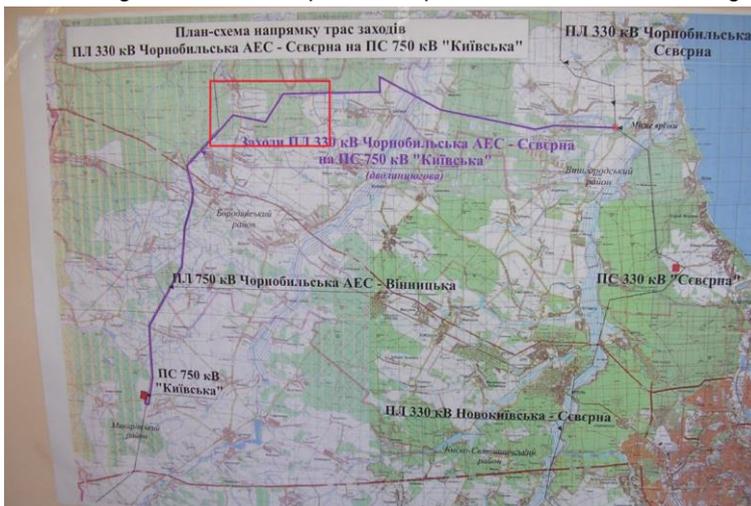


Pic 2. Fragment of the map from the draft ESIA report presented at public consultations;



To make situation even more complicated, during public consultation meetings NEC "Ukrenergo" used the map with yet another proposed routing of this section (See Pic 3.)

Pic 3. Fragment of the map used at public consultation meeting in Lytvynivka village on 22 August 2014.



Such discrepancies between information presented within the scope of public consultations and other materials available from NEC "Ukrenergo" raises doubts in the accuracy of information presented by NEC "Ukrenergo" for the public consultation.

5. The Environmental and Social Action Plan (ESAP) needs to be revised to include measures to avoid, and where not possible, to compensate, all negative impacts to forests and floodplains. Those measures that selectively appeared in the current version of the ESAP are not sufficient. Activity item # P2 "Planning of construction activities at the river floodplains crossing" cover only disturbance to birds, but the draft ESIA Report does not provide arguments why only birds will be the affected element, and, as mentioned above, does not describe neither floodplains no the full range of expected impacts. The Non-technical summary (Ukrainian version, p. 15) mentions such measure as "planning and recovery of soil and vegetation" [in floodplains] but this is missing from corresponding chapter of draft ESAP Report. It is also missing from the English version of the non-technical summary of the project. The last fact, together with the fact that some parts of the English non-technical summary appeared to be in Ukrainian, cast doubts to what extend the EBRD ESD is receiving full information from the project's sponsor and how ESD evaluates the quality of prepared materials for public consultations. Activity items # P5 and C1 partially covers impact on valuable trees and other vegetation (by for ex. proposing Vegetation Management Plan) but we believe that above mentioned gaps in the ESIA may lead to unjustified losses of rare and valuable species that cannot be adequately mitigated by the proposed measures.

Considering all of the above, **we conclude** that:

- **The Draft ESIA Report of the Facility does not fully meet the requirements of the EBRD's Environment and Social Policy 2008** and should be revised to fully consider all key environmental impacts from the project;
- **The Scope of Draft ESIA Report of the Facility has been narrowed down in comparison to what has been identified during scoping stage** which undermines the credibility of the EIA procedure and, as a result, does not provide analysis of one of the key factor of impact: forests;
- The quality of the ESIA materials (including maps) presented for public consultation does not allow to fully assess expected negative impacts to forests, including to valuable natural areas, fauna, floodplains and raise doubts in its accuracy. **The Draft ESIA Report and the ESAP should be revised to fully consider all key environmental impacts** and ensure sufficient level of assessment of potential environmental impacts and sufficient information on proposed alternatives to avoid/mitigate such impacts;

We ask the EBRD to urge its client NEC "Ukrenergo" to take into account shortcomings in EIA preparation described in this letter, to revise the draft EIA Report accordingly and to present revised draft for public scrutiny. Revised draft EIA Report should include accurate high quality cartographic material.

We would like to specifically note that the general quality of ESIA materials for this project (especially concerning environmental impacts), is rather poor. It is regrettable fact that after years of cooperation between the EBRD and NEC "Ukrenergo" it is still not possible for the bank to ensure that this client provides high-quality ESIA materials for the projects they prepare.

We also ask the EBRD to kindly provide an answer to the following question:

- Did the bank review ESIA materials for the Project prior to public consultations and what is bank's opinion on quality of those?
- How does the bank ensure that ESIA materials presented for public consultations are full, accurate and provide information in scope not less than identified during scoping stage?

Sincerely,



Iryna Holovko

National campaigner for Ukraine
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