

Strasbourg, 7 October 2003
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T-PVS/Files (2003) 20

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
23rd meeting

Strasbourg, 1-4 December 2003

Possible New File

**Odelouca Dam
(Portugal)**

Report by the NGO

*Document prepared by
Liga para a protecção da Natureza (LPN), Portugal*



L P N
LIGA PARA A PROTECÇÃO
DA NATUREZA
INSTITUIÇÃO DE UTILIDADE PÚBLICA

Update of Odelouca dam case (Portugal)

October 2003

During the past few months the prospects for the Iberian lynx, the Worlds most endangered cat species, in Southern Portugal have worsened considerably. Fires devastated most of Monchique area, until recently considered the best haven for the species in the country. Meanwhile, in Monchique's Odelouca valley (where most of the sightings of lynx in the region have taken place) the best riparian forest in Algarve is being cut down in preparation for the flooding caused by Odelouca dam.

STATUS OF THE PROJECT

Before construction started the European Commission attempted to stop the project by issuing a reasoned opinion, which stated that it violates the Habitats Directive. The position of the European Commission was based on the high negative impact of the project and on the recognition that, contrarily to claims by the Portuguese Authorities, the dam was not needed to provide water for public consumption.

In spite of the undeniably illegal character of the project, construction started in 2002 and has not stopped, although, as far as we know, the European Commission is still blocking funds for the project. The cutting down of the riparian forest along the Odelouca river has started, destroying valuable habitats years in advance of the planned flooding.

I. IMPACTS OF THE PROJECT

In its 22nd meeting, the Standing Committee of the Berne Convention decided to have an expert do an onsite assessment of the case, which took place in April 2003. LPN welcomes the thoughtful and objective assessment of the case in the report of the expert.

The report recognises the remarkable ecological importance of the area and correctly evaluates the potential impacts of the project on the lynx. Like LPN, it considers that, while per se the dam will not question the survival of its metapopulation (i.e. its worldwide distribution), the impacts on the regional population of the lynx are important. The report also points out that the project goes against one resolution of the Committee of Ministers of the Council of Europe and six recommendations of the Standing Committee, issued between 1991 and 2002.

In addition to the impacts reported by LPN, focused on the lynx, the report highlights important direct impacts on other species strictly protected by the Berne Convention, giving particular emphasis to the gravity of the impacts on several fish species either endemic of the Odelouca basin or with a very restricted geographic range.

II. JUSTIFICATION OF THE PROJECT: WATER NEEDS AND AVAILABLE ALTERNATIVES

The report correctly points out that, under the Berne Convention, the project would only be acceptable in the absence of satisfactory alternatives to provide water needed for public consumption, so much of the report of the expert is dedicated to the issue of water needs and alternatives to satisfy them.

In the submission of the case by LPN to the Berne Convention, LPN claimed that the water needs used to justify the project were exaggerated and in conflict with much lower estimates issued by the water management authorities. The expert confirmed these conflicts and reports that the representatives of the Portuguese Authorities with whom he met failed to justify the discrepancies in the numbers and to

demonstrate the validity of the claimed water needs. In addition, LPN has indicated alternative sources for water, and the expert reports that they were unable to present a convincing case against these alternatives.

ACTION NEEDED

LPN appeals for the Standing Committee to issue a recommendation that faithfully follows the recommendations in the expert's report.

We particularly endorse the recommendation to carry out a clarification of the water needs and alternative water sources, involving the various stakeholders and avoiding situations where the evaluator is the interested party.

Like the expert, we also feel that compensatory measures should be considered only if, as a result of the previous recommendation, it is concluded that the project is needed and that construction should continue. In that case, and in addition to the compensatory measures proposed by the expert, we suggest the preparation of a plan for the recovery of the recently burned area in Monchique based on the requirements of the lynx and other important natural values, instead of replanting it with eucalyptus, which covered much of the burned region.

Finally, we would like to highlight the importance of a firm position by the Standing Committee of the Berne Convention in this case. The handling of Odelouca case demonstrated that the Portuguese Authorities have a great disregard for natural values and the national and international laws and agreements that protect them. Although this is the first time that a Portuguese case is brought to the Standing Committee, Odelouca is just one of several very similar situations in Portugal, so more than Odelouca is at stake here. National courts are of little use to enforce nature protection laws because they routinely refuse to judge even clear-cut violations of these laws, by simply dismissing the cases on procedural grounds. Consequently, the pressure of international bodies is our best hope to reverse the situation.

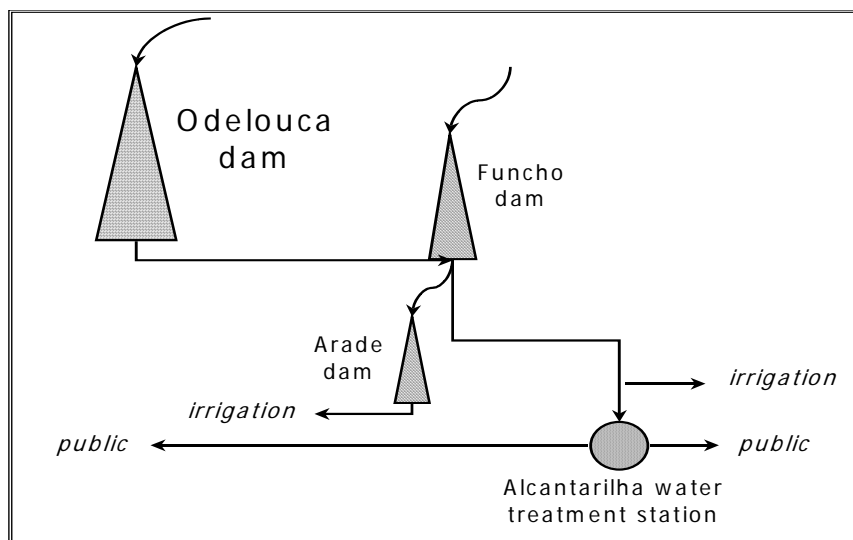
Details on the case are available in the position paper prepared by LPN for the 2002 Standing Committee Meeting. (following pages 4 to 10 of this document, prepared in September 2002)

INFORMATION PAPER PRESENTED IN SEPTEMBER 2002**ODELOUCA DAM:
THREATENING THE IBERIAN LYNX IN PORTUGAL**

The Iberian lynx is Europe's only large endemic mammal, and the World's most endangered felid. Its largest remnant population in Portugal will be pushed closer to extinction by Odelouca dam, currently under construction in the Monchique Natura 2000 site. Work started after the European Commission had concluded that the project violates the Habitats Directive. It is also clear that the project violates the Bern Convention. Claims that the dam is needed to provide water for public consumption are clearly false because there are alternative sources for the water. The real objective of project is the growth of irrigation in Western Algarve.

Odelouca dam is a part of the Odelouca-Funcho Water System (*Aproveitamento Hidráulico do Sistema Odelouca-Funcho*), to store and distribute water for public consumption and irrigation in Western Algarve ("Barlavento"). The system includes several components in addition to Odelouca dam: a 3-meter wide pipeline to transport Odelouca water to the Funcho dam pipeline, a pipeline to bring the water from here to the Alcantarilha water treatment station (also part of the system), and other pipelines to distribute the water throughout Western Algarve for irrigation and public consumption.

The dam will be 73 meters high and submerge over 20 Km of the Odelouca river, inside the Monchique proposed Natura 2000 site. It is expected to provide about 65 hm³/year to the Odelouca-Funcho Water System. Construction started in January 2002.



1. What is the importance of the Monchique Natura 2000 site?

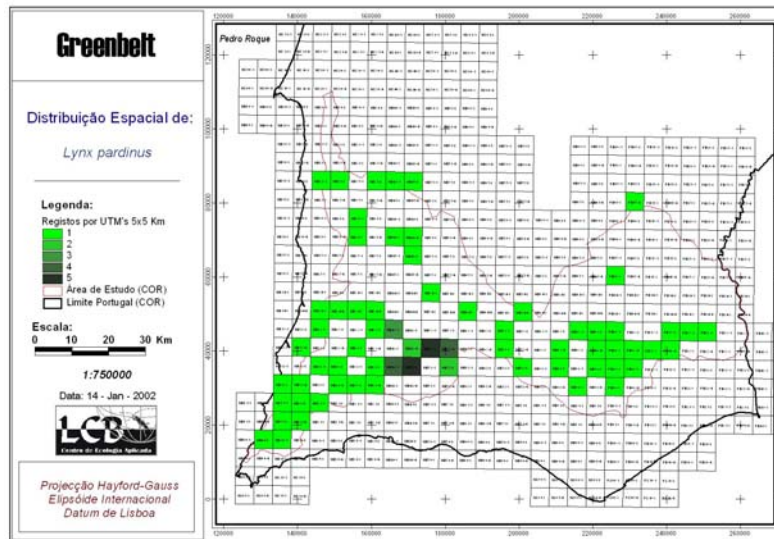
The Iberian lynx is Europe's only large endemic mammal and the World's most endangered felid. The Monchique Natura 2000 site harbours the country's best population of the species. The valley to be inundated by Odelouca dam is not only one of Monchique's best areas for the species, but also a critical corridor linking the lynx population inhabiting the site to eastern populations.

The Iberian lynx (*Lynx pardinus*) is Europe's only large endemic mammal. Its range declined dramatically during the last decades, and it is now restricted to a few populations in Portugal and Spain. This decline continues at present, and the IUCN considers the Iberian lynx to be the World's most threatened felid species.

The Monchique Natura 2000 site was designated mainly to protect the lynx; the last published evaluation of the status of the lynx in Portugal states that the site harbours our largest population of the species (10-12 individuals, ICN Lynx LIFE report, 1998, p. 42) and is one of the only two areas where it was possible to confirm its reproduction.

Located within the Monchique site, the valley of Odelouca (much of which will be occupied by the reservoir) is particularly important for the lynx for several reasons: (i) it is one of the few nuclei of confirmed reproduction within the site (ICN Lynx LIFE report, 1998, p. 56), (ii) it is a particularly important habitat for lynx (the Dam's EIA reports that 50% of the records of the lynx in Monchique are in this area), and (iii) the river valley is the only known corridor linking the lynx populations of Monchique to those of SE Portugal (and on to Spain) (ICN Lynx LIFE report, 1998, p. 58).

WWF's GreenBelt project recently released the map bellow with all the 1980-2000 sightings of the Iberian lynx in southern Portugal. The data comes from the Institute of Nature Conservation (ICN - the directorate general responsible for conservation in Portugal), and only includes reports considered as reliable by its lynx experts. The two squares with the highest numbers of sightings are along the Odelouca River, precisely in the area that will be flooded by the dam. We are aware of the shortcomings of this type of data, but it certainly underscores the extreme importance of the area affected by the project for the preservation and recovery of the lynx in Portugal.



It is believed that since the publication of the EIA and of the 1998 LIFE Lynx report, the lynx continued to decline dramatically, to the point of becoming extremely scarce and difficult to detect, even in prime lynx areas. This situation has been used by some as a justification to allow habitat destruction in key lynx areas, which would be an error. In fact, the main cause for the critical situation of the lynx in areas of well-preserved habitat is the crash of the rabbit population, which is due to myxomatosis and to hemorrhagic fever. This is a temporary situation, since the rabbit is expected to recover from these epidemics. However, allowing the destruction of key areas and corridors will most likely lead to the extinction of the presently very weakened population and impede

its recovery. This would be in line with the scarcity of efforts by the Portuguese authorities to halt the dramatic decline of the Iberian lynx.

The Monchique site harbours major natural values other than the Iberian lynx, but for the sake of simplicity and because of its international importance and dramatic conservation status, we centre this document on the Iberian lynx.

2. What is the impact of the dam?

The valley to be inundated by Odelouca dam is not only one of Monchique's best areas for the lynx, but also a critical corridor linking the lynx population of the site to eastern populations. The impact assessment of the project and other studies concluded that the dam is likely to play a critical role in the extinction of the lynx in SW Portugal.

The reservoir will flood most of the portion of the Odelouca river that lies within the Monchique site. Considering the importance of the valley, it is clear that the construction of the dam will have devastating consequences. The 1998 LIFE study on the situation of the lynx highlights the risks posed by the construction of the dam (p. 56-58) predicting that it may eliminate the reproductive nucleus. It also points out that the dam will eliminate the only known corridor linking Monchique to the eastern populations of lynx; the increased fragmentation and isolation of such small populations is likely to have serious negative consequences for the survival of the lynx in Portugal.

The team that carried out the Impact Assessment of the project on the lynx advised against the construction of the dam because, due to the importance of the affected area, the dam will "...contribute to the continuing regression of the lynx population in the mountains of Algarve and SW Alentejo, which may become irreversible." (p. 45).

Major natural values other than the lynx will be affected. These include many species protected under the Bern Convention and the Habitats Directive (92/43/EEC), including several with a priority status in the later. In the words of the governmental Evaluating Commission of the Impact Assessment: "*The project is not compatible with the ecological values present. The occurrence of very significant negative impacts is expected; it will not be possible to minimise the impacts in order to restore the situation...*" (p. 22).

It is important to point out that this conclusion is valid for any of the studied locations for the dam in the Odelouca River, including the one resulting in the smallest inundated area, which was chosen (and that has less impacts than larger version of the dam considered). It is also obvious that the negative impacts will be felt in an area much larger than the inundated surface, due to increased disturbance and other factors.

3. Is the dam needed to satisfy public water consumption?

The claim that the dam is needed to provide water for public consumption is false. The promoters of the project claim water needs 2-3 times higher than those indicated by the official body in charge of water management in the country. But even those highly exaggerated water needs can be met with alternative quality surface and ground water. The real objective of the project is to allow a great increase in irrigation in the region. Since there is enough water in the existing aquifers and dams to satisfy all the current irrigation and future public consumption needs, the alternative to the construction of Odelouca is simple: give priority to public consumption over irrigation in future allocations of water.

The project promoters claim that the dam is necessary to provide water for public consumption within the area covered by the Western Algarve (Barlavento) water distribution scheme. However, as we demonstrate below, this claim is false. In fact (i) the water needs used to justify the project are highly exaggerated, and (ii) the available resources are sufficient to cover even these very exaggerated estimates.

3.1 Water needs presented by promoters are up to three times higher than the official forecasted needs¹

PRESENT NEEDS:

The EIA indicates that 48.7 hm³/year are needed to satisfy the present requirements of the 500.000 inhabitants of the area covered by the Western Algarve water distribution scheme. However, the National Water Institute (INAG – the government body that manages water resources) estimates that a smaller amount of water is sufficient to satisfy the entire Algarve - 40.26 hm³/year for 960.000 inhabitants and tourists (INAG, 1995, p. 113), including water losses. The present needs indicated in the EIA (and accepted as valid by the Evaluating Commission) are more than twice as high as the official value.

FUTURE NEEDS:

Using the official projections for growth of water use in Algarve (INAG 1995, p. 113), the need for public consumption in the area of the project (Western Algarve) in 2025 will be about 26.4 hm³/year². This value is three times lower than the one used to justify the project – 74.4 hm³/year.

We cannot prove that the estimates of the National Water Institute are accurate, but they have been confirmed very recently by the National Water Plan (INAG, 2002). The huge observed discrepancy between the official forecasts and the figures used to justify the project make the later look very suspicious!

3.2 The myth of the unavailability of the underground resources in Eastern Algarve

The fact that some of the aquifers of Algarve are becoming saline (due to the intrusion of salty water) is repeatedly used as a justification for the need to abandon the use of ground water, and to provide all the water for public consumption from surface sources. This is a fallacious argument. Several of the coastal aquifers of the Algarve, from which the municipalities have been extracting water, are in fact polluted and/or salty; their exploitation should cease as soon as possible and the factors that are leading to their degradation (including overexploitation) stopped. However, the main aquifer of Eastern Algarve, the Silves-Querença aquifer (which carries more water than all of the other aquifers of the region combined) is in the interior and not subjected to serious risks of intrusion of salty water. In fact, the report of the governmental Evaluation Commission states that the water of this aquifer is presently of good quality for drinking (p. 14), and that 86 hm³/year can be exploited without degrading it (p. 15).

All that is needed is to avoid future pollution. In our view this valuable aquifer has to be properly exploited and managed, respecting the Nitrates Directive (91/676/EEC). Surprisingly, the promoters argue that nitrates will in the future seriously pollute the aquifer, as a result of increased irrigation above it, in clear planned violation of that Directive.

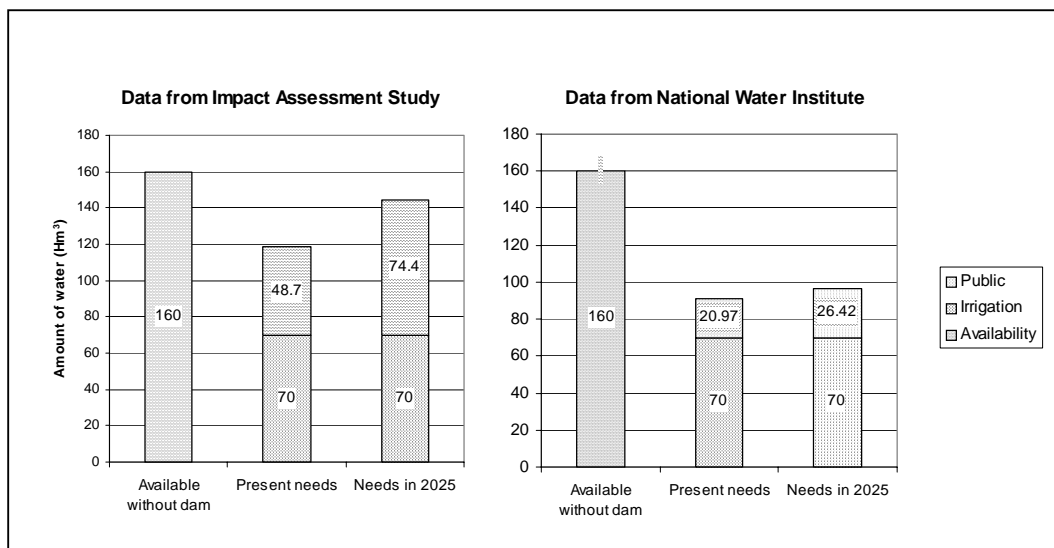
3.3. Alternatives to provide water for public consumption, without the construction of Odelouca dam

The charts below compare the amount of water available in Western Algarve (without Odelouca dam) with the present and future needs (year 2025, the target of the project). All the values on the left chart were extracted from the studies presented by the promoters of the project and the report of the governmental Evaluation Commission. As we referred before, the needs for public consumption are here very exaggerated and much higher than those estimated by the National Water Institute (INAG), used in the chart on the right. The value presented for irrigation corresponds to the current uses.

¹ In this document we use the 1995 official figures because they were the ones available at the time of the submission of the project and of the decision to build the dam. However, they are very similar to those recently published in the National Water Plan (INAG, 2002).

² INAG (1995, p. 113) indicates that from 1994 to 2015 the water requirements for public consumption in the entire Algarve will grow from 40.26 to 47.35 hm³/year. Assuming that this growth rate would remain constant until 2025 the requirements at this time will be 50.73 hm³/year for the entire Algarve. Since the area of the project includes 500 000 of the 960 000 inhabitants (including tourists) 26.42 hm³/year will be needed for that area.

It is undeniable that, in either scenario, there is more than enough water to satisfy the needs until 2025. In fact, there is always a surplus, which can be used to increase irrigation or to cover unexpected situations. Consequently, no more dams are required to satisfy public consumption needs, unless the water presently available in aquifers and existing dams is diverted to new large irrigation schemes.



Comparison between water availability³ and water needs, at present and in 2025. Unless irrigation is dramatically increased, the existing sources of water can easily meet the needs for public consumption. In fact, in either scenario there is even room for irrigation growth.

INAG (1996), a report written with the explicit purpose of demonstrating the need to build Odelouca dam, also recognizes that there is presently a surplus of 40 hm³/year, more than enough to cover the growth of water needs for public consumption, even in the very exaggerated scenario suggested by the project proponents.

Almost the full population of Western Algarve recently started to receive water from the Odelouca-Funcho System's treatment station - Alcantarilha - but using water from Funcho dam. A pipeline will also be built to transport underground water from Vale da Vila (Silves-Querença aquifer) to Alcantarilha station "until the completion of Odelouca dam". After that, all this water from Funcho and the aquifer will apparently be diverted to irrigation.

Continue feeding the system from the Funcho and Bravura dams, and supplement this with drinking quality water from the Silves-Querença aquifers (or even from other good aquifers), as needs grow.

In any case, with such a surplus of water (and a reasonable geographical relationship between available resources and needs), it is easy to find alternatives for Odelouca dam, without any major investments. Simply guarantee public consumption needs before allowing new irrigation (which the government is actually promoting...). Reserve the best water in the existing dams and aquifers for public consumption and allow irrigation growth with the remaining water.

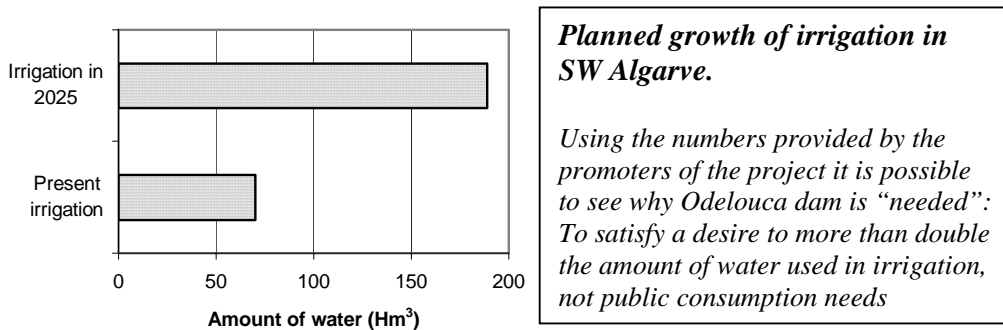
Although presently there is enough quality water in the major aquifers, common sense and the Nitrates Directive require the control of the use of agrochemicals in sensitive areas above them, and a

³ The value of 160 hm³/year used as a reference for the available resources (dams + aquifers) is indicated in the Impact Assessment Study (p. 2.7) and in the report of the Evaluation Commission. The Impact Assessment also indicates a lower value, but without presenting a plausible explanation for it (p. 2.15). In fact, the other values that we found in the literature are considerably above 160 hm³. Adding the 50 hm³, available in the existing dams to the figures for the aquifers in COBA/INAG 1994 (table 4.9) the available resources would be 173 hm³/year. INAG 1996 (p. 5) in spite of underestimating the resources in the existing dams, indicates a total value of 170 hm³/year.

sustainable use of the aquifers. Of course, greater irrigation growth can be achieved increasing the efficiency of irrigation and reducing the current high losses in the water systems are reduced; COBA/INAG 1997 (table 2.5, p. 2.14) estimate that for each 26.6 hm³ that reach consumers each year in the region, 22.1 hm³ of water are lost in the distribution systems! INAG (1994) reports that the water losses in the local municipal systems range from 30 to 60%. (p. 12).

3.4. The hidden objective of the dam – irrigation

The present alleged objective of Odelouca dam is to provide water for public consumption in the Western Algarve water distribution scheme. However, as we demonstrated above, the water that will be available far exceeds the requirements. Why would the Portuguese Authorities want to build a dam that results in an excess of water in the scheme? The answer lies in the real objective of the dam – irrigation.



The main original objective for the dam was to provide water for irrigation (COBA 1994). In the current project, a pipeline will transfer the water from Odelouca dam to the Funcho Dam/Alcantarilha pipeline, which will carry water for both public consumption and irrigation. Once in this pipeline, the surplus water from Odelouca can be used for irrigation. Although the Portuguese Authorities are now trying to hide this fact, a 1997 resolution of the Portuguese Council of Ministers (125/97) explicitly recognizes the use of the water transferred from Odelouca in a large irrigation scheme (*Aproveitamento Hidroagrícola do Barlavento Algarvio*). The relevance of Odelouca for irrigation is not only in the use of its surplus water; more importantly, Odelouca dam will free up the large aquifers, which have been used to supply the public in most of Western Algarve, for irrigation. After the construction of Odelouca dam the usable resources would be more than twice the water that is now being consumed in the region in all types of uses.

The report of the Evaluation Commission, the Impact Assessment Study, and INAG (1996) all assume that the Odelouca water is needed because irrigation in Western Algarve will increase very much. In fact, there are multiple Government sponsored projects to promote irrigation. A large growth in the number of golf courses, major users of irrigation water in the region, is also expected.

Why are the Portuguese Authorities hiding the real objective of the dam? By pretending that the water is needed for public consumption they can (i) apply for financing from the Cohesion fund, and (ii) claim that the project is allowable under article 6 of the Habitats Directive (although even in this case they would have to prove that there was no alternative for the project, which they have not done).

4. Why is the project illegal?

THE DAM'S SIGNIFICANT NEGATIVE IMPACTS ON PROTECTED SPECIES AND HABITATS, IN THE PRESENCE OF ALTERNATIVES TO FULFIL THE ALLEGED OBJECTIVES OF THE PROJECT, RESULTS IN A VIOLATION OF BOTH THE EU HABITATS DIRECTIVE AND THE BERN CONVENTION. THE EC HAS RECOGNIZED THAT THE PROJECT VIOLATES THE HABITATS DIRECTIVE. IN ADDITION, THE DECISION TO BUILD THE DAM BEFORE THE COMPLETION OF THE IMPACT ASSESSMENT PROCEDURE VIOLATED THE DIRECTIVE THAT REGULATES THOSE PROCEDURES IN THE EU.

4.1. Violation of the Habitats Directive (92/43/EEC)

The dam will be built inside a Site of Community Importance (SCI) and will have significant negative impacts on the values that led to its designation, including on priority species and habitats. Directive 92/43/EEC only allows the construction of a project that adversely affects the integrity of a SCI “*in the absence of alternative solutions*” (article 6, number 4). Since there are clear alternatives for this project (as demonstrated above), it constitutes a violation of the Directive.

In the sequence of a complaint submitted by the League for Nature Protection (LPN) in 1998, the European Commission recognized that the construction of Odelouca dam would be a violation of the Habitats Directive. The Portuguese Authorities were informed of this fact in a Reasoned Opinion issued in October 2001; a few days later the Government signed the contract for the construction of the dam.

4.2. Violation of the Bern Convention

The destruction of habitats of endangered species listed in annex II of the Bern Convention violates both articles 4 and 6 of that convention. Article 9 regulates the exceptions to the implementation of those articles. Two conditions would have to be met for the dam to be acceptable under the Convention:

- (i) in the absence of a satisfactory alternative – as we demonstrated above the alleged objective of the project can be met with alternative solutions;
- (ii) the dam could not affect the survival of the populations of the protected species – the projects own impact assessment and other studies point out that the construction of the dam will seriously hurt the chances of survival of Portugal’s best population of Iberian lynx.

Since the dam results in the deliberate destruction of important habitats for several annex II species, and neither of these conditions are met, the project breaches the Bern Convention.

4.3. Violation of the Impact Assessment Directive (85/337/EEC)

The decision to build the dam was announced by the Portuguese Government several months before the completion of the second Environmental Impact Assessment. Making such a decision before the completion of this EIA procedure is a violation of Article 2 of the Directive (85/337/EEC).

5. The project was not properly evaluated

The first Environmental Impact Assessment process pointed out that the project promoters failed to demonstrate the need for the water and that, consequently, the dam would violate the Habitats Directive. The Minister of the Environment, the promoter of the project, ordered a revision of the Impact Assessment and set up a new “independent” Evaluation Commission, regrettably solely made up of employees of her ministry. However, before the completion of the new Impact Assessment, the minister announced that the dam would be built. Months later, the Evaluation Commission, tied up by the announcement made by its minister, corroborated the decision (but they did not critically evaluate the figures presented to justify the project).

The Portuguese Authorities claim that the process followed all the evaluation steps required by law. However, the contours of this evaluation suggest that it was very biased.

At the end of 1996, the official Evaluation Commission of the first Environmental Impact Assessment (EIA) carried out for this project did not recommend its approval. It stated that the evaluated reports failed to convince it that the project was necessary to satisfy the water needs for public consumption (p. 18). Consequently, it concluded that it would result in needless environmental destruction and in a violation of article 6 of the Habitats Directive (p. 20).

As a consequence of this rejection the Ministry of the Environment (the promoter of the project) requested a new EIA and nominated a different Evaluation Commission (the technicians responsible for the first evaluation were excluded from the re-evaluation). Surprisingly, months before the completion of the new EIA, the Minister of the Environment announced that the dam would be built.

After such an announcement, the second Evaluation Commission (solely made up of employees of the project promoter – the Ministry of the Environment) had no choice but to confirm what their

Minister had already announced. It chose the least damaging of the alternative locations for the dam, while recognizing the undeniable: the dam will have very significant irreversible impacts on the Natura 2000 site. In relation to the Iberian lynx, this commission recognized that the dam would increase the probability of the extinction of Portugal's most important population of lynx in the near future!

However, the Evaluation Commission failed to critically address the main issue in this case – the need for the water. It simply accepted as good the inflated estimates for water needs. It recognized that the figures were exaggerated, but stated that it had insufficient information to check them (p. 15). The commission also accepted the irreversibility of the continuing growth of irrigation. Only the double assumption that presented needs were reliable, and that irrigation will grow, allowed them to conclude that Odelouca dam was necessary (thus legitimising *a posteriori* the decision announced by their minister a few months before!).

During the public discussion of both Impact Assessments, LPN and other NGOs pointed out the presence of alternatives and the illegal nature of the project. They also repeatedly contacted the Government presenting arguments against the project, but did not succeed in avoiding the beginning of the construction in January 2002.

6. Conclusions.

The Iberian lynx, with its declining population restricted to Portugal and Spain, is the World's most endangered felid.

In Portugal, the Iberian lynx is on the verge of extinction, and its most viable population is located in the Monchique proposed site of Community Importance (SW Portugal).

The Portuguese Authorities recently started to build a large dam – Odelouca – in a critical area of this site.

All studies indicate that the construction of Odelouca will contribute significantly to the likely extinction of this population, seriously affecting the chances of survival of the lynx in SW Portugal.

The alleged purpose of Odelouca dam is to provide water for public consumption in Western Algarve.

However, there are alternatives to provide all the water needed for this purpose, even taking as a reference the highly exaggerated present and future needs presented to justify the project.

Those alternatives can be based on the existing dams, which are now providing water for consumption, and on sustainable use of quality aquifers.

In the presence of viable alternatives a project with such negative impacts results in a clear violation of articles 4 and 6 of the Berne Convention, and of article 6 the Habitats Directive.

LPN submitted a complaint to the EC in 1998, but only last October its services issued a reasoned opinion recognizing the illegal character of the project. Our experience with other cases (e.g. the A2 motorway, which is now completed even though the EC recognized that the location of its two last sectors is illegal) demonstrates that the EC services show little capacity, to stop projects that clearly violate EU directives.

Considering the clearly illegal character of the project and the importance of the natural values at stake, we believe that it would be very important to open a file in the Council of Europe on Odelouca dam and its role threatening the Iberian lynx and its key habitats.

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