



REPUBLIC OF BULGARIA

MINISTRY OF ENVIRONMENT AND WATER

Outgoing No: OBOC-61/01. 12. 2015

TO: MR. ALEXANDER CHAKMAKOV
EXECUTIVE DIRECTOR OF “GRAVEL AND SAND PITS BULGARIA” EAD,
BULGARIA, 1528 SOFIA
at 6, PORUCHIK NEDELCHO BONCHEV STREET

COPY:
RIEW – RUSE
BASIN DIRECTORATE “DANUBE REGION”
EXECUTIVE AGENCY “EXPLORATION
AND MAINTENANCE OF RIVER DANUBE”
MUNICIPALITY SLIVO POLE, RUSE REGION
VILLAGE HALL OF V. BABOVO
VILLAGE HALL OF V. RYAHOVO

Further to your No 43/27.10. 2015

Regarding: *Quality assessment of the EIA Report and of the Rate of Impact Assessment Report (RIAR) of investment proposal “Sand and Gravel Excavation from Alluvium Deposits in the Bed of River Danube, Mishka Section (from km 462.0 to km 459.4) in the area of Babovo village, Municipality Slivo pole, Ruse Region”*

DEAR MR. CHAKMAKOV,

In connection with the aforesaid EIA Report, submitted to the Ministry of Environment and Water, also including RIAR (with entry No OBOC-61/27.10. 2015) on quality assessment, we inform you about the following:

I. Regarding the EIA Report

Upon review of the submitted information, it has been found that the contents of the EIA Report is in compliance with the requirements of Article 96, paragraph 1 of the Environment Protection Act, and the given instructions in a MOEW letter outgoing No OBOC – 74. 05. 08. 2014 are complied with. According to Article 14, paragraph 3, item 2 of the *Ordinance on the terms and conditions for execution of EIA (EIA Ordinance)*, the quality assessment of the report is positive with some omissions, not significantly important in the processes of decision taking. The quality of the documentation is assessed in compliance with the criteria of Article 14, paragraph 1 and having in mind Article 14, paragraph 2 of the *EIA Ordinance* as follows:

- The prepared report complies with the submitted Terms of Reference under Article 10 of the *EIA Ordinance*;
- The results of the carried out consultations are reflected;
- The reviewed alternatives are described and analysis and juxtaposition has been done, also including with the zero alternative;
- A description and analysis have been made of the components and factors of environment, as well as description, analysis and assessment of the significance of impacts on man and environment from the realization of the investment proposal (IP).
- Measures for prevention or minimization of impacts are proposed and a Plan for Implementation of the Measures is drafted as a table;
- Sufficient number of visualizing materials – maps, schemes, drafts are presented;
- Regarding the analysis made in the report and assessment of the importance of the positive and negative impacts on man and the possible health risk of the realization of the investment proposal, an Observation has been received by the Ministry of Health (MH) (with Reg. No 04-09-151/27.11.2015 of MH) with positive assessment of the documentation. According to the Observation, from the point of view of the health-hygiene aspects of environment, the report is complete and without gaps. Having in mind the made in the report analyses, prognoses, conclusions and assessments, the realization of the investment proposal is not expected to create preconditions for emergence of risk for the population of the settlements, located in closest proximity.
- The non-technical resume is elaborated in the necessary extent, and the information is expressed in accessible for the public language.

In the assessment of the EIAR the following inadequacies and non-essential omissions have been found, which have to be eliminated:

1. In EIAR and in the *Rate of Impact Assessment Report*, everywhere the text “According to the requirements of Article 35 and they are in hold of Permit, granted pursuant to Chapter 7, Section II of EPA”. to be replaced by “and are in hold of document, pursuant to the requirements of Article 35 of Wastes Management Act (WMA)”.

2. In Section IV, item 12 – Prognosis on cumulative impact, in page 183 of the EIAR, the antecedent bullet, it is recorded that “the cumulative effect can be expected only at No 4 (*extraction of alluvium deposits from the bed of river Danube from km 468, 00 to km 464, 000*). *The distance from the latter to the site of Mishka deposit site is **over 17 km***”. Considering that Mishka deposit site is from km 468, 00 to km 464, 000, it comes out that the distance between both sections is about 2 km, not 17 km. The most distant points of both sections are at a distance about 8,6 km. This inadequacy is repeated at other places in the text and in EIAR.

3. In 2015 in RIEW – Ruse an investment proposal has been submitted for extraction of alluvial deposits with floating and/or anchored navigating vessels from river Danube, in section from km 464.000 to km 462.300 of area 747 600 m². After procedure for assessment of the necessity in EIA, a Permit No PY-64-IIP /2015 has been granted, whereby execution of EIA has been requested. The section under review appears to be adjacent, at 300 m distance from Mishka section, and it is not indicated in Table I.2-3.

4. In quoting legislation in the text of EIAR and in part: “Regulatory documents” actualization of the indicated last amendments and supplements in the respective laws and ordinances has to be done. For example, in page 29 it is indicated that the Protected Territories Act has been last amended and supplemented with SG, issue 103/2009 and the last amendments are from SG, issue 61 of 11.08. 2015.

II. On the submitted Rate of Impact Assessment Report (RIAR)

Pursuant to Article 39, paragraph 8 of *Ordinance on the terms and conditions for conducting assessment on compatibility of plans, programs, projects and investment proposals with the subject and the targets of conservation of protected zones*, (*Compatibility Assessment – (CA) Ordinance* , SG, issue 73/2007) amended and supplemented, issue 94/2012) and according to the criteria under Article 24, paragraph 3 of the Ordinance, the quality assessment of the enclosed EIAR of IP on the subject and the targets for conservation of NATURA 2000 protected zones is positive, by the meaning of Article 24, paragraph 5 item 2 of the *Compatibility Assessment Ordinance*, due to the following:

1. The Report is structured in compliance with the requirements of Article 23, paragraph 2 of the *Compatibility Assessment Ordinance* and the instructions of MOEW.

2. The annotation of the investment proposal in the Report is exposed in detail, also including its elements.

3. Current information is presented regarding the subject and the targets of conservation in protected zones. The submitted Report includes Rate of Impact Assessment of the investment proposal on protected zones: *BG0002030 Complex Kalimok*, on conservation of wild birds and *BG0000377 Kalimok – Brashlen* on protection of natural habitats and wild flora and fauna. There is information on the stages of realization of the investment proposal, as well as information and description of the extraction technology.

4. Information is presented on other plans, programs, projects and investment proposals which are existing, approved and/or in process of development. Analysis and conclusion about the expected rate of accumulative impact on the subject and the conservation targets for the protected zones.

5. The type and rate of expected impacts of construction and exploitation of IP are assessed on the natural habitats and the habitats and populations of the species of birds, subject to conservation in the affected protected zones.

6. The specific impacts of IP on the individual species and their habitats, including also the species of birds, subject to conservation in the protected zones are differentiated.

7. Mitigating measures for minimization of harmful impacts from the realization of IP are proposed.

8. Alternative solutions for realization of IP are proposed and assessed.

9. To the report, as Annexes, the necessary graphic materials – schemes, maps, drawings, tables are attached.

10. The experts, having drafted the Report have attached the necessary documents and declarations, certifying the presence of the requirements subject to Article 9, paragraph 1 of the *Compatibility Assessment Ordinance*.

The following inadequacies and technical mistakes have been found:

1. In the presented table in page 23 about IP for extraction of alluvial deposits from river Danube in section 491,000 to 490,500, it is not reflected that the same is coordinated by RIEW-Ruse with Decision No PY-51-IIP/2003.

2. In page 43, fig. 5 – the name of the island, located to the east of Mishka section is recorded incorrectly on the map. The same is called Golyam Brashlen, not Lyulyak, as it is indicated.

3. In page 55, there is technical mistake in the recording of the code of *BG0000377 Kalimok – Brashlen* protected zone, the same is recorded as *BG0000177*, instead of *BG0000377*.

4. In page 4 of the content and in page 215, in item 6. 3 the code of the protected zone *Complex Kalimok* is mistaken. The same has to be corrected as *BG0002030*.

5. In page 227, fig. 1 on the presented map in the legend the borders of the protected zones are not colored accordingly.

6. In reference to the regulatory acts in the text of the EIA and in page 14 “Literature” updating should be made of the last amendments and supplements in the respective laws and ordinances. For example, in page 7 it is indicated that the Biodiversity Act has been last amended and supplemented with SG, issue 89/2010 and in fact the last amendments are dated 2015, SG, issue 61.

III. Regarding the EIA Convention in transboundary context

On occasion of the stated wish of Romania for participation in the EIA procedure for the aforesaid investment proposal you also have to prepare and submit to MOEW in English language in paper and electronically the EIA Report and its Annexes. The same shall be sent to the Romanian side for delivery of Observation. In case Romania expresses wish for carrying out of meeting / meetings for public discussion, we shall inform you duly and timely and shall point out the actions, you have to undertake as a Contracting Authority of the investment proposal.

IV. Concerning the actions you have to undertake as to continue the EIA procedure, including the Compatibility Assessment procedure

Pursuant to Article 16 of EIA Ordinance, MOEW identifies Slivo Pole Municipality, Village Hall Babovo village and Village Hall Ryahovo village, Ruse Region as involved parties, whereby you jointly have to organize public discussion of the EIAR together with all Annexes to it, also including RIAR. For the purpose you have to undertake the following activities:

1. Within up to 5 days of receipt of this letter you have to submit to the Ministry of Environment and Water the corrected (according to the above presented) EIAR with all its Annexes.

2. To RIEW- Ruse you have to submit one copy of the same corrected report together with all Annexes to it.

3. You have to ensure public access to the EIA documentation with deadline, at least 30 days before the onset of the public discussions and location for presentation of written observations.

4. For organization of the meetings for public discussions you have to submit written application to the involved municipalities and village halls, with proposal for location, date

and time of the meeting for public discussion, the location for public access to documentation and for expression observations, as the date of the first meeting shall be up to 60 days of the date of submission of the application. To the written application you have to attach one copy of EIAR with all annexes to it for each of the involved municipalities and village halls, which have to confirm in writing the proposal within up to 7 days of submission or to make another proposal for the same 60 days period. In case of non-pronouncement within the 7 days' term it shall be deemed that the proposal of the Contracting Authority has been accepted.

5. The date and time of holding the meetings shall be announced by the Contracting Authority via the mass media or in another suitable manner, at least 30 days before the appointed meetings with announcement, by form, given in Annex No 3 of the EIA Ordinance.

According to Article 17, paragraph 1, item 2 of the EIA Ordinance the involved municipalities and village halls, where the Contracting Authority shall organize the public discussions, have to ensure notification in a suitable manner of the involved population for the forthcoming discussion, including by placement of a notice at publicly accessible place in the building of the municipality / the village hall, whereof a protocol shall be drafted.

6. You have to inform MOEW in writing and provide evidences for the completion under item 3, item 4 and item 5 within a deadline of 7 days after that. You should have in mind that according to Article 17, paragraph 1, item 4 of the EIA Ordinance, the Contracting Authority, on its discretion can also notify in writing other specialized persons, bodies and organizations about the meetings for public discussion.

We inform you that according to the provision of Article 16, paragraph 2, of the EIA Ordinance and in compliance with Article 25, paragraph 1, of the CA Ordinance, MOEW shall provide access to RIAR through its internet site at the address: [www.moew.government.bg/key topic NATURA 2000](http://www.moew.government.bg/key%20topic%20NATURA%202000).

/Signature – unreadable/

IVELINA VASILEVA

Minister of Environment and Water

ROUND STAMP: MINISTRY OF ENVIRONMENT AND WATER