REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER

RESOLUTION N 3 – PR/2014
on evaluating the necessity of conducting an environmental impact assessment

Pursuant to Art. 93, par. 2, item 2 and par. 5 of the Environment Protection Act (EPA), Art. 7, par. 1 and Art. 8, par. 1 of the *Regulation on the requirements and procedure for conducting environmental impact assessments* (Regulation on EIA), Art. 31, par. 4 and par. 8 of the Law on Biological Diversity (LBD), Art. 40, par. 5 in relation to Art. 2, par. 1 of the *Regulation on the requirements and procedure for conducting compatibility assessments of plans, programs, projects and investment proposals with the scope and objectives of preserving the protected zones* (Regulation on CA) and the written documentation filed by the contracting authority in line with Supplement N 2 to Art. 6 of the Regulation on EIA and Art. 10, par. 1 and 2 of the Regulation on CA

I HEREBY RESOLVED

to conduct an environmental impact assessment for the investment proposal *Extraction of Sand and Gravel from Alluvial Deposits in the bed of the Danube River Mishka Section (from km 462.0 to km 459.4) in the area of Babovo Village, Slivo Pole Municipality, Rousse County*, which will **probably** have a significant adverse impact on the natural habitats, populations and habitats of the species subject to preservation in the protected zones.

Contracting authority: Gravel and sand pits – Bulgaria EAD, Sofia city
Address: 1528 Sofia, Iskar District, 6 Poruchik Nedelcho Bonchev Str.

Brief description of the investment proposal:

The investment proposal (IP) is for extraction, transporting and unloading of alluvial materials (sand and gravel) from the bed of the Danube River in the Mishka Section (km 462.0 – km 459.4) to the north of Ryahovo village and Babovo village, to the north and north-west of Mishka Island (Goliam Mishka – 1 and Malak Mishka – 2) and to the south of Mishka – 3.
On the basis of the conducted studies the determined deposits of sands and gravel in the Mishka Section (from km 462.0 to km 459.4) are approved by the Executive Agency for Exploration and Maintenance of the Danube River (EAEMDR) for extraction from the bed of the Danube River. The excavated sands and gravel will be used as raw materials for the production activities of the company.

In view of the newly formed island conditionally called Mishka – 3 a new survey was made with GPS Sistem 900 in RTK mode with subsequent processing of the data – harmonizing the measurements and transformation into the 1970 Coordinate System. The survey was performed of the existing conditions by going around the island at an equal distance with a motor boat. The island cannot be approached due to the thick vegetation. The extraction area is corrected within the permitted perimeter and is 100 meters away from Mishka – 3 Island. The eastern boundary is also 100 m from Mishka Island (Goliam Mishka – 1 and Malak Mishka – 2).

The new area of the extraction zone is 433 626 m^2 with a length of 2.6 km and width of 300 m in the southwestern part and up to 100 m in the northeastern part. The area of the extraction zone is located in the Bulgarian part of the river and the compulsory distance from the fairway of the river (at 327 m in the southwestern part to 194 m in the northeastern part).

The extraction zone in the southwestern part is at 418 m from the Rumanian border and at 836 m from the Rumanian coast and respectively at 50 m and 310 m in the northeastern part.

The layout borders of the two nearest populated areas the village of Ryahov o and the village of Babovo are located respectively at 1 and 2 km from the extraction area. The distance downstream to the Danube Bridge in the city of Rousse is 29.5 km.

The prognosticated dynamic reserves of ballast materials in the contour of the appr oved area are approximately 2 475 047 m^3 and the extractable reserves are 1 812 869 m^3. The extraction zone during the operation will be divided into 10 blocks for excavating inert materials. The capacity of extracting the materials will reach up to 345 000 m^3 per year and 1 500 m^3 per day in a working schedule of 230 days per year (9 months, 6 days per week). The planned overall number of the people employed for the activities is 41.

The technology of excavating the alluvial deposits from the Danube River is based on the use of a floating multi-bucket dredger type KS-250, which is most suitable for the existing conditions - the availability of 150-mm boulders. The maximum operating depth of the dredger for excavating the deposits is 12 m.

The unloading of the excavating deposits from the buckets will be done directly on the dewatering sieve of the dredger. The separated water will be returned to the river whereas the dewatered alluvial deposits will be transferred to self-propelled barges via a belt convey or. During the unloading of the excavated ballast into the barge the solid phase settles on the bottom and the water remains above it. In case of increasing the excavated quantity of the mineral resource the level of the water increases and reaches the hatches (openings in the walls of the barge) where the excessive water is discharged into the river. On the bottom of the barge there are draining pipes that drain the residual water in order to achieve maximum drying of the deposits. The drainage water will be discharged into the river by pumps with a maximum flow rate of 260 m ^{3}/hr.

The transportation corridor for transporting the excavated sand and gravel from the Mishka Section to the pier of the company is the Danube River. The site is situated in the Eas tern Industrial Zone of Rousse and is a licensed and operating harbor for handling general and bulk cargo. The transportation of the raw material will be carried out with three specialized self -propelled barges for bulk cargo with a payload of 1 000 tons each. Each barge will run once or a total of 3 barges with raw material will arrive at the pier for unloading. The realization of the investment proposal will lead to changes in the existing infrastructure of the pier. Parallel to the south fence an adminis trative and residence facility will be constructed with trailers for housing the checkpoints, office, dressing room with showers and WC, canteen with a kitchenette, treatment stage for the household waters and TP/1x650.

A small treatment facility type ACO Clara 5-10 will be constructed with a hydraulic load of 0.75 to 1.05 m^3 per day. The intake and discharge of the treatment facility will be gravitational. The treated waters will be discharged into the Danube River, which is facilitated by the certified p arameters of the equipment for achieving a high level of purification equal to a 1 st category intake taking into account that the Danube River is a 3 rd category intake.

In order to optimize the working process and in particular the unloading of the alluvi al deposits from the barges one of the existing 5-ton jib cranes will be disassembled and a n electrical 15-ton grabbing bridge crane will be mounted. The materials loaded onto the dumper trucks will be covered with canvases and transported to the industria l site of the company with a crushing-washing-sorting installation (CWSI) for processing the river deposits from the Danube River and a concrete mixing plant situated on a land with identification number 63427.8.1076 of district 1 of the layout of Rousse, Eastern Industrial Zone, which is not a subject to the resent IP.

The investment proposal for *Extraction of Sand and Gravel from Alluvial Deposits in the Bed of the Danube River Mishka Section (from km 462.0 to km 459.4) in the area of Babovo Village, Sli vo Pole municipality, Rousse county* falls within the scope of Supplement N 2, item 2, letter (c) – *extraction of inert materials from rivers, lakes or sea by dredging* to Art. 93, par. 1, item 1 of the Environment Protection Act (EPA). In view of letter wit h outgoing number 6187/RP/23.01.2014 of Rumania and the declared intention to participate in the EIA procedure in a transboundary context pursuant to Art. 93, par. 2, item 2 of the EPA the Minister of Environment and Water is the competent decision-making authority.

The Mishka Section where the extraction is planned to be realized falls within the borders of the protected zones – Natura 2000 (PZ) according to the Law on Biological Diversity:

- in protected zone **BG0000377 Kalimok – Brashlen** identified for preserving the natural habitats and wild flora and fauna pursuant to Art. 6, par. 1, items 1 and 2 of the Law on Biological Diversity (LBD) included in the list of protected zones adopted by Ordinance of the Council of Ministers N 122/02.03.2007;

- as well as within the borders of protected zone **BG0002030 Complex Kalimok** identified for preserving the wild bird species in line with Art. 6, par. 1, items 3 and 4 of the LBD declared by Order RD-831/17.11.2008 of the Ministry of Environment and Water (MOEW) (State Gazette issue 108/2008) amended by Order RD-86/28.01.2013 of MOEW (State Gazette issue 10/2013).

The Mishka Section **does not** fall within the borders of protected territories according to the Law on Protected Territories but is in close proximity of the p rotected zone Kalimok – Brashlen.
In relation to Art. 12, par. 1 and 2 of the *Regulation on Compatibility Assessment* the realization of the investment proposal **is permissible** according to the regimes set by the orders for declaring protected zone **BG0002030 Complex Kalimok** – Order RD-831/17.11.2008 and Order RD-86/28.01.2013 of MOEW **only within the borders of the specified extraction area** with the following coordinate border points, **which does not effect the island formation in the Danube River** :

Geographica l coordinates WGS-84 of the border points of Mishka Section admissible for extraction by dredging:

Mishka Section		
N	**latitude B**	**longitude L**
1	44° 00' 13,1	26° 16' 28,8
2	44° 00' 23,5	26° 16' 22,5
3	44° 00' 35,1	26° 16' 47,9
4	44° 00' 50,4	26° 17' 00,9
5	44° 01' 14,1	26° 17' 40,7
6	44° 01' 11,8	26° 17' 43,1

7	44° 01' 05,8	26° 17' 31,9
8	44° 00' 56,4	26° 17' 18,8
9	44° 00' 17,4	26° 16' 43,2

According to the provisions of Art. 31, par. 1 of the Law on Biological Diversity and Art. 2, par. 1 of the Regulation on Compatibility Assessment the compatibility of the investment proposal with the subject and objectives of the aforesaid PZ must be subjected to evaluation, which will probably have significant negative impact on the natural habitats and the ha bitats of the species subjected to preservation in these zones.

MOTIVES:

I. Characteristics of the proposed construction, activities and technologies: scope, production capacity, scale, interrelation and accumulation with other proposals, use of natural r esources, generated wastes, pollution and discomfort for the environment and accident risks:

1. The excavated sand and gravel from the Mishka Section will be transported to the pier where a processing site and a buffer depot will be formed for unloading the deposits and the temporary storage of approximately 17 000 tons of alluvial materials, whereas the possible impact of the main extraction activity and the transportation and temporary storage must be assessed in their entirety.

2. During the operation of the extraction section it is possible to generate noise, emissions and wastes in types and quantities that may have an adverse effect on the preservation scope and objectives of the protected zones.

3. The extraction of sand and gravel may lead to changes in t he hydrological regime of the Danube River.

4. According to the expert opinion of the Basin Directorate for Water Management for the Danube Region with center Pleven (BDWMDR) pursuant to Art. 4a of the *Regulation on EIA* (their outgoing number 378/30.08.2013) the conclusion is that the IP **is permissible** in view of achieving the objectives of the environment and the measures for ensuring a better condition of the waters and the zones for their protection as defined in the RBMP 2010 – 2015 for the Danube Region provided no new negative changes in the hydrological regime of the Danube River originate for the natural habitats and specie s and that the favorable nature protected status, according to the measures of Program 7.1.9 and Annex 7.1.3, are not destroyed and /or deteriorated.

5. According to the expert opinion of the Ministry of Health, their outgoing number 04 -09-19 dated 19.02.2014 from health and sanitary point of view the realization of the investment proposal is not expected to cause any risks to the human health.

II. Location, including the sensitivity of the environment, the existing utilization of the land, the relative existence of suitable territories, the quality and regenerating capacity of the natural resources in the region:

1. Close to the area of t he investment proposal there is no extraction of alluvial deposits from the Danube River. The closest site for extraction of inert materials from the Danube River is

located to the south-west of the investment proposal at approximately 17 km in the area of the village of Sandrovo.

2. The area of the Mishka Section is situated in the Bulgarian part of the river at the required distance from the fairway (at 327 m in the southwestern part and up to 194 m at the northeastern part) in order not to obstruct the active navigation regime along the Danube River. The extraction area is located at 418 m from the Rumanian border and respectively at 836 m from the Rumanian coast in the southwestern part and at 50 m and 310 m in the northeastern part.

3. The realization of the IP has the risk of causing a significant negative impact on the waters and water ecosystems because it falls within the water protection zone according to Art. 119a, par. 1, item 5 of the *Water Act.*

III. Assimilation capacity of the ecosystem in the natural environment:

1. There is an objective probability of damaging and destroying the habitats of the bird species subject to preservation in the protected zones (at the resting, nesting, feeding and sleeping places of the birds during their migration) as well as a probability of durable disturbance due to the noise pollution, including chasing the birds away from their habitats.

2. The realization of the extraction activities may create preconditions for changes in the hydrological and physical and chemical parameters of the Danube River in the area of the investment proposal, which may lead to deterioration of the nature protected status of the habitats and species (number and density of the populations) subject to preservation in the protected zones.

3. The realization of the investment proposal will probably lead to a lasting direct and indirect negative effect on the natural habitats and habitats of the species, including the bird species subject to preservation in the protected zones Kalimok – Brashlen and Complex Kalimok as well as to damaging and destruction of key elements of the zones.

4. There is a probability of fragmenting the natural habitats and the habitats of the species that are key elements of the biocoenosis of the Danube River, which is a natural biocorridor with a linear and continuous structure providing the connecting function that is important for the migration, geographical dissemination and genetic exchange in the vegetative and animal populations.

IV. Characteristics of the potential impacts – territorial scope, affected population, including transboundary impacts, nature, size, complexity, probability, duration, frequency and reversibility:

1. The impacts from the investment proposal in terms of generating wastes, noise, vibrations, emissions in the atmospheric air, waters, etc. will continue throughout the operation of the site, whereas the realization of the planned activities will be 9 months per year with 230 working days annually (6 days of extraction and 1 day for repairs and maintenance) with a 12-hour shift.

2. The realization of the investment proposal will probably have a significant impact on the Rumanian territory.

V. Public interest in the proposal for construction, activities or technologies :

Pursuant to Art. 6, par. 9 of the Regulation on EIA public access has been provided to the Information on Evaluating the Necessity of the EIA according to Supplement N 2 to Art. 93, par. 1, item 2 of the Law on the Protection of the Environment for the IP through a publication in the 24 Hours and Trud newspapers on 22.11.2013 and an electronic copy and a hardcopy of the Information has been submitted to Slivo Pole Municipality (incoming number SI-7104/25.11.2013), the Mayor's Office in the village of Babovo (incoming number 50/25.11.2013) and the Mayor's Office of the village of Ryahovo (incoming number 220/25.11.2013). The MOEW has received letters from the contracting authority and from the municipalities of the affected areas on the results of the public access, including the method of its providing, which state that within the statutory term no inquiries or objections have been made concerning the investment proposal.

The Ministry of Environment and Water with a letter with outgoing number OBOC-74/10.12.2013 has informed the competent authorities in Rumania in compliance with the requirements of Art. 3 of the *Espoo Convention in a Transboundary Context*. By virtue of letter with outgoing number OBOC-74/14.02.2014 of MOEW the Rumanian Ministry of Environment and Climate Change has stated its desire to participate in a transboundary EIA procedure based on the criteria defined in Annex III of the Convention, paragraph 1, letters (a) and (b) and paragraph 2.

According to Art. 40, par. 6 in relation to Art. 34, par. 1 of the *Regulation on CA* the EIA Report should include, as a separate proposal, an evaluation of the level of impact of the investment proposal on the protected zones Kalimok – Brashlen code BG0000377 for preserving the natural habitats and wild flora and fauna and Complex Kalimok code BG0002030 for preserving wild bird species. The evaluation must comply with the requirements of Art. 23, par. 2 of the *Regulation on CA.*

In determining the level of impact of the investment proposal the criteria of Art. 22 of the *Regulation on CA* must be observed by using quantitative evaluations for the expected losses or deterioration in the condition of the habitats (area) and species (in terms of number and density of the populations), subject to preservation in the protected zones reviewed on the basis of the existence of the habitats/species in the protected zones.

The evaluation of the level of impact on the protected zones must be prepared by experts complying with the requirements of Art. 31, par. 20 of the LBD and Art. 9, par. 1 of the Regulation on CA competent in the following fields: phytocoenology, hydrobiology and ornithology.
The information on the preservation scope and objectives of the protected zones can be found on the MOEW website of Natura 2000 in Bulgaria www.natura2000.moew.government.bg.

This Resolution applies only for the specific stated proposal and in its indicated scope.

The Resolution may be appealed before the Supreme Administrative Court within 14 days from its promulgation to the parties concerned in line with the Code of Administrative Procedure.

date: 06.03.2014

ISKRA MIHAYLOVA
/signed/
Minister of Environment and Water

SEALED BY THE MINISTRY OF ENVIRONMENT AND WATER OF THE REPUBLIC OF BULGARIA