

REPUBLIC OF BULGARIA
Ministry of Environment and Water

Outgoing No. OBOC-74/01.04.2014

TO

MR. ALEXANDER CHAKMAKOV
EXECUTIVE DIRECTOR
GRAVEL AND SAND PITS - BULGARIA EAD
1528 SOFIA CITY
ISKAR DISTRICT, 6 PORUCHIK NEDELCHO BONCHEV STR.

Re: 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, Slivo Pole Municipality, Rousse County

DEAR MISTER CHAKMAKOV,

In reference to Resolution N 3-PR/2014 of the Minister of Environment and Water for evaluating the necessity of conducting an EIA with the conclusion **"to conduct an EIA"** for the abovementioned IP we hereby inform you of the following :

I. Concerning the requirements of Chapter Six of Section Three of the Environment Protection Act (EPA):

The next steps that you must undertake in the procedure in your capacity of contracting authority of the investment proposal are:

1. To contract the preparation of an assignment on the scope and content of an EIA report that must comply with the requirements of Art. 10, par. 2 and 3 of the *Regulation on EIA*. The subject of the assessment must cover the proposal in its entirety as well as all related additional and sustaining activities and facilities, including transportation, depositing, further processing, technical infrastructure, expansion of the extraction works in line with the requirements of the Basin Directorate for the Danube Region – Pleven on preserving the waters according to their expert opinion with outgoing number 378/30.08.2013 a copy of which is hereby attached for your consideration.

2. To hold consultations on your proposal with the specialized institutions and representatives of the concerned community. In line with Art. 10, par. 5 of the *Regulation on EIA* the consultations with the competent environmental authority are compulsory and pursuant to Art. 10, par. 7 of the same Regulation the contracting authority must conduct consultations with the specialized competent bodies of the Ministry of Health on the content and scope of the health and sanitary assessment of the environment and the hazards to human health. We hereby recommend you to conduct consultations also with the Basin Directorate for the Danube Region, the Regional Inspectorate on Environment and Water Protection – Rousse,

the Executive Agency for Exploration and Maintenance of the Danube River, Slivo Pole Municipality and the mayor's offices in Babovo and Ryahovo villages.

3. To assign the preparation of an EIA report to a team of experts with a team leader (all with Master's degrees) in compliance with the assignment in which the information on all conducted consultations and the requirements of Art. 96, par. 1 of the EPA are taken into account.

II. Concerning the requirements of the Espoo Convention in a transboundary context

Since the investment proposal is within the scope of item 14 of Annex I to the *Espoo Convention in a transboundary context* and because the proposal will probably have a significant impact on the environment in the territory of another country pursuant to Art. 98, par. 1 of the EPA the information has been sent to Rumania as a party potentially affected by the location of the investment proposal.

The Rumanian authorities have expressed their willingness to participate in the EIA procedure by virtue of a letter with their outgoing number 6187/RP/23.01.2014 (our incoming number OBOC-74/14.02.2014, a copy of which is affixed hereto). The preparation of the assignment and the EIA report must take into account the requirements and recommendations of the Rumanian Ministry of Environment and Climate Change.

The assignment and the step-by-step schedule for performing the EIA procedure and for submitting comments must be drafted and presented to the MOEW and in English for review by Rumania in line with Article 3, paragraph 5 of the *Espoo Convention in a transboundary context*.

Upon submission of the EIA report, including the environment and water report you must provide a copy of paid fee in the amount of BGN 700 pursuant to Art. 1, par. 5, item 2, letter (b) of the *Tariff and fees collected by the MOEW (adopted by Ordinance of the Council of Ministers N 136/13.05.2011, final amendment State Gazette issue 2 dated 08.01.2013)*. The fee must be paid by a wire transfer into the following bank account:

IBAN: BG35 BNBG 9661 3000 1387 01
BIC BNBGBGSD
BNB Sofia

Enclosure: 1. Expert opinion of the BDDR pursuant to Art. 4a of the Regulation on EIA
2. Expert opinion from Rumania

Respectfully yours,
/signed/

ISKRA MIHAYLOVA
MINISTER OF ENVIRONMENT AND WATER

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

REPUBLIC OF BULGARIA
Ministry of Environment and Water

BASIN DIRECTORATE FOR WATER MANAGEMENT
DANUBE REGION WITH CENTER PLEVEN

Outgoing No. 378
Pleven, 30.08.2013

MINISTRY OF ENVIRONMENT AND WATER INCOMING NUMBER OBOC-49 SOFIA, 03.09.2013

TO
MR. BOYKO MALINOV
DIRECTOR
PREVENTION DIRECTORATE
MOEW
22 Maria Luiza Blvd.
1000 Sofia city

To your outgoing number OBOC -49/27.08.2013

Re: *Permissibility of the investment proposal (IP) 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, Slivo Pole Municipality, Ruse County according to the River Basin Management Plan (RBMP) for the Danube Region*

DEAR MISTER MALINOV,

In reference to the letter with our incoming number 378/29.08.2013 filed with the Basin Directorate for Water Management for the Danube Region (BDWMDR) with center Pleven requesting an expert opinion pursuant to Art. 4a of the Regulation on the requirements and procedure for conducting environmental impact assessments (promulgated State Gazette issue 25 dated March 18th 2003) on IP: 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, Ruse the expert opinion of the BDWMDR is :

1. Conclusion about the permissibility of the investment proposal according to the measures for ensuring the good condition of the waters as defined in the RBMP 2010 – 2015 for the Danube Region

According to the submitted information (geographical coordinates of the borders points of the quarry) the IP falls within the following surface water basins and the zones for their preservation:

1.1 Surface water basins – Surface water basin that is excessively modified and categorized as river along the Danube river valley with the name Danube RWB01 and code BG1DU000R001. The ecological condition of the water basin is moderate, the chemical

condition is deteriorated. The specific ecological objective for the surface water basin code BG1DU000R001 is *Avoiding the deterioration of the ecological potential and achieving a good potential by 2021. Avoiding the deterioration of the chemical condition and achieving a good chemical condition by 2027*. There is an exemption from achieving the ecological objectives for this water basin due to its significant anthropogenic impact.

1.3 Water protection zones according to Art. 119a of the Water Act, which concern the IP

- Zone for the protection of potable water and sanitary protection zones according to Art. 119a, par. 1, item 1 of the WA (water basins and sanitary protection zones pursuant to Art. 119, par. 4). The IP does not fall within sanitary and protection zones as defined in Regulation N 3 dated October 16th 2000 on the requirements and procedure for exploring, designing, approving and operating sanitary and protection zones around water sources and the equipment for supplying drinkable water and around sources of mineral waters used for recreational, prophylactic, drinking and hygienic needs.
- Water protection zones according to Art. 119a, par. 1, item 5 of the W A – the protected territories and zones identified for preserving the habitat and biological species in which the maintenance or improvement of the water condition is an important factor for their preservation (protected territories from the NATURA 2000 Ecological Network): Mishka Section (km 462.0 to km 459.4) set for the extraction of sand and gravel from alluvial deposits in the bed of the Danube River falls within the following zones: protected zone for preserving the natural habitats of the wild flora and fauna named Kalimok-Brashlen code BG0000377; protected zone for preserving wild bird species named Complex Kalimok code BG0002030. The specific ecological objective for these zones is *Reducing the necessity of treating the waters before their utilization and ensuring the designed quantity in the intake facilities by 2015*.

1.4 Measures included in the RBMP for the Danube Region that must be observed in the realization of the IP:

The IP must observe the following restrictive and prohibiting measures defined in the RBMP 2010 - 2015 for the Danube Region of Program 7.1.9 *Measures for the protected territories and zones identified for protecting the habitats and biological species in which the maintenance or improvement of the water condition is an important factor for their preservation:*

- BG1MB162 – The realization of investment projects, plans, programs and proposals that fall within the protected territories must comply with the regimes of the respective protected territories regulated by the Law on the Protected Territories, the regulations for their enforcement and their management plans;
- BG1MB163 – Prohibition to cut the natural vegetation along river banks during their cleaning, which is a natural habitat according to Supplement 1 of the Law on Biological Diversity;
- BG1MB166 – Prohibition to cut the natural vegetation along river banks, dredging and correction of river beds outside the borders of the populated areas and the servitudes

of the linear infrastructure with the exception of the corrections aimed at restoring the natural habitats and meandering of the river for preserving and restoring the favorable nature protected status of the river habitats and species 3260, 3270, 6420, 6430, 91E0*, 91F0, 92A0, 92C0, 92D0 and the European otter (*Lutra lutra*), the European bullhead (*Cottus gobio*), *the stone crayfish (*Austropotamobius torrentium*) in protected zones approved in line with Art. 10 of the Law on Biological Diversity (LBD);

- BG1MB169 – Prohibition to construct new ponds or expand existing ponds in water basins located in protected zones according to Annex 7.1.3. of the RBMP;
- BG1MB170 – Avoiding new negative changes in the hydrological regime (hydro power stations, ponds, hydromeliorations for new intakes, drainage, etc.) of natural habitats and maintaining it in a favorable nature protected status (FNPS) for the water basins situated in protected zones according to Annex 7.1.3 of the RBMP;
- BG1MB137 – Licensing regime for water basins according to the environmental impact assessment and/or the compatibility assessment;
- BG1MB153 – In a permitted extraction of building materials the investors must conduct a preliminary monitoring of the quantity and quality of the waters, on the hydrobionts and natural habitats in the water basins situated in protected zones with a length of around 1 km above and below the extraction site for building materials that must be operated within the procedures defined in the environmental impact assessment and the compatibility assessment.

An inseparable part of the RBMP 2010 – 2015 for the Danube Region are the measures for monitoring and control defined in the expert opinion to Environmental Assessment (EA) N 6 - 2/2009 of the Plan. The motives for approving the plan involve the implementation of specific measures for avoiding, reducing and possibly eliminating the adverse effects, for ensuring the functional integrity of the protected zones from the NATURA 2000 Ecological Network. For this purpose the following measures (Annex 7.3.1 of the RBMP 2010 – 2015 for the Danube Region) are envisaged for the protected zone (PZ) for preserving the natural habitats of the wild flora and fauna named Kalimok – Brashlen code BG0000377:

- *Reducing measures for limiting the impact on natural habitats subject to the protection of the zones that are related to specific water basins: For natural habitats 1530*, 3130, 3150, 3140, 3270, 6440, 6430, 91E0*, 91F0 the reducing measures are **avoiding new adverse changes in the hydrological characteristics of the water basins** (hydro power stations, ponds, hydromelioration for new intakes, drainage, etc.) and measures for preserving the FNPS of the habitats. The activities in the zone are determined also by the regimes of the protected area Kalimok – Brashlen.*
- *Measures for reducing the negative impact on the species included in Annex 2 to Directive 92/43/EEC on habitats: For the species subject to preservation in the PZ – the fire-bellied toad (*Bombina orientalis*) and the European pond turtle (*Emys orbicularis*); the Danube crested newt (*Triturus cristatus*); *Alopias immaculatus*; the asp (*Aspius aspius*); the Balkan loach (*Cobitis elongata*); the spined loach (*Cobitis taenia*); the Ukrainian brook lamprey (*Eudontomyzon**

mariae); the white-finned gudgeon (Gobio albipinnatus); the the Danube ruffe (Gymnocephalus baloni); the striped ruffe (Gymnocephalus schraetzer); the European weather loach (Misgurnus fossilis); the sichel (Pelecus cultratus); the European bitterling (Rhodeus sericcus amarus); the zingel; the common zingel (Zingel zingel); the fire-bellied toad (Bombina bombina) and the European pond turtle (Emys orbicularis); the Danube crested newt; the thick shelled river mussel – to avoid activities that have an adverse effect on the hydrological regime of the water basins and that may affect their FNPS.

We hereby would like to point out that the BDWMDR does not have the information and competences on the location of the habitats and species subject to preservation in the protected zones of the NATURA 2000 Ecological Network.

Conclusion: 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 species and that the favorable nature protected status, according to the measures of Program 7.1.9 and Annex 7.1.3, is not destroyed and/or deteriorated.

2 Concerning the prohibitions and restrictions defined in the Water Act for such types of investment proposals:

We hereby would like to point out that

- The following restrictions and prohibitions apply for the IP:
 - Art. 118g, par. 2 and par. 3 of the Water Act (WA);
 - Art. 118h, item 3 and item 4 of the WA: *The location for extracting alluvial deposits cannot be in a section item 3 - where there are restrictions and prohibitions in the River Basin Management Plan for achieving the objectives of Art. 156a of the W A, item 4 - where this part of the river falls within protection zones according to Art. 119a, par. 1, item 5 identified for preserving the habitat and biological species with the exception of the activities for maintaining the existing corrections of rivers.*

The RBMP 2010 – 2015 for the Danube Region contains restrictions and prohibitions for the IP concerning specific natural habitats and species subject to preservation in PZ – to avoid new negative changes in the hydrological regime of the Danube River as well as not to destroy and/deteriorate their FNPS according to:

- Program 7.1.9 Measures for the protected territories and zones identified for protecting the habitats and biological species in which the maintenance or improvement of the water condition is an important factor for their preservation;
- Annex 7.1.3 Measures for the protected zones identified for preserving the habitats and biological species in which the maintenance or improvement of the water condition is an important factor for their preservation according to the Expert Opinion to Environmental Assessment of the RBMP N 6 – 2/2009 of the MOEW.

According to the information available at the BDWMDR the PZ for preserving the natural habitats of the wild flora and fauna with the name Kalimok – Brashlen code BG0000377:

- is determined pursuant to Art. 6, par. 1 of the LBD and is included in the PZ list adopted by Ordinance of the Council of Ministers N 122 dated 02.03.2007 (promulgated State Gazette issue 21 dated 09.03.2007);
- there are no orders concerning the PZ pursuant to Art. 1 2 of the LBD.
- The IP is subjected to a licensing regime in compliance with Art. 46, par. 1, item 4 in observing Art. 57, par. 3 and the restrictions of Art. 118h, items 3 and 4 of the WA. The permits for exploiting the surface water basin are issued in ob servance of the requirements of: Chapter Four *Licensing Regime* and Chapter Eight *Preserving the Waters and Water Basins* of the WA and the Regulation on the use of surface waters adopted by Ordinance of the Council of Ministers N 200 dated July 13th 2011.

3. Concerning the information on existing or permitted impacts on the water basin in the region that must be taken into account in the subsequent procedure pursuant to Chapter Six of the EPA

In the area of the village of Ryahovo to the south of Mishka Isl and there are six well shafts (WS) type Ranney 1, 3, 4, 5, 6 and 7 – Danube Ryahovo – Water Supply Danube Water Supply and Sewerage Razgrad – Ryahovo according to Permit N 11510100/16.07.2007 whereas the closest is situated around 150 m from the planned extraction area.

Name of the intake	UTM zone 35N	
WS Ranney 1 – Danube Ryahovo - Water Supply and Sewerage Razgrad – Ryahovo	4872291,070	441645,966
WS Ranney 3 – Danube Ryahovo - Water Supply and Sewerage Razgrad – Ryahovo	4872428,223	442650,501
WS Ranney 4 – Danube Ryahovo - Water Supply and Sewerage Razgrad – Ryahovo	4872586,640	443207,084
WS Ranney 5 – Danube Ryahovo - Water Supply and Sewerage Razgrad – Ryahovo	4872866,541	443670,027
WS Ranney 6 – Danube Ryahovo - Water Supply and Sewerage Razgrad – Ryahovo	4873273,725	444081,007
WS Ranney 7 – Danube Ryahovo - Water Supply and Sewerage Razgrad – Ryahovo	4873731,643	444479,225

4. Information on the free water resources in the part of the underground water basin that will be used as intake (through existing or new equipment), risk of contaminating the underground water in the process of constructing the new tube (drill) wells and requirements for avoiding contamination.

The IP will not intake water from such underground water basins.

5. Motivated evaluation of the significant impact on the waters and water ecosystems .

The IP is **permissible** in view of achieving the objectives of the environment and the measures for ensuring the good condition of the waters and the zones for their protection conveyed in the RBMP 2010 – 2015 for the Danube Region provided no new adverse changes originate for the natural habitats and species in the hydrological regime of the Danube River as well as provided their FNPS is not destructed and/or deteriorated according to the aforesaid measures of Program 7.1.9 and Annex 7.1.3.

The realization of the IP *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* has the risk of causing a significant negative impact on the waters and water ecosystems because:

- the IP falls within a water protection zone according to Art. 119a, par. 1, item 5 of the WA – the protected territories and zones identified for preserving the habitats and biological species in which the maintenance or improvement of the water condition is an important factor for their preservation (protected zones of the NATURA 2000 Ecological Network);
- *The RBMP 2010 – 2015 for the Danube Region has restrictions and prohibitions for the specific habitats and species subject to preservation in the PZ named Kalimok – Brashlen code BG0000377 according to which no new negative changes can be allowed in the hydrological regime of the Danube River and their FNPS must not be destructed and/or deteriorated;*
- *In the WA there are restrictions to realize the IP pursuant to Art. 118h, items 3 and 4.*

If the IP does not affect the specific habitats and species subject to preservation in PZ for preserving the natural habitats of the wild flora and fauna with the name Kalimok – Brashlen code BG0000377 the realization of the activity must be carried out after obtaining the permit pursuant to Chapter Four of the WA in observing the measures with codes BG1MB137 and BG1MB153 stated in item 1 of this expert opinion.

Respectively yours,

/signed/

TOMA TERZIEV

**Director of Basin Directorate for Water Management
for the Danube Region with center Pleven**

SEALED BY THE BASIN DIRECTORATE FOR WATER MANAGEMENT FOR THE DANUBE REGION
WITH CENTER PLEVEN AT THE MINISTRY OF ENVIRONMENT AND WATER.