



REPUBLIC OF BULGARIA

MINISTRY OF ENVIRONMENT AND WATER

DECISION № 3 - IIP/2014

on assessment of the necessity for execution of environment impact assessment

Pursuant to Article 93, paragraph 2, item 2 and paragraph 5 of the Environment Protection Act (EPA), Article 7, paragraph 1 and Article 8, paragraph 1 of the *Ordinance on the terms and conditions for execution of environment impact assessment* (Ordinance on EIA), Article 31, paragraph 4 and paragraph 8 of the Biodiversity Act (BA), Article 40, paragraph 5 in reference to Article 2, paragraph 1 of *Ordinance for the terms and conditions for assessment of the compatibility of plans, programs, projects and investment proposals with the subject and the purposes of conservation of the protected zones* (Ordinance on Environment Protection) and submitted written documentation by the Contracting Authority subject to Annex № 2 to Article 6 of Ordinance on EIA and under Article 10, paragraph 1 and 2 of the *Compatibility Assessment Ordinance*

I HAVE TAKEN THE FOLLOWING DECISION:

environment impact assessment to be performed for the investment proposal for “*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*” which is **likely to have** significant negative impact on natural habitats, populations and local habitats of species, subject to protection in protected areas.

Contracting Authority : “Gravel and sand pits Bulgaria” EAD

Address: Bulgaria, 1528 Sofia, at 6, Poruchik Nedelcho Bonchev str.

Brief description of the investment proposal:

The investment proposal (IP) envisages removal, transportation and discharge of silt materials (sand and gravel) from the bed of river Danube in section Mishka (km 462.0 - km 459.4), north of Ryahovo village and Babovo village, north and north-west of island Mishka (Big Mishka-1 and Small Mishka-2) and south of Mishka-3.

On the basis of the carried out explorations, the established quantities of sand and gravel in section Mishka (from km 462.0 to km 459.4) are coordinated by the Executive Agency for Maintenance and Exploration of River Danube" (EAMERD) for excavation from the bed of river

Danube. The obtained sand and gravel shall be used as a raw material of aggregate in the production activity of the company.

Having in mind the newly formed island, conditionally called Mishka-3, a new imaging has been made with GPS System 900 in RTK regime, with following data processing – alignment of measurements and transformation in Coordinates System 1970. The imaging was done situationally, going round the island from all sides at equal distance by motor boat. Movement on the island itself is impossible due to the dense vegetation. The digging section is corrected within the allowed perimeter and at 100 m from island Mishka-3. The southern end is also at 100 m of island Mishka (Big Mishka-1 and Small Mishka-2).

The new area of the excavation section is 433 626 m², of length 2,6 km and width 300 m in the south-western part and up to 100 m in the north-eastern part. The area of the section is located in the Bulgarian part of the river and is in compliance with the obligatory distance from the fairway of the river (at 327 m in the south-western part up to 194 m in the north-eastern part).

The section under excavation in the south-western part is distanced from the border with Romania at 418 m and at 836 m from the Romanian bank and accordingly at 50 m and 310 m in the north-eastern part.

The regulatory boundaries of both most closely located settlements Ryahovo village and Babovo village are located accordingly at 1 and at 2 km from the excavation section. The distance along the flow of the river to the bridge of river Danube in town Ruse is 29.5 km.

The estimated dynamic reserves of aggregate materials in the contour of the coordinated area are about 2 475 047 m³, and the recoverable reserves are 1 812 869 m³. The section for extraction the recoverable section, at work, shall be divided into 10 blocks for extraction of aggregate. The capacity of extraction shall reach up to 345 000 m³/year, and per day - 1 500 m³, at regime of work 230 working days per year (9 months, 6 days per week). The total number of people, engaged in the activity is expected to be 41 people.

The technology for recovery of alluvial deposits from river Danube is based on the use of floating multi-bucket dredge type KS-250, which is most suitable at the given conditions, presence of boulders of 150 mm. The maximum working depth for the excavation dredge is 12 m.

The discharge of the mined alluvial deposits from the buckets shall be done directly on the desiccation sieve of the dredge. The discharged water shall be returned back to the river, and the desiccated alluvial deposits shall be transferred to self-driven barges by rubber conveyor belt. In the process of discharge of the extracted aggregate to the barge, the solid phase shall sediment at the bottom and the water shall remain above it. On increasing the extracted quantity of the useful resource, the level of the water shall rise and reach the comings (openings in the walls of the barge), from where the excess water outflows to the river the river. At the bottom of the barge drainage pipes are mounted, draining the remaining water for the maximum desiccation of the deposits to be obtained. The drained water shall be pumped into the river with pumps of maximum flow 260 m³/h.

The transport corridor for carriage of the mined sand and gravel from section „Mishka" to the own pier site of the company is river Danube. The site is located in the Eastern Industrial Zone of town Ruse and is a licensed and functioning port for processing of general and bulky materials. The transportation of the raw material shall be done with three specialized self-driven barges for loads in bulk, with functional hoisting capacity 1 000 tons each of them. There shall be 1 tour for

each barge or 3 barges in total with raw material will arrive at the pier wall for discharge. The realization of the investment proposal shall be connected with a change in the existing infrastructure of the pier site. In parallel to the southern fence an administrative campus in caravans shall be constructed, where the CAP, office, dressing room with showers and toilets, canteen with kitchen box, treatment step for the household water and TII/1 x 650 shall be located.

A small treatment station type ACO Clara 5-10 with hydraulic load of 0,75 to 1,05 m³/day is envisaged to be constructed. The inflow and the outflow of the treatment station shall be gravitational. The discharge after treatment shall be into the river Danube, with the help of the certified parameters of the equipment regarding the possibility for achievement of higher rate of treatment to first class water recipient having in mind that river Danube is a third category water recipient.

For optimization of the working process and in particular the discharge of the alluvial deposits from the barges one of the existing 5-ton boom cranes shall be dismantled and 15 ton bridge grab crane, fed with electricity shall be installed. The loaded material in dump trucks shall be covered with tents and shall be transported to own industrial site, with crushing-washing-sorting installation (CWSI) for processing of the river silt from river Danube and concrete unit in property with identification № 63427.8.1076 from quarter 1, by the plan of town Ruse, Eastern Industrial Zone, which is not object of the present investment proposal.

The investment proposal for "Extraction of sand and gravel from alluvial deposits in the bed of river Danube, section Mishka (km 462,0 до km 459,4 km) in the area of Babovo village, Municipality Slivo pole, Ruse Region" falls within Annex № 2, item 2, indent „c" - „*withdrawal of aggregate from rivers, lakes or sea, by dredging*" to Article 93, paragraph 1, item 1 of EPA. Having in mind letter with outgoing № 6187/RP/ 23.01.2014 of Romania and stated wish for participation in the procedure under EIA in transboundary context, according to Article 93, paragraph 2, item 2 of EPA, competent body for decision taking is the Minister of Environment and Water.

The envisaged for realization of recovery section Mishka falls within the boundaries of protected zones - Natura 2000 locations (PZ) subject to the Biodiversity Act:

- in protected zone **BG0000377 Kalimok-Brashlen**, identified for conservation of natural habitats and wild flora and fauna under Article 6, paragraph 1, item 1 and 2 of the Biodiversity Act (BA), included in the list of the protected zones, adopted with Decision of the Council of Ministers № 122/02.03.2007.
- As well as in the boundaries of protected zone **BG0002030 Complex Kalimok**, identified for protection of wild birds under Article 6, paragraph 1, item 3 and 4 of BA, declared with Order № ПД-831/17.11.2008 of MOEW (promulgated in SG, issue 108/2008), amended with Order № ПД-86/28.01.2013 of MOEW (promulgated in SG, issue 10/2013).

Section „Mishka" **does not fall** within the borders of protected areas, pursuant to the Protected Territories Act, but is in close proximity to the protected locality **Kalimok-Brashlen**.

In connection with Article 12, paragraph 1 and paragraph 2 of the *PE Ordinance*, the realization of the investment proposal is admissible versus the regimes, determined with the orders, declaring as a protected zone **BG0002030 Complex Kalimok** - Order № ПД-831/17.11.2008 and Order № ПД-86/28.01.2013 of MOEW, **only within the boundaries of certain extraction section**, with the following coordinates of the border points, whereby **island formations along the river**

Danube are not affected:

Geographic coordinates WGS-84 of the borderline points of section Mishka, admissible for realization of extraction by dredging:

| Section Mishka | | |
|----------------|--------------|--------------|
| № | 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 Article 31, paragraph 1 of the Biodiversity Act and Article 2, paragraph 1, of the *Ordinance for PE* (SG issue 73/2007), the investment proposal is liable to assessment of its compatibility with the subject and the purposes of protection of the above described protected zones, which is likely to have significant negative impact on natural habitats and habitats of species, subject to protection in these zones.

MOTIVES:

I. Characteristics of the proposed construction, activities and technologies: scope, production capacity, scalability, interconnection, and accumulation with other proposals, usage of natural resources, generated wastes, pollution and discomfort of environment, as well as a risk of incidents:

1. The extracted sand and gravel from section Mishka shall be carried to pier site, where another site and buffer discharge depot for the depositions and temporary storage of about 17 000 aggregate shall be set aside, while the likely impact of the basic recovery activity, transportation and the temporary storage activities have to be assessed in their complexity.
2. During the utilization of the extraction section noise, emissions, wastes in type and quantities are likely to be generated, which can have negative impact on the subject and the aims for protection in the protected zones.
3. The mining of sand and gravel can lead to a change in the hydrological regime of river Danube.
4. According to the observation of the Basin Directorate for Management of Water in the Danube Region with centre Pleven (BDMWDR) pursuant to Article 4a of the *Ordinance on EIA* (their outgoing. № 378/30.08.2013), it has been concluded that IP is admissible from the point of view of achievement of the purposes of environment and the measure for attaining good status

of water and zones for their conservation, laid out in PMRB 2010 - 2015 of the Danube region, on condition that for the natural habitats and the species new negative changes in the hydrological regime of river Danube shall not be allowed, as well as the favorable nature protection status shall not be aggravated and/or disturbed, according to the measures of Program 7.1.9 and Annex 7.1.3.

5. According to the observation of the Ministry of Health, their outgoing № 04-09-19 of 19.02.2014 from health-hygiene point of view, emergence of risk for the human health during the realization of the investment proposal is not expected.

II. Location, including sensitivity of the environment, the current land use, the relative availability of suitable territories, quality and regeneration ability of the natural resources in the region:

1. In proximity to the region of the investment proposal extraction of alluvial materials from river Danube is not under way. The closest site for withdrawal of aggregate from river Danube is located south-west of the investment proposal at about 17 km, in the area of Sandrovo village.
2. The area of section Mishka is located in the Bulgarian part of the river and is away at the obligatory distance from the fairway of the river (at 327 m in the south-west part and up to 194 m in the north-east part), as not to impede the active navigation regime along river Danube. The extraction section is distanced from the border with Romania at 418 m and accordingly at 836 m from the Romanian bank in the south-west part, and at 50 m and 310 m in the north-east part.
3. The realization of IP has the risk to have significant negative impact on water and water ecosystems, due to the fact that it falls within water protection zone, according to Article 119a, paragraph 1, item 5 of the *Water Act*.

III. Capability for assimilation of the eco-system in the natural environment:

1. There is objective likelihood for damage and extinction of habitats of the species of fowl, subject to conservation in the protected zones (the rest places, the nesting places, feeding and staying overnight during migration), as well as likelihood of appearance of long lasting discomfort, due to noise pollution, inclusive driving away of birds from their habitat.
2. The execution of the extraction activities can create preconditions for change in the hydrological and physical-chemical parameters of river Danube, in the region of the investment intention, which can bring about aggravation of the nature conservation status of the habitats and the species (number and density of populations), subject to protection in the protected zones.
3. The realization of the investment intention presupposes to lead to long-lasting direct and indirect impact on the natural habitats and on the habitats of the species, inclusive also of the species of fowl, subject to conservation in the protected zones **Kalimok-Brashlen** and **Complex Kalimok**, as well as to damage and destruction of key elements of the zones.
4. There is likelihood for fragmentation of the natural habitats and the habitats of species, appearing to be key elements of the biotic community of river Danube, which is a natural bio-corridor with linear and continuous structure, realizing connective function, important for the migration, the geographic distribution and the genetic exchange in the vegetative and animal

populations.

IV. Characteristics of the potential impacts – territorial scope, affected population, including transboundary impacts, essence, magnitude, complexity, likelihood, continuity, frequency of occurrence and reversibility:

1. The impacts of the investment proposal as regards to generation of noise, vibrations, atmospheric air emissions, water and others shall be concomitant during the whole period of exploitation of the site, as the realization of the envisaged activities is planned to be 9 months a year, 230 working days annually, (6 days extraction and 1 day for repair and maintenance), with 12-hour working time.
2. The realization of the investment proposal presupposes significant impact on the territory of Romania.

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

Pursuant to Article 6, paragraph 9 of the Ordinance on EIA public access to the information for assessment of the necessity of EIA under Annex № 2 to Article 93, paragraph 1, item 2 of the Environment Protection Act for IP is ensured as announcements in 24 hours newspaper and Trud newspaper on 22.11.2013 have been published, a copy of the information on paper and electronically has been submitted to the Municipality Slivo pole (entry № CH-7104/25.11.2013), the village hall of Babovo village (entry № 50/25.11.2013) and the village hall of Ryahovo village (entry № 220/25.11.2013). For the results of the public access, inclusive on the manner of its provision, in MOEW letters of the Contracting Authority have been received and from the village halls of the involved settlements, whereby they inform that in the legally set deadline questions or objections regarding the investment proposal have not been entered.

The Ministry of Environment and Water, with letter, outgoing № EIA-74/10.12.2013 has notified the competent authorities of Romania in compliance with the requirements of Article 3 of the *Convention on Environment Assessment in Transboundary Context*. With letter entry № EIA-74/14.02.2014 of MOEW on behalf of the Romanian Ministry of Environment and Climatic Changes a wish has been stated for participation in the transboundary procedure under EIA, referring to the criteria, indicated in Annex III of the Convention, paragraph 1, indents „a” and „b”, and paragraph 2.

According to Article 40, paragraph 6, in reference to Article 34, paragraph 1 of the *Ordinance on PE*, in the report under EIA, as a separate Annex, assessment of the impact rate of the investment proposal is to be included on protected zone **Kalimok-Brashlen**, with code BG0000377, for conservation of natural habitats and wild flora and fauna and protected zone **Complex Kalimok**, with code BG0002030 for protection of wild fowls. The same has to be in compliance with the requirements of Article 23, paragraph 2 of the *Compatibility Assessment Ordinance*.

On identification of the rate of impact of the investment proposal the criteria of Article 22 of the *Compatibility Assessment Ordinance*, shall be observed by using quantitative evaluations for the expected losses or aggravation of the status of the natural habitats (by area) and of the species (by number and density of populations), subject to conservation in the protected zones, reviewed versus the representation of their habitats /species in the protected zones.

The assessment of the rate of impact on the protected zones shall be carried out by experts, compliant to the requirements of Article 31, paragraph 20 of the BA and Article 9, paragraph 1 of the *CA Ordinance*, with competence in the following areas: phytocenology, hydrobiology and ornithology.

The information on the subject and the targets for the protection of the affected protected zones can be found in the internet page of MOEW, of Natura 2000 in Bulgaria –

www.natura2000.moew.government.bg.

The present decision refers only to the specific stated proposal and in its indicated capacity.

The decision can be appealed with the Supreme Administrative Court within 14-days' term of its announcement to the involved parties, pursuant to the Administrative Procedure Code.

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ISKRA MIHAYLOVA

MINISTER OF ENVIRONMENT AND WATER

ROUND STAMP: MINISTRY OF ENVIRONMENT AND WATER

Date: 06.03.2014