



REPUBLIC OF BULGARIA

MINISTRY OF ENVIRONMENT AND WATER

Outgoing No: OBOC-74/01. 04.10.2014

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

REGARDING: Notification about investment offer 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”

DEAR MR. CHAKMAKOV,

In connection with Decision No 3 – IIP of the Minister of Environment and Water, on assessment of necessity of EIA, with position “EIA to be performed” for the aforesaid IP, with the present letter we inform you about the following:

I. Regarding the requirements of Chapter six, Section three of the Environment Act (EA):

The following steps under the procedure you have to undertake: as Contracting Authority of IP are:

1. To assign preparation of Terms of Reference for scope and essence of EIAR, complied with the requirements of Article 10, paragraph 2 and 3 of the *EIA Ordinance*. The subject of the assessment should be the situation in its complexity, as well as all related with it auxiliary and maintaining activities and sites, including transportation, disposal, follow-up processing, technical infrastructure, development of the extraction works, according to the requirements of Basin Directorate Danube Region – Pleven for water protection, according to

Observation with outgoing No 378 / 30. 08. 2013, copy whereof we are sending you for compliance and etc.

2. To have consultations with specialized bodies and representatives of the involved public on the proposed by you Terms of Reference. According to Article 10, paragraph 5 of the *EIA Ordinance* the consultations with the body competent on environment, are obligatory, and according to Article 10, paragraph 7 of the Same Ordinance, the Contracting Authority have to conduct consultations with the specialized competent bodies of the Ministry of Health, regarding the content and scope of the assessment of the health and hygiene aspects of environment and the human health risk. We recommend you to conduct consultations with Basin Directorate Danube Region – Pleven, RIOW –Ruse, IAMED, Slivo Pole Municipality and the Village Halls of Babovo and Ryahovo villages.

3. To assign the preparation of EIAR to a team of experts, with leader (who have education-qualification Master), in accordance with the Terms of Reference, where the information from all conducted consultations is reflected and the requirements of Article 96, paragraph 1 of EA.

II. As regards to the requirements of the EIA Convention in transboundary aspect

Considering that the investment proposal falls within item 14 of Annex I of the *EIA Convention in transboundary aspect* and the same presupposes significant impact on environment on the territory of another state, pursuant to Article 98, paragraph 1 of EA, the information is sent to Romania as potentially involved party from the location of the investment proposal.

From Romanian side, wish for participation in the EIA procedure has been expressed with letter, their No 6187/RP/23. 01. 2014 (our entry No EIA-74/14. 02. 2014, a copy whereof we have attached).

In the process of preparation of the Terms of Reference and the EIAR, the remarks of the Romanian Ministry of Environment and Climatic Changes have to be taken into account.

The Terms of Reference, as well as a stage schedule for conducting the EIA procedure and submission of comments, you also have to prepare and submit to MOEW in English language for its presentation for Observation to Romania, according to Article 3, paragraph 5 of the *EIA Convention in transboundary aspect*.

On submission of the EIAR, including also the Environment and Water Report, you have to submit a copy of a document for paid fee to the amount of BGN 700. 00, pursuant to Article 1, paragraph 5, item 2, indent “b” of *Tariff on the Fees, collected in the System of MOEW (adopted with CMD No 136 / 13. 05. 2011, last amendment SG, issue 2, of 08. 01. 2013)*. The payment of the fee you have to do in bank way to the following account:

IBAN BG35 BNBG 9661 3000 1387 01
BIC BNBGBGSD
BNB Sofia

Attachment:

1. Observation of Basin Directorate Danube Region – Pleven under Article 4a of the *EIA Ordinance*.

2. Observation of Romania.

Respectfully,

/Signature illegible/

ISKRA MIHAYLOVA

MINISTER OF ENVIRONMENT AND WATER

ROUND STAMP: *MINISTRY OF ENVIRONMENT AND WATER*



GOVERNMENT OF ROMANIA
MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE

Cabinet of the Minister

No.: 6187/RP/ 23.01.2014

Subject: Notification of investment proposal „*Extraction of sand and gravel from alluvial deposits in the bed of Danube River, Mishka Site (km 462.0-km 459.4) in the area of Babovo Village, Slivo Pole Municipality, Rousse District*”

Dear Ms. Iskra Mihaylova,

Referring to the letter no. OBOC-74/10 December 2013 regarding the Notification of investment proposal „*Extraction of sand and gravel from alluvial deposits in the bed of Danube River, Mishka Site (km 462.0-km 459.4) in the area of Babovo Village, Slivo Pole Municipality, Rousse District*”, we would like to inform you:

The Ministry of Environment and Climate Change will participate in the transboundary environmental impact assessment procedure regarding this project.

The decision to participate in the procedure is based on our consideration that the project fulfill the criteria in Annex no. 3 to the Espoo Convention, those stipulated in paragraph 1 letters (a) and (b) and paragraph 2.

We expect to receive, according to Article 3 paragraph 5 of the Espoo Convention, the relevant information regarding the environmental impact assessment procedure, and indication of the time schedule for transmittal of comments.

Please accept, Ms. Minister, the assurance of my highest consideration and esteem.

Yours sincerely,

Rovana PLUMB

MINISTER

Mr. Iskra Mihaylova

Minister

Ministry of Environment and Water, Republic of Bulgaria

12, Libertatii Boulevard, sector 5, RO - 040129, Bucharest <http://www.mmediu.ro>
Phone: +40 21 3160246, Fax: +40 21 3124227, e-mail: cabinet.ministru@mmediu.ro, 17.01.2014



REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER
BASIN DIRECTORATE FOR MANAGEMENT OF WATER
IN THE DANUBE REGION WITH CENTER PLEVEN

Outgoing № 378
Pleven, 30. 08. 2013

MOEW – OBOC – 49/ Sofia 03. 09. 1913

TO: MR. BOYKO MALINOV
DIRECTOR DIRECTORATE “PREVENTATIVE ACTIVITIES” MOEW
22 Mariya Luiza street 1000 Sofia city

To your outgoing No OBOC – 49/27. 2013

Regarding: *Admissibility of on investment proposal (IP): “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” versus the River Basins Management Plan (RBMP)*

DEAR MR. MALINOV,

In connection with entered in the Basin Directorate for Management of Water in the Danube Region with center Pleven (BDMWDR) letter with our entry № 378/24.03.2014, requesting Observation under Article 4a of the *Ordinance on terms and conditions for EIA* (Promulgated SG, issue 25 of 18 March 2003) for IP: “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”, the Observation of BDMWDR is the following:

1. Conclusion on the admissibility of the investment proposal versus the measures for achievement of good water status, determined in RBMP 2010 – 2015 in the Danube Region

According to the submitted information the (geographic coordinates of the boundary points of the extraction site) IP falls within the following surface water bodies, as well zones for their protection:

1.1. Surface water bodies - Surface water body, being strongly modified, category river, river valley Danube with name Danube RWB01 and code BG1DU000R001. The ecological status of the water body is moderate, the chemical status is poor. The specific ecological target for the surface water body with code BG1DU000R001 is “Prevention of aggravation of the ecological potential and achievement of a better one by 2021. Prevention of aggravation of the chemical status and achievement of a better one by 2027”. For the water body an exception has been introduced from the achievement of the ecological purposes, due to the significant anthropogenic impact.

1.3. Zones for protection of water, pursuant to 119a of the WA, where it falls and concern the IP

Zones for protection of drinking water and sanitary-guarded zones, pursuant to Article 119a, paragraph 1, item 1 of WA (water bodies and sanitary-guarded zones under Article 119, paragraph 4). IP does not fall determined under Ordinance 3 of 16 October 2000 on the terms and conditions for exploration, planning, endorsement and use of the sanitary-protection zones around the water sources and equipment for domestic-drinking water supply and around the water mineral water sources, used for curative, prophylactic, drinking and hygienic purposes.

- Zones for protection of water, pursuant to Article 119a, paragraph 1, item 5 of WA – protected territories and zones, declared for conservation of habitats and biological species, where the maintenance or improvement of water status is an important factor for its protection (protected zones from the ecological network NATURA 2000): section Mishka (km 462.0 to km 459.4), designated for sand and gravel extraction from alluvial deposits in the bed of river Danube falls within the following zones: protected zone for protection of natural habitats of wild flora and fauna with the name **Kalimok-Brashlen** and code **BG0000377**; protected zone for conservation of wild fowl with the name **Complex Kalimok** and code **BG0002030**. For these zones the specific ecological target is: “Minimization of the necessity for water treatment before their use and provision of the projected quantity in the water intake equipment by 2015.”

1. 4. Measures, envisaged in RBMP in the Danube region, which are necessary to observed in the realization of IP

For IP the observance is necessary of the following prohibitive and restrictive measures, set out in RBMP 2010 – 2015 in the Danube region from the *Program 7.1.9 Measures for the protected territories and zones, declared for conservation of habitats and biological species, where maintenance or improvement of the status of water is an important factor for their conservation*:

- **Measure BG1MB162** - The realization of investment intentions, plans, programs and projects, falling within protected territories to be complied with the regimes of the specific protected territories, regulated with the Protected Territories Act, the orders for their announcement and the plans for their management;
- **Measure BG1MB163** - Ban on clearance of trees in cleaning riparian bank natural vegetation, which appears to be natural habitat under Annex №1 of the Biodiversity Act;
- **Measure BG1MB166** - Ban on clearance of riparian bank vegetation, damming and correction of river beds beyond the boundaries of settlements and easements of the linear infrastructure, except corrections, directed to recovery of natural habitats and meandering of the river, aimed at conservation and recovery of the favourable nature protection status of the riparian habitats and species 3260, 3270, 6420, 6430, 91E0*, 91F0, 92A0, 92C0, 92D0 and otter (*Lutra lutra*), bullhead (*Cottus gobio*), *stone crayfish (*Austropotamobius torrentmm*) in protected zones approved subject to Article 10 of the Biodiversity Act (BA);

- **Measure BG1MB169** - Ban on construction of new ballast plants or expansion of existing ones, in water bodies falling within protected zones, pursuant to Annex 7.1.3 of RBMP;
- **Measure BG1MB170** - Non-admission of new negative changes in the hydrological regime (WEPP, aggregate plants, hydro-ameliorations, related to new water intake, drainage and etc.) of the natural habitats and their maintenance in favourable nature protective status (NPS), for the water bodies, falling within protected zones pursuant to Annex 7.1.3 of RBMP;
- **Measure BG1MB137** – Permissive regime for a water body, according to the EIA/ecological assessment and/or the compatibility assessment;
- **Measure BG1MB153** – On admissible extraction of construction materials, investors shall perform upfront monitoring on the quantity and quality of water, on hydrobionts and natural habitats in the water bodies, falling within protected zones, of length about 1 km above and below the site for extraction of construction materials, which is to be used within the procedures under EIA and EP.

Integral part of RBMP 2010 - 2015 in the Danube region are the measures for monitoring and control, regulated in a standpoint on the environmental assessment (EA) № 6-2/2009 of the Plan. In the motives for endorsement of the plan is the implementation of specific measures for prevention, minimization, and possibly elimination of unfavourable impacts, for guarantying of the functional wholeness of the zones for protection from the ecological network NATURA 2000. In this connection for protected zones (PZ) for conservation of natural habitats of wild flora and fauna with name **Kalimok-Brashlen** and code **BG0000377** the following measures are envisaged (Annex 7.1.3 of RBMP 2010 - 2015 in the Danube region):

➤ *Mitigating measures for minimization of impact on natural habitats, subject to protection of the zones, which are associated with specific water bodies:*

- For natural habitats 1530*, 3130, 3150, 3140, 3270, 6440, 6430, 91E0*, 91F0 the mitigating measures are non-admission of new negative changes in the **hydrological peculiarities of the water bodies** (WEPP, aggregate plants, hydro-ameliorations, related to new water intakes, discharges and etc.) and measures on the maintenance of the habitat in NPS. The activities in the zone are also determined by the regimes of the protected locality Kalimok-Brashlen.

➤ *Measures for minimization of the negative impact on the species, included in Annex 2 of Directive 92/43/EEC on habitats:*

● For the species, subject to protection in PZ – fire bellied toad (*Bombina orientalis*); and the common swamp turtle (*Emys orbicularis*); Danube crested newt (*Triturus dobrogicus*); *Alosa immaculata*; asp (*Aspius aspiusi*); Balkan loach (*Cobitis elongata*); common loach (*Cobitis taenia*); Ukrainian brook lamprey (*Eudontomyzon mariae*); white-finned gudgeon (*Gobio albipinnatus*); Balon's ruffe (*Gymnocephalus baloni*); striped ruffe (*Gymnocephalus schraetzer*); European weather loach (*Misgurnus fossilis*); Sichel (*Telecus cultratus*¹); European bitterling (*Rhodeus sericeus amarus*); Small zingel; Big Zingel (*Zingel zingel*), fire bellied toad (*Bombina orientalis*); and common swamp turtle (*Emys orbicularis*); Danube

crested newt; Unio crassus - activities, likely to have negative impact on the hydrological regime of the water bodies, and likely to aggravate their NPS shall not be allowed.

We would like to stress that BDMDR does not dispose with information and competences regarding the location of the habitats and the species, subject to protection in the protected zones from the ecological network NATURA 2000.

Conclusion: "IP is admissible from point of view of achievement of the environmental targets and the measure for achievement of better status of water and zones for their protection, laid down in RBMP 2010 - 2015 of the Danube region, on condition that for the natural habitats and species new negative changes in the hydrological regime of river Danube are not allowed, as well as their NPS is not aggravated, pursuant to the above measures from Program 7,1.9 and Annex 7.1.3. "

2. Regarding the prohibitions and restrictions, envisaged in the Water Act, referring this type of investment proposals:

We would like to stress that:

- For the investment proposal the following restrictions and prohibitions shall be observed:
- Article 118 g, paragraph 2 and paragraph 3 of the Water Act (WA);
- Article 118 h, item 3 **and item** 4 of WA: "The place of extraction of alluvial deposits shall not be determined in **section 3**, where restrictions and bans are introduced in the plan for management of river basins, related to the achievement of the targets of Article 156a of WA (item 4), where this part of the river falls within protected zones under Article 119a, paragraph 1 item 5, declared for conservation of habitats and biological species, except for the activities of maintenance of existing corrections of rivers".

In the RBMP 2010 – 2015 in the Danube Region for IP prohibitions and restrictions are introduced for specific habitats and species, subject to protection in PZ – new negative changes in the hydrological regime of river Danube shall not be allowed, and their NPS shall not be aggravated, according to:

- Program 7.1. 9. Measures for the protected territories and zones, declared for conservation of habitats and biological species, where maintenance or improvement of the status of water is an important factor for their conservation;
- Annex 7.1.3. Measures for the protected zones, declared for conservation of habitats and biological species, wherein the maintenance or improvement of the water status is an important factor for their protection, according to Observation on the Ecological Assessment of RBMP No 6 – 2 / 2009 of MOEW.

According to the available information in BDMRD PZ for conservation of the natural habitats and the wild flora and fauna with name **Kalimok-Brashlen** and code **BG0000377**:

- is identified, according to Article 6, paragraph 1 of the BA and included in the list of PZ, adopted with Decision No 122 of 02. 03. 2007 of the Council of Ministers (promulgated in SG, issue 21 of 09.03.2007);
 - for PZ order is not announced, according Article 12 of BA;
- IP is liable to permissive regime, according to Article 46, paragraph 1, item 4 in compliance with Article 57, paragraph 3 and the prohibitions of Article 118h, item 3 and item 4 of BA. The permissive regimes for use of surface water body is issued in observance of the requirements of : Chapter four “Permissive Regime” and Chapter eight “Protection of Water and Water Bodies” of WA and the Ordinance on use of surface water, adopted with CM Decree No 200 of 13 July 2011.

3. Regarding information about existing or permitted impacts on the water body in the region, which have to be considered at the following procedure, under Chapter six of EPA.

In the common land of village Ryahovo, to the south of island Mishka, 6 chamber wells are located of type Raney 1,3,4,5,6 and 7 - Danube Ryahovo - at BC Danube W&S Razgrad - Ryahovo, pursuant to Permit № 11510100/16.7.2007, and the closest is at a distance of about 150 m of the section envisaged for extraction.

Name of the water intake equipment	UTM zone 35N	
Camber well Raney 1- Danube Ryahovo – W&S Razgrad - Ryahovo	4872291, 070	441645, 966
Camber well Raney 3- Danube Ryahovo – W&S Razgrad - Ryahovo	4872428, 223	442650, 501
Camber well Raney 4 - Danube Ryahovo – W&S Razgrad - Ryahovo	4872586, 640	443207, 084
Camber well Raney 5- Danube Ryahovo – W&S Razgrad - Ryahovo	4872866, 541	443670, 027
Camber well Raney 6 - Danube Ryahovo – W&S Razgrad - Ryahovo	4873273, 725	444081, 007
Camber well Raney 7- Danube Ryahovo – W&S Razgrad - Ryahovo	4873731, 643	444479,225

4. Information on the freely available water resources in the part of the ground body, wherefrom water intake is planned (through existing or new equipment), pollution hazard for ground water in the process of construction of new pipe (drilling) wells and requirements for prevention of pollution.

IP does not envisage water intake from ground water bodies.

5. Motivated assessment of the significant impact on water and aquatic ecosystems

IP is admissible from point of view of achievement of the environmental targets and the measure for achievement of better status of water and zones for their protection, laid down in RBMP 2010 - 2015 of the Danube region, on condition that for the natural habitats and species new negative changes in the hydrological regime of river Danube are not allowed, as well as their NPS is not aggravated, pursuant to the above measures from Program 7,1.9 and Annex 7.1.3.

- IP falls within a protected water zone, according to Article 119a, paragraph 1, item 5 of WA – protected territories and zones, declared for conservation of habitats and biological species, wherein maintenance or improvement of water status is an important factor for their protection (protected zones from the ecological network NATURA 2000);
- In the RBMP 2010 – 2015 of the Danube Region there are prohibitions and restrictions introduced for specific habitats and species, subject to protection in PZ with name Kalimok – Brashlen and code BG0000377, whereby new negative changes in the hydrological regime of river Danube shall not be allowed and/or their NPS shall not be aggravated,
- In the WA there is a prohibition for realization of IP, according to Article 118h, item 3 and 4.

If the IP does not affect the specific habitats and species, subject to conservation in the PZ for protection of natural habitats and wild flora and fauna with name Kalimok – Brashlen and code BG0000377, activity can be realized upon award of permit, pursuant to Chapter four of WA, in compliance with the measures with codes BG1MB137 and BG1MB153, indicated in item 1 of the present Observation.

Respectfully,

/Signature unreadable/

TOMA TERZIEV

Director of Basin Directorate for Management of Water in the Danube Region with center Pleven (BDMWDR)

ROUND STAMP: *BASIN DIRECTORATE FOR MANAGEMENT OF WATER IN THE DANUBE REGION*