



REPUBLIC OF BULGARIA

MINISTRY OF ENVIRONMENT AND WATER

Outgoing No: OBOC-49/14.10.2013

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

COPY

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

Further to your letter of 21.08. 2013 and submitted supplement of 03. 09. 2013

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,

Upon review and additional study of your notification regarding the above investment proposal, pursuant to Article 5, paragraph 1 of the *Ordinance for the terms and conditions for execution of environment impact assessment* (the EIA Ordinance), we inform you about the following:

I. Regarding the requirements of Chapter six, section three of the Environment Protection Act (EPA):

According to the information in your notification, your investment proposal is about the excavation of the alluvial deposits (sands and gravel) from river Danube, section Mishka, which is

going to be executed with a floating multi-bucket dredge. The excavated material shall be transferred to desiccation sieve and from there through self-driven barges, it shall be transported to pier site for discharge.

The section for excavation, in the process of operation shall be divided into separate extraction blocks with dimensions 60/52 m. Each block shall be marked with floating buoys, anchored along the contour of the designated block. The extraction works in every individual block of section Mishka shall be carried out from east to west (against the flow), as the block shall be processed simultaneously along the whole depth of the useful layer.

Considering the compliance with the boundaries of the permitted perimeters, a dredge shall excavate in depth at calculated distance from the borders, whereby the stable final bluff of the excavated space shall be ensured. Under these conditions the area of the developed section shall be reduced, but stability against erosion of the bank strip shall be additionally enhanced.

Having in mind the presented above, we find that the so described investment proposal for sand and gravel extraction from silt deposits in the bed of river Danube section Mishka, according to the envisaged in it activities, falls within the scope of item 2, indent „c" of Annex № 2 of *EPA*. In compliance with the requirements of Article 93, para. 1, item 1 of the law, the investment project is liable to procedure on assessment of the necessity of execution of EIA. In compliance with Article 93, paragraph 2, item 2 of *EPA*, considering the likely transboundary impact of IP on the territory of Romania, a competent body for delivery of decision on the EIA procedure is the Minister of Environment and Water.

We inform you that pursuant to Article 4a of the *EIA Ordinance*, verification has been done about the admissibility of the investment proposal versus the regimes, set out in the endorsed River Basins Management Plans (RBMP) of the Danube region. According to the standpoint of the Basin Directorate for Management of the Water of Danube region, the investment proposal in the presented scope is admissible from the point of view of achievement of the aims for the environment and the measures for achievement of good state of the water in the zones for their protection, laid down in RBMP 2010 - 2015 for the Danube region, on condition that for the natural habitats and species new negative changes in the hydrological regime of river Danube, shall not be tolerated and their favourable nature protective status shall not be aggravated and/or disturbed, according to the measures from Program 7.1.9 and Annex 7.1.3, envisaged in RBMP in the Danube region.

II. As regards to the requirements of Article 31 of the Biodiversity Act (BA):

Section Mishka (km 462.0 to km 459.4), designated for sand and gravel excavation from silt deposits in the bed of river Danube, falls within the boundaries of protected zones - Natura 2000 locations, subject to BA: in protected area **BG0000377 Kalimok-Brashlen**, designated for protection of natural habitats and wild flora and fauna and in protected zone **BG0002030 Complex Kalimok**, designated for protection of wild birds.

Section Mishka **does not fall within** the boundaries of protected territories pursuant to the Protected Territories Act, but it is also in **close proximity to the protected locality Kalimok-Brashlen**.

The investment proposal falls within the scope of Article 31, paragraph 1 of the *Biodiversity Act* and Article 2, paragraph 1, item 1 of the *Ordinance on the terms and conditions for execution of assessment for the compatibility of plans, programs, projects and investment proposals with the subject and the purposes for protection of protected zones* (Ordinance on

environment) and is liable **to its assessment of compatibility** (CA) with the subject and the targets of protection in the described protected zones. Considering the provision of Article 31, paragraph 4 of the *BA* procedure under CA has to be carried out through the procedure under EIA subject to Chapter three of the *CA Ordinance*.

Considering the above and pursuant to Article 40, paragraph 2 of the *CA Ordinance* an admissibility verification for the investment intention has been done, whereby it has been found that the realization of the investment intention is **admissible** versus the regimes, identified with the orders for declaration for protected zone of **BG0002030 Complex Kalimok** - Order № ПД-831/17.11.2008 of MEW (promulgated in State Gazette, issue 108/2008) and Order № ПД-86/28.01.2013 of MOEW (promulgated in State Gazette, issue 10/2013), **only within the boundaries of designated extraction section** with the following coordinates of the border points, **whereby island formations along the river Danube shall not be 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

We inform you that the submitted data for the investment proposal are sufficient also for assessment of the likely extent of the negative impact of the investment proposal on the protected zones, which shall be carried out at the next stage of the EIA procedure, indicated in item I. and item IV of the present letter.

III. Regarding the requirements of the EIA Convention in transboundary context.

Having in mind that the investment proposal falls within the scope of item 14 of Annex I of the ***EIA Convention in transboundary context*** and the same suggests significant impact on the environment on the territory of another state, pursuant to Article 98, paragraph 1 of EPA you have to prepare and submit to MEW within the shortest possible deadline information (in English language) in the format, adopted with Decision 1/4 at the First Meeting of the Countries under the EIA Convention within transboundary context. The format is accessible in internet at address: <http://www.unece.org/env/eia/notification.htm>. The information shall be sent to the Romanian state, as potentially involved party by the location of the investment proposal.

In case of stated agreement on behalf of Romania for participation in the procedure under EIA, the expressed by it standpoint, as well as the results of all consultations, carried out in the Republic of Bulgaria, have to be taken into consideration in the development of the procedure, subject to Chapter six of EPA.

IV. The following actions, you have to undertake for the realization of the procedure on assessment of the necessity for performance of EIA, are:

1. Pursuant to Article 6, paragraph 1 of the *EIA Ordinance* you have to deposit to MEW a written application with attached developed in detail information under Annex № 2 of the *EIA Ordinance*, wherein the extraction from section Mishka shall be reviewed (according to the geographic coordinates, indicated in item II of the present letter), as well as all accompanying activities, considering also the activity at the existing sites. The documentation shall be submitted in one paper copy and two electronic copies, while we remind you that the documentation in both media has to be fully identical. To the application, you also have to attach information about the public interest, if such has been shown, as a result of the compliance with your obligations for standalone announcement of this information, pursuant to Article 6 paragraph 9 of the *EIA Ordinance*.

2. By the time of submission of the application under item 1 you have to have ensured public access to the information under Annex № 2, according to the requirements of Article 6, paragraph 9 of the *EIA Ordinance*, by submitting a copy of the same in paper and electronic way to Slivo Pole Municipality, Babovo Village Hall and Ryahovo Village Hall, as well as placing an announcement in your internet page (if you have any) for at least 14 days for access to the information and for expression of interest from the involved parties.

Within up to three days of obtaining the information, the respective municipalities and village halls have to ensure access to it for at least 14 days by placement of an announcement in their internet pages and at accessible public place up to three days upon expiration of this deadline to send officially the results of the public access to MEW, inclusive about the way of ensuring access to the information.

3. On submission of the application under item 1, you also have to show a document for paid fee to the amount of BGN 500. 00, pursuant to Article 1, paragraph 5, item 1 of the *Tariff about the fees, collected by the system of MEW*. The payment of the fee you have to make by bank way to the following account:

IBAN: BG35 BNBG 9661 3000 387 01

BIC: BNBGBGSD

Respectfully,

/Signature illegible/

ISKRA MIHAYLOVA

MINISTER OF ENVIRONMENT AND WATER

ROUND STAMP: MINISTRY OF ENVIRONMENT AND WATER