

**REPUBLIC OF CROATIA**

MEĐIMURJE COUNTY

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|  | ADMINISTRATIVE DEPARTMENT  FOR SPATIAL PLANNING, CONSTRUCTION  AND ENVIRONMENTAL PROTECTION  SECTION FOR ENVIRONMENTAL PROTECTION  AND MUNICIPAL SERVICE MANAGEMENT |

CLASS: UP/I-351-03/13-03/1

REG. NO.: 2109/1-09/3-13/SG-09

Čakovec, 3 October 2013

Pursuant to Article 90, paragraphs 1-3 of the Environmental Protection Act (Official Gazette 80/13) and the provision of item 2.2 of Annex III of the Regulation on environmental impact assessment (Official Gazette 64/08, 67/09), regarding a request submitted by the developer, Hrvatske vode, Water Management Department for the Mura and Upper Drava, Varaždin, Međimurska 26b, having evaluated the need for assessing the project’s environmental impact and impact on the ecological network, the Administrative Department for Spatial Planning, Construction and Environmental Planning of Međimurje County, Section for Environmental Protection and Municipal Service Management issues the following

**DECISION**

1. **Environmental impact assessment is not required for the planned reconstruction of the main Mura dike km 16.4 – 22.6.**
2. **The planned reconstruction of the main Mura dike km 16.4 – 22.6 is acceptable for the ecological network and the main assessment with assessment of alternative solutions is not required.**
3. **This decision is made public on the web page of Međimurje County.**

**Justification**

On 20 August 2013, the developer, Hrvatske vode, Water Management Department for the Mura and Upper Drava, Varaždin, Međimurska 26b, submitted to the Administrative Department for Spatial Planning, Construction and Environmental Planning Međimurje County, Section for Environmental Protection and Municipal Service Management, in the manner as required, a request for evaluating the need for environmental impact assessment with appropriate assessment for the reconstruction of the main Mura dike km 16.4 – 22.6. The request was supported with an Environmental Protection Report prepared in August 2013 by the authorised company Oikon d.o.o. Institute for Applied Ecology, Zagreb (Project Manager: Mr Hrvoje Peternel). This company has valid consent of the Ministry of Environmental and Nature Protection to perform expert environmental protection activities (Class: UP/I-351-02/10-08/133; Reg. No.: 531-14-1-1-06-10-2, dated 27 September 2010).

Pursuant to Article 160, paragraph 1 and Article 162 of the Environmental Protection Act (Official Gazette 80/13), Article 28, paragraph 3 of the Regulation on environmental impact assessment (Official Gazette 64/08, 67/09), and Article 7, paragraph 2, item 1 of the Regulation on information and participation of the public and public concerned in environmental matters (Official Gazette 64/08), a Notice about the request submitted by the developer to start the procedure of evaluating the need for environmental impact assessment of the reconstruction of the main Mura dike km 16.4 – 22.6 was made public on the web site of Međimurje County (Class: UP/I-351-03/13-03/1; Reg. No.: 2109/1-09/3-13/SG-02, dated 22 August 2013).

The legal basis for conducting the procedure of evaluating the need for EIA are the provisions of Article 80, paragraph 1 of the Environmental Protection Act and the provisions of Articles 27, 28, 29 and 30 of the Regulation on environmental impact assessment. Namely, for the projects specified in the Regulation on environmental impact assessment, Annex III, item 2.2 *Channels, dikes and other structures for protection from floods and bank erosion*, the evaluation of the need for EIA is made by the competent administrative body in the county.

The submitted documents state, in substance, the following: the planned project includes reconstruction of the main Mura dike in the section from km 16+400 to 22+600. The project will be implemented on the territory of the municipality of Goričan, on the eastern edge of Međimurje County, next to the border with the Republic of Hungry at cadastral plots 405, 713/1, 713/2, 713/3, 9750, 9825, 3012 and 9995, cadastral municipality Goričan. The planned dike follows the axis of the existing dike. On the downstream side, at km 16+400, with its position and elevation it continues from the strengthened dike section. In terms of the existing land plot of the dike, the new strengthened dike retains the toe line on the waterfront side, and the widening is in its entirety made on the defended side. This solution is applied until connection with the right-bank dike along the Trnava. Further on, from connection with the left-bank dike along the Trnava to an old road bridge, the dike is widened also within the existing land plot, but on the waterfront side, since on the defended side the private plots lie immediately next to the service road.

In the evaluation procedure, the Section requested an opinion (CLASS: UP/I-351-03/13-03/1, REG. NO.: 2109/1-09/3-13/SG-04, dated 22 August 2013) from the Municipality of Goričan; Hrvatske šume d.o.o. (Croatian forest management authority), Subsidiary Koprivnica; and to Međimurska priroda – Public nature protection institution. The Municipality of Goričan submitted its opinion (CLASS: 023-03/13-01/70, REG. NO.: 2109/08-13-03, dated 30 September 2013) to the Section, stating that the planned project had no significant negative impact on environmental components within the competence of the Municipality of Goričan. Hrvatske šume d.o.o., Subsidiary Koprivnica submitted its opinion (Reg. No.: KC-06/ĐL-13-2298/02 dated 28 August 2013) stating that, on the basis of the information obtained from the competent Čakovec office and inspection of the forest management plans, no significant impact on the forest and forestland is expected during the works. Međimurska priroda – Public nature protection institution submitted its opinion (Class: 612-07/13-01/67; Reg. No.: 2109-15-13-02, dated 4 September 2013), stating that the project concerns strengthening and superelevation of the existing dike, and in its opinion it will have an impact, although not significant, on the natural values for which the areas Significant Mura River Landscape, the Regional Mura-Drava Park and the National Ecological Network (NEN) areas were proclaimed as protected, i.e. on the populations of endangered plant and animal species associated with the habitats where the project is implemented and on the landscape values of the area (since this is an existing dike).

During evaluation of the need for EIA, an ecological network screening was also made. Pursuant to Article 30, paragraph 3 of the Nature Protection Act (OG 80/13) (Class: UP/I-351-03/13-03/1, Reg. No.: 2109/1-09/3-13/SG-03, dated 22 August 2013), the Section requested a preliminary opinion from the State Institute for Nature Protection (SINP). The SINP submitted its preliminary opinion (Class: 612-07/13-29/168, Reg. No.: 366-07-3-13-2, dated 17 September 2013) stating that the planned project lies within an ecological network area – an area important for wild taxa and habitat types *HR2000364 Mura*, which is at the same time proposed as a conservation area important for species and habitat types within Natura 2000 (under Directive 92/43/EEC on the conservation of natural   
habitats and of wild fauna and flora, as amended by Council Directive 2013/17/EU) and within ecological network area *HR2000373 Kotoriba – šuma* (=forest), an area important for wild taxa and habitat types. An EIA Report has analysed the potential impacts on ecological network areas. The SINP agrees with the analyses and impact assessment made, i.e. based on the screening, the potential of significant negative impacts on the integrity and conservation objectives of the ecological network can be excluded. We think that the project is acceptable and that the main assessment is not required.

Following the publication of the notice on the web site of Međimurje County about the request, not a single comment or opinion of the public and public concerned about the planned project was received by the Section.

Having analysed the criteria under Annex V of the Regulation on the basis of which the need for EIA is decided upon and on the basis of the opinions submitted by the competent authorities, the Section has decided that the planned project will not have any significant negative environmental impact and that therefore no EIA was required.

The reasons because of which environmental impact assessment and main assessment are not required are the following: Due to the character of the project, the strongest environmental impact occurs during construction, while no significant impacts are foreseen during use. During the execution of works, the construction site will be organized; different types of waste will be managed in the specified manner; the existing roads will be used for accessing the site; works will be performed in the daytime; the machines and vehicles will be regularly maintained and repaired in order to prevent environmental pollution. All the surfaces of construction works will after their completion be improved so as to be restored to their near-original state. During earthworks, the top soil shall be separately disposed and used during recultivation after the completion of works as the top layer. The dike slopes and crests shall be planted exclusively with autochthonous grass mixtures. Works will be performed in the period between 1 November and 1 March in order to avoid a negative impact on the reproductive activities of wild taxa in the wider project area. With the reconstruction of the main Mura dike, small areas under the existing vegetation in a narrow belt along the relevant section is expected to be lost, which is not assessed as a potentially significant impact on the distribution of riparian alluvial willow and poplar forests and alluvial forests of the English oak, black narrow-leafed ash and black alder. Likewise, a potential loss of small areas of habitats favourable for target taxa (the snake’s head fritillary, the otter and the dragonflies) was not assessed as a potentially significant impact. Furthermore, it is possible that particular individuals of target taxa (the otter and the dragonflies) will be temporarily disturbed during construction and maintenance of the dike, i.e. it is possible that the quality of the habitats (presence of people and machinery, noise, emission of dust and exhaust gases) in the working belt will be disturbed. Since these impacts are to the greatest extent associated with the period of construction, i.e. will affect relatively small areas of habitats, and since the project refers to reconstruction of the existing dike within the existing land plot, it has been estimated that its implementation won’t have a significant impact on the populations of target taxa in the ecological network area. Due to the spatially restricted character of the project, no impact is expected on the target taxa of fish and on the target habitat types – non-overgrown gravel riverbanks (bars) and natural eutrophic lakes with *Hydrocharion* or *Magnopotamion* vegetation. The degraded habitats formed during construction and maintenance of the dike can become corridors along which invasive plant and animal taxa will spread. In view of the project’s local character and the existing human impact, the possibility of significant impacts of the project itself can be excluded, but increased attention during construction and maintenance works will additionally reduce the possibility of unintentional spread of invasive species. By analysing potential collective impacts, it has been assessed that during construction and in the foreseeable period after construction of the planned structure, the structure is not expected to significantly contribute to the collective impacts with similar existing and planned interventions in the wider project area. Furthermore, since the planned project also lies within two areas protected under the Nature Protection Act (OG 80/13), the Mura-Drava regional park and the significant Mura landscape, nature protection requirements have to be obtained for this project in the process of issuing the location permit.

Having analysed the potential negative impacts, it has been assessed that the project will have no significant negative impacts and that the EIA is therefore not required.

Based on the above, pursuant to the provisions of Article 81, paragraph 1 of the Environmental Protection Act (OG 13/08), Article 27, paragraph 1, Article 30, paragraph 1 of the Regulation on environmental impact assessment (OG 64/08, 67/09), Article 30, paragraph 3 of the Nature Protection Act (OG 80/13), the decision was made as stated in points I and II of the disposition. Pursuant to Article 7, paragraph 2, item 2 of the Regulation on information and participation of the public and public concerned in environmental matters (OG 64/08), the decision was made as stated in point III of the disposition.

**LEGAL REMEDY**

A complaint against this Decision can be filed to the Ministry of Environmental and Nature Protection, Zagreb, Republike Austrije 14, within 15 days from its receipt.

A complaint in writing shall be submitted in person or sent by registered mail to this above administrative body. A verbal complaint to the minutes can also be made. In accordance with the Administrative Fees Act, Tariff Rate 3, an administrative fee in the amount of HRK 50.00 shall be paid for the complaint.

Acting Head

Stjepan Baranašić

To be delivered to:

1. Hrvatske vode, Water Management Department for the Mura and Upper Drava, Međimurska 26b, 42000 Zagreb
2. Ministry of Environmental and Nature Protection, Republike Austrije 14, 10000 Zagreb,
3. Ministry of Environmental and Nature Protection, Directorate for Inspection Affairs, Sector for Nature Protection Inspection, Zrinsko-frankopanska 9, 40000 Čakovec
4. Ministry of Environmental and Nature Protection, Environmental Protection Inspector, Zrinsko-frankopanska 9, 40000 Čakovec
5. Case file