**REPUBLIC OF CROATIA**

MINISTRY OF ENVIRONMENTAL AND NATURE PROTECTION

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Class: UP/I-351-03/15-08/145

Reg. No.: 517-06-2-2-2-15-10

Zagreb, 3 September 2015

Pursuant to Article 30, paragraph 1 of the Environmental Protection Act (Official Gazette 80/13, 153/13, 78/15), Article 27, paragraph 1 of the Nature Protection Act (Official Gazette 80/13) and the provision of Article 5, paragraph 3 and Article 27, paragraph 3 of the Regulation on environmental impact assessment (Official Gazette 61/14), at request of the developer – company Hrvatske vode, headquartered in Zagreb at the address of Ulica grada Vukovara 220, following the completion of the procedure evaluating the need for environmental impact assessment (EIA), the Ministry of Environmental Protection and Nature hereby issues the following

**DECISION**

1. **The planned project – revision to the technical solution for construction of the Ogulin retarding basin with supporting facilities – does not require a procedure of environmental impact assessment provided that the environmental protection measures and the environmental monitoring program laid down in the decision (CLASS: UP/I 351-03/06-02/32; REG. NO.: 531-08-3-1-AK-07-12, dated 2 January 2007) from the EIA procedure conducted earlier are implemented.**
2. **The planned project – revision to the technical solution for construction of the Ogulin retarding basin with supporting facilities – does not require main assessment of impact on the ecological network.**
3. **This Decision shall be abolished if the developer, Hrvatske vode, headquartered in Zagreb at the address of Ulica grada Vukovara 220, does not submit a request for a location permit or some other document pursuant to *lex specialis* within two years from the day the decision entered into force.**
4. **At request of the developer, Hrvatske vode, headquartered in Zagreb at the address of Ulica grada Vukovara 220, the validity of this Decision can be renewed once for two more years provided that the requirements defined in accordance with the Environmental Protection Act and other requirements on the basis of which the Decision was issued haven’t changed.**
5. **This Decision shall be made public on the website of the Ministry of Environmental Protection and Nature.**

**Justification**

Pursuant to the provisions of Article 82 of the Environmental Protection Act (EPA) and Article 25, paragraph 1 of the Regulation on environmental impact assessment (the Regulation), the developer, company Hrvatske vode, headquartered in Zagreb at the address of Ulica grada Vukovara 220, submitted on 20 May 2015 to the Ministry of Environmental Protection and Nature (the Ministry) a request for it to conduct a procedure of environmental impact assessment of the revision to the technical solution for construction of the Ogulin retarding basin with supporting facilities. An Environmental Protection Report, prepared in May 2015 by the authorised company HIDROINŽENJERING d.o.o. Zagreb, was attached to the request. HIDROINŽENJERING d.o.o. Zagreb possesses the Ministry’s authorization to prepare documents required for evaluation of the need for EIA (CLASS: UP/I 351-02/13-08/160; REG. NO.: 517-06-2-2-2-14-7, dated 17 January 2014). The preparation of the Report was headed by Mr Branko Žrvnar.

The legal basis for evaluation of the need for EIA are the provisions of Article 82, paragraph 1 of the EPA and provisions of Articles 24, 25, 26 and 27 of the Regulation. For the projects specified in Annex II of the Regulation, Item 9.5 *Dams and other structures designed for holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres*, associated with Annex II of the Regulation, Item 13 *Any modification to the project referred to in Annexes I and II which might have a significant adverse environmental impact…*, the need for EIA is evaluated by the Ministry. The evaluation procedure was carried out since the developer plans a revision to the technical solution for construction of the Ogulin retarding basin with supporting facilities compared to the technical solution covered by the EIA procedure in which the Ministry had issued its decision (Decision CLASS: UP/I 351-03/06-02/32; REG. NO.: 531-08-3-1-AK-07-12, dated 2 January 2007).

Pursuant to Article 7, paragraph 2, point 1 and Article 8 of the Regulation on information and participation of the public and public concerned in environmental matters (Official Gazette 64/08), Information about the developer’s request to evaluate the need for EIA of the revision to the technical solution for construction of the Ogulin retarding basin with supporting facilities (CLASS: UP/I 351-03/15-08/145; REG. NO.: 517-06-2-2-2-15-2, dated 15 June 2015) was published on the website of the Ministry.

The submitted documents (Environmental Protection Report) specify essentially the following:

*The planned project concerns the construction of the Ogulin retarding basin with supporting facilities for the purpose of protecting the town of Ogulin from flooding, thus ensuring protection to the town from a 100-year flood during the operation of the Gojak hydropower plant (HPP) and the Bukovnik storage reservoir, through which water is abstracted from the Dobra River and is transferred through a underground tunnel to the HPP powerhouse. The retarding basin will be formed by building an embankment dam, with water discharged through a bottom outlet in the quantities that can be received by the Đulin ponor sink hole and the Bukovnik storage reservoir. The retarding basin is planned to be built in the upper course of the Dobra River with the total catchment area of app. 300 km2. Based on analyses made, the most suitable location to construct the retarding basin turned out to be the valley of the Ogulinska Dobra River, upstream of the settlement of Turkovići and downstream of the place where the Vitunjčica watercourse joins the Dobra. A natural ledge on the left riverbank at 350.0 m asl will be used for dam construction to the maximum possible extent. On the right riverbank, the dam will join a high ledge at the current Turkovići-Vitunj road at 341.50 m asl, north of the settlement of Turkovići. The profile of the future dam is some 2.5 km in a straight line from the westernmost parts of the town of Ogulin. The project area will be designated as water estate. The project covers a flood retarding basin, the embankment dam with evacuation structures and an access road, protection of the Zagreb-Rijeka railway embankment at railway chainage km 539+625, protection of a residential structure at cadastral plot 1102/6, cadastral municipality of Hreljin Ogulinski, and protection of a fishpond on the Vitunjčica. The revisions to the technical solution that required the evaluation of the need for EIA include the following: instead of the 2-year high water at 331.50 m asl adopted earlier, a new level at 336.70 m asl has been adopted, thus expanding the boundaries of the public water estate; the dam axis has been moved 12.00 m towards the south; the characteristic dam cross-section has been changed; the slopes are steeper and the so called berms have been added; the technical solution of the bottom outlet of the dam has been revised (3 pipes instead of 4); the technical solution of the side spillway has been revised – it has been shortened compared to the earlier solution; differences in the technical solution for protection of the Zagreb-Rijeka railway embankment as the result of adjustment with the railway reconstruction design that is being prepared by the company HŽ INFRASTRUKTURA d.o.o. Zagreb (leaving out protection of the railway embankment slope between railway chainage km 538+552 and 538+678 and abandoning rerouting the Dobra River; construction of a new road culvert; abandoning the construction of an embankment at railway chainage km 539+725; construction of a protective reinforced-concrete wall app. 100 m long; abandoning protection of the railway embankment slope and rerouting the Dobra River between railway chainage km 540+478 and 540+937; and reconstruction of pipe culverts beneath the railway); abandoning the protection of residential and industrial structures in the settlements of Mirić Selo and Okruglice; construction of a new reinforced-concrete wall to protect the residential structure at cadastral plot 1102/6, cadastral municipality of Hreljin Ogulinski; construction of a new macadam access road app. 250 m long leading to small residential structures at cadastral plot 1002/19 and 1002/20, cadastral municipality of Hreljin Ogulinski; and revision to the technical solution for protection of the fishpond on the Vitunjčica, for which it was decided that it will instead against a 100-year flood be protected against a 1000-year flood, with construction of a completely new supporting reinforced-concrete wall 30 cm thick, due to which the headwater will be at 340.50 m asl.*

In the evaluation procedure, the Ministry sent a request (CLASS: UP/I 351-03/15-08/145; REG. NO.: 517-06-2-2-2-15-3, dated 15 June 2015) asking for an opinion to the Ministry’s Nature Protection Directorate, to the Ministry of Agriculture’s Water Management Directorate, to the Department for Railway Traffic and Cableway within the Directorate for Road and Railway Traffic of the Ministry of the Sea, Transport and Infrastructure, to the Administrative Department for Spatial Planning, Construction and Environmental Protection of Karlovac County, and to the Town of Ogulin.

The Ministry’s Nature Protection Directorate has submitted its opinion (CLASS: UP/I 612-07/15-59/178; REG. NO.: 517-07-2-1-1-15-5, dated 24 August 2015) stating that no EIA procedure is required for the planned project and that the project is acceptable for the ecological network provided that the environmental protection measures and the environmental monitoring programme identified in the earlier EIA procedure are applied and implemented. The Ministry of Agriculture’s Water Management Directorate stated in its opinion (CLASS: 351-03/15-01/172; REG. NO.: 525-12/0991-15-2, dated 31 July 2015) that no significant adverse effects are expected from the planned project in water management terms, provided that the environmental protection measures and the environmental monitoring programme identified in the conducted EIA procedure are applied. The Department for Railway Traffic and Cableway within the Directorate for Road and Railway Traffic of the Ministry of the Sea, Transport and Infrastructure submitted its opinion (CLASS: 351-01/15-01/72; REG. NO.: 530-08-1-15-2, dated 30 July 2015) stating construction works at the planned project site might affect regular railway traffic and operation of infrastructural sub-systems. In its letter (CLASS: 351-03/15-02/04; REG. NO.: 2133/1-07-03/01-15-02, dated 31 July 2015), the Administrative Department for Spatial Planning, Construction and Environmental Protection of Karlovac County stated that the project would have no adverse effects provided that the environmental protection measures and the environmental monitoring programme identified in the conducted EIA procedure are applied. In the opinion of the Town of Ogulin (CLASS: 350-05/15-01/02; REG. NO.: 2133/02-01/1-15-3, dated 3 August 2015), the project is not expected to have any adverse impact on the environment.

The Ministry has received no comments regarding the information about the developer’s request.

The reasons because of which no EIA is required are the following:

The planned project concerns the construction of a retarding basin in the upper course of the Dobra River to protect the town of Ogulin from flooding. The impacts from noise will be temporary and limited exclusively to the period of construction. Since the foreseen surface area of the retarding basin is relatively small, the impact on flora and fauna will be very low. The project’s adverse impact on air will be minimized using machinery with emission of exhaust gases within the statutory limits. Excess earth material from excavation shall be taken care of by an authorised company as required by the legislation, and the material shall not be disposed or spread near the project site. With regard to the project’s impact on the visual quality of the environment, the biggest change is expected in terms of dam construction. In light of relatively mild slopes and the planned greening of the upstream and downstream slopes with grass cover, the project will fit into the surroundings. The land on which the facilities are planned to be constructed will be purchased from its owners. Land owners will be compensated for any damage done within the retarding basin space to the land which will not be purchased. During the period of filling of the retarding basin, alternative traffic routes will be used (an alternative road around Vitunj fishpond). Since the construction of the planned retarding basin will prevent flooding of the urbanized part of the town of Ogulin, impact on the other sectors of the economy is assessed as positive. Concerning the potential impact on regular railway traffic and operation of infrastructural sub-systems, all the requirements related to railway traffic which will have to be met will be defined in the procedure of issuing of a location permit by the competent body in the form of special requirements. The planned dam will be built on the edge of ecological network site HR200592 Ogulinsko-plašćansko područje. Within the retarding basin scope no target habitat types are represented, but there are wet meadows which might potentially be a habitat for the target species of the marsh fritillary butterfly, but no change to habitat types is expected. In the lowest part of the retarding basin space some deposition of sediment sludge will take place, but since regular cleaning is planned after retention of every significant water quantity, no significant impact on the natural habitat types is expected. No significant adverse impacts are expected on the Special Area of Conservation (SAC) HR2001340 Područje oko Kuštrovke, since the project lies outside of that area. Taking into consideration the state of facts and the EIA conducted earlier, the Ministry is of the view that the new EIA is not required, provided that the environmental protection measures and the environmental monitoring programme defined by the decision (CLASS: UP/I 351-03/06-02/32; REG. NO.: 531-08-3-1-AK-07-12, dated 2 January 2007) are implemented.

Item I of this Decision is based on the fact that the Ministry has, pursuant to Article 78, paragraph 2 of the EPA and Article 24, paragraph 1 and Article 27, paragraphs 1 and 3 of the Regulation, based on the provided documents and opinions by the competent bodies and according to the criteria under Annex V of the Regulation, assessed that the planned project will have no adverse environmental impact, provided that the measures laid down in Item I are implemented, and that EIA is therefore not required.

Item II of this Decision is based on the fact that the Ministry has, pursuant to the provisions of Article 90, paragraph 3 of the EPA and Article 30, paragraph 9 of the Nature Protection Act, as part of the evaluation of the need for impact assessment conducted screening, ruling out the possibility of a significant impact on the ecological network, which is why main assessment is not required.

Item III of this Decision, period of validity of the Decision, is defined pursuant to Article 92, paragraph 3 of the EPA.

Item IV of this Decision, possibility to renew the validity of the Decision, is defined pursuant to Article 92, paragraph 4 of the EPA.

Item V of this Decision, concerning the obligation to publish the decision on the Ministry’s website, is defined pursuant to Article 91, paragraph 2 of the EPA.

**LEGAL REMEDY**

This decision is final in the administrative procedure and there may be no complaint against it, but an administrative dispute may be initiated. The administrative dispute is initiated by filing a claim before the Administrative Court in Rijeka, at the address of Korzo 13, within 30 days from the receipt of this decision. The claim shall be submitted directly in writing, expressed verbally to the minutes or sent by registered post or e-mail.

An administrative fee for the request and for this decision in the form of government stamps in the amount of HRK 70.00 has been paid according to Tariff Classes 1 and 2 specified in the Administrative Fees Act (OG 8/96, 77/96, 131/97, 68/98, 66/99, 145/99, 116/00, 163/03, 17/04, 110/04, 141/04, 150/05, 153/05, 129/06, 117/07, 25/08, 60/08, 20/10, 69/10, 126/11, 112/12, 19/13, 80/13, 40/14, 69/14, 87/14, 94/14).

 DEPARTMENT HEAD

 Anamarija Matak

To be delivered to:

1. Hrvatske vode, Zagreb, Ulica grada Vukovara 220 (Registered letter R! with confirmation of delivery)

cc:

1. Karlovac County, Administrative Department for Spatial Planning, Construction and Environmental Protection, A. Vraniczanya 2, Karlovac