

**REPUBLIC OF CROATIA**

MEĐIMURJE COUNTY

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|  | ADMINISTRATIVE DEPARTMENT  FOR ENVIRONMENTAL PROTECTION  AND MUNICIPAL SERVICE MANAGEMENT |

CLASS: UP/I-351-03/12-03/1

REG. NO.: 2109/1-11-12-10

Čakovec, 26 October 2012

Pursuant to Article 74, paragraph 1 of the Environmental Protection Act (Official Gazette 80/13) and the provision of Article 5, paragraph 2 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, Međimurje County, Administrative Department for Environmental Protection and Municipal Service Management issues the following

**DECISION**

1. **Environmental impact assessment is not required for the planned project – Making the Mura dike functional (km 22+594 – 25+912) at cadastral plots 12779 and 12800, cadastral municipality of Domašinec, and 358 and 9776/1, cadastral municipality of Goričan.**
2. **This decision is made public on the web page of Međimurje County.**

**Justification**

On 13 July 2012, the developer, Hrvatske vode, Water Management Department for the Mura and Upper Drava, Varaždin, Međimurska 26b, submitted to the Administrative Department for Environmental Protection and Municipal Service Management of Međimurje County a request for evaluation of the need for environmental impact assessment for making the Mura dike functional (km 22+594 – 25+912) at cadastral plots 12779 and 12800, cadastral municipality of Domašinec, and 358 and 9776/1, cadastral municipality of Goričan.

Inspecting the request, it was identified that it doesn’t contain all the information and doesn’t have attached all the documents under Article 28, paragraph 2 of the Regulation on environmental impact assessment (hereinafter: EIA Regulation). The Administrative Department therefore requested that the request be revised in accordance with the specified content of the request (Class: UP/I-351-03/12-03/1; REG. NO.: 2109/1-11-12-02, dated 16 July 2012).

Inspecting the request, it was also identified that the project belongs to the list of projects under Annex III of the EIA Regulation for which evaluation of the need for EIA is made, and for which the administrative body in the county is in charge pursuant to Article 5, paragraph 2 of the EIA Regulation. In this specific case, the project belongs to Annex III, item 2.2 *Channels, dikes and other structures for protection from floods and bank erosion*.

The developer, Hrvatske vode, Water Management Department for the Mura and Upper Drava, Varaždin, Međimurska 26b, submitted to the Administrative Department on 18 September 2012 the revised request for evaluating the need for EIA for making the Mura dike functional (km 22+594 – 25+912) at cadastral plots 12779 and 12800, cadastral municipality of Domašinec, and 358 and 9776/1, cadastral municipality of Goričan.

Inspecting the revised request, it was identified that it contained all the information and had attached all the documents and evidence under Article 28, paragraph 2 of the EIA Regulation, which are integral part of the Environmental Protection Report prepared by the authorised company OIKON d.o.o. Zagreb, which possesses a decision of the competent Ministry for performing expert environmental protection activities.

Pursuant to Article 28, paragraph 3 of the EIA Regulation 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 for making the Mura dike functional (km 22+594 – 25+912) at cadastral plots 12779 and 12800, cadastral municipality of Domašinec, and 358 and 9776/1, cadastral municipality of Goričan, was published on the web site of Međimurje County on 24 September 2012 (Class: UP/I-351-03/13-03/1; Reg. No.: 2109/1-11-12-04).

Pursuant to Article 29, paragraph 1 of the EIA Regulation, during the evaluation procedure the Administrative Department requested an opinion (CLASS: UP/I-351-03/12-03/1, REG. NO.: 2109/1-11-12-05, dated 24 September 2012) from the Municipality of Domašinec, the Municipality of Goričan, Hrvatske šume (Croatian forest management authority), and the Public Institution Managing Protected Natural Values in Međimurje County.

Pursuant to the provision of Article 27, paragraph 1 of the EIA Regulation, in the procedure for evaluation of the need for environmental impact assessment, the competent authority shall, based on case-by-case analysis in line with set criteria (for instance: capacity, output, surface area, etc.) and/or the criteria prescribed in Annex V of the Regulation, determine if the project may have significant effects on the environment and shall decide on the need for assessment.

Furthermore, the provision of Article 30, paragraph 1 of the EIA Regulation lays down that a decision establishing that an environmental impact assessment needs to be carried out for the project or a decision establishing that an environmental impact assessment does not need to be carried out for the project shall be issued upon the completion of procedure in terms of Article 27, paragraph 2 of the EIA Regulation, i.e. upon reviewing the opinions of the bodies and/or persons designated by special regulations and opinions of the local/regional self-government units if a shortened procedure was not implemented.

In order to make the Mura dike functional on the territory of the municipalities of Goričan and Domašinec, construction plots within the project area boundaries covering app. 90000 m2 need to be ensured. The project as a whole is planned to be implemented in the cadastral municipalities of Goričan and Domašinec, lying in Međimurje County. The cadastral plots 9776/1 ad 358 (cadastral municipality Goričan) and 12800 and 12779 (cadastral municipality Domašinec), whose parts are within the project scope, belong to the public water estate of the Republic of Croatia managed by Hrvatske vode. The section of the right-bank Mura dike foreseen for reconstruction is 3,366 m long. The cross section of the dike is trapezoid with a crest 4.0 m wide and with slopes 1:3 on both sides. A service gravel and earth road 4.0 m wide is foreseen along the entire route on the landward side of the dike. The dike section starts at km 22+546 (Goričan-Letenye road bridge). The entire route consists of 5 circular bends and 6 intermediate straights. The dike end section at km 25+912 is attached to an already reconstructed upstream section. In order to enable communication between the landward side of the dike and the Mura flood zone, 4 crossing ramps are foreseen at the existing crossings at: km 22+877, km 23+903, km 24+677 and km 25+443. Furthermore, in order to enable passing, the dike crest is foreseen to be widened at profiles 6 (km 22+769), 18 (km 23+369), 35 (km 24+216), 48 (km 24+864), 58 (km 25+367) and 68 (km 25+869).

The Municipality of Domašinec submitted its opinion (Class: UP/I-351-01712-0/01; Reg. No.: 2109/4-12-02-02, dated 18 October 2012) according to which the project of making the Mura dike functional will not have any negative impact on environmental components.

The Municipality of Goričan submitted its opinion (Class: 022-01/12-01/80; Reg. No.: 2109/08-12-03-01, dated 17 October 2012) according to which the project of making the Mura dike functional will not have any negative impact on environmental components.

Hrvatske šume submitted its opinion (Reg. No.: KC-06/ĐL-12-2298/02; dated 3 October 2012) according to which no significant impact on the forest and forestland is expected during the performance of works.

The Public Institution Managing Protected Natural Values in Međimurje County submitted its opinion (Class: 612-07/12-01/64; Reg. No.: 2109-15-12-02, dated 9 October 2012) according to which the project 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 areas of the National Ecological Network were proclaimed as protected, i.e. it will have an impact 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.

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 bodies, this administrative authority has decided that the planned project will not have any significant negative environmental impact and that therefore no EIA was required.

The reasons 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.

The project site lies with the ecological network area HR2000364 Mura and runs along the boundary of the area HR2000618 Murščak – šuma (forest), areas important for wild taxa and habitat types. Another area important for wild taxa and habitat types, HR2000373 Kotoriba – šuma (forest) lies at a distance > 3 km from the project site. During the ecological network appropriate assessment, the possibility of the project’s significant negative impacts on the integrity and conservation objectives of the ecological network areas has been excluded. Consequently, the Administrative Department issued a Confirmation to the developer that the project has no significant negative impact on the conservation objectives and integrity of the ecological network areas (Class: 612-078/12-03/9; Reg. No.: 2109/1-11-12-04, dated 2 July 2012).

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 71, paragraph 2 of the Environmental Protection Act (OG 110/07), Article 27, paragraph 1, Article 30, paragraph 1 of the Regulation on environmental impact assessment (OG 64/08, 67/09), the decision was made as stated in point I of the disposition. Pursuant to Article 7, paragraph 2, point/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 II 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 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 (OG 8/96, 77/96, 95/97, 131/97, 68/98, 66/99, 145/99, 30/00, 116/00, 163/03, 17/04, 110/04, 141/04, 150/05, 153/05, 158/06, 129/06, 117/07, 25/08, 60/08, 20/10 & 69/10).

Head

Sandra Golubić

To be delivered to:

1. Hrvatske vode, Water Management Department for the Mura and Upper Drava, Međimurska 26b, 42000 Zagreb
2. Case file