

 **REPUBLIC OF CROATIA**

**DUBROVNIK-NERETVA COUNTY**

Administrative Department for Spatial Planning,

 Construction and Environmental Protection

CLASS: UP/I-351-01/09-01/04

REG. NO.: 2117/1-23/1-10-10-14

Dubrovnik, 7 January 2010

 Pursuant to Article 79, paragraph 2 of the Environmental Protection Act (Official Gazette 110/07) and Article 30, paragraph 3 of the Regulation on environmental impact assessment (Official Gazette 64/08, 67/09), regarding a request submitted by Hrvatske vode, Water Management Department for the Dalmatian Basins, Split, Dubrovnik-Neretva County, Administrative Department for Spatial Planning, Construction and Environmental Protection issues the following

**DECISION**

 Environmental impact assessment is not required for the planned project – Flood defence in the town of Metković, the right bank of the Neretva River.

**Justification**

 On 9 March 2009, Hrvatske vode, Water Management Department for the Dalmatians Basins, Split, Vukovarska 35, submitted a request for the evaluation of the need for environmental impact assessment (EIA) for the project “Flood defence in the town of Metković – The right bank of the Neretva River”. The request was accompanied by a background report for evaluation of the need for EIA, prepared by the developer.

 Since the Ministry of Environmental Planning, Physical Planning and Construction, from which an opinion was requested, confirmed that the report for evaluation of the need for EIA shall be prepared by a legal entity authorised for expert environmental protection activities, the required request prepared by the authorised legal entity, company APO d.o.o. from Zagreb was submitted on 15 October 2009.

 When it was identified that the request contained all the required information and evidence as specified under Article 28 of the Regulation on environmental impact assessment, a Notice about the request for evaluation of the need for EIA was posted on the official web site of Dubrovnik-Neretva County and on the notice boards of Dubrovnik-Neretva County and of the Town of Metković.

 The submitted documents specify the following:

* The developer of the project is public institution Hrvatske vode, legal entity for water management.
* Information about project location – Construction of the flood defence system, right Neretva riverbank, is foreseen in the Lower Neretva area, behind the right riverbank in the town of Metković, i.e. in the wider urban zone of the settlement of Jerkovac including part of agricultural land to Gabela Polje on the territory of the Republic of Bosnia and Herzegovina, in cadastral municipality Metković. The project is planned in the Spatial Plan of Dubrovnik-Neretva County (Official Gazette of DNC, 6/03) and in the Spatial Development Plan of the Town of Metković (Neretva Gazette 06/2004, Annex 6. Requirements for defining corridors or routes and areas of traffic-reserved areas and other infrastructural systems, 6.6 Water management system; Flood defence, 6.6.12). The planned project lies in the National Ecological Network area HR5000031, Neretva Delta, areas important for wild taxa and habitat types, and HR100031, Neretva Delta, internationally important area for birds. The project also lies in the area belonging to the list of wetlands of international importance under the Ramsar Convention. The project is not planned in the protected parts of nature under the Nature Protection Act (Official Gazette 77/05, 139/08), but does lie in the zone of contact with the special ornithological reserve “Prud” and in the vicinity of the ornithological reserves “Pod Gredom” and “Orepak”.
* Concerning project-related information, it is stated that the project “Flood defence in the town of Metković – Right Neretva riverbank” includes a dike app. 8.7 km long, two pumping stations, two regulation sluice gates, and two overflow structures with a facility for controlled release of catastrophic floodwaters into the defended area.

 The relevant request is accompanied by an opinion – certificate of the Ministry of Culture, Nature Protection Department, Class: 612-07/09-01/634, Reg. No.: 532-08-02-02/1-09-4, dated 29 September 2009, confirming that the planned project (Construction of the flood defence system of the town of Metković on the right Neretva riverbank) will not have any adverse impacts on the ecological network or its conservation objectives.

 This Administrative Department requested an opinion from the Ministry of Regional Development, Forestry and Water Management, Directorate for Water Management, Ulica grada Vukovara 220, Zagreb; the Ministry of Agriculture, Fisheries and Rural Development, Directorate for Agricultural Land, Ulica grada Vukovara 78, Zagreb; the Public Institution for Management of Protected Natural Values in Dubrovnik-Neretva County, Branitelja Dubrovnika 41, Dubrovnik; and the Town of Metković, Ulica Stjepana Radića 1, Metković.

 With respect to the requested opinions and the published notice, this Administrative Department received opinions from all the bodies from which they were requested.

 In its response, the Ministry of Regional Development, Forestry and Water Management, Directorate for Water Management states that the planned technology of works and subsequent method of managing the built structures of the flood defence system will not have any adverse impacts on the water regime in the Vid-Norin area, which is why no environmental impact assessment is required. In order to provide its opinion, the Ministry of Agriculture, Fisheries and Rural Development, Directorate for Agricultural Land requested and obtained additional documents and interpretation by the authors of the study and the project developer. Based on this, it concluded that, since the dike is largely laid along the existing infrastructure, while a new route is only to a minor extent established along the Metković-Vid road and between the road and the Glibuša watercourse, the project has a restricted environmental impact, i.e. the preparation of an Environmental Impact Study is not required. In its response, the Public Institution for Management of Protected Natural Values in Dubrovnik-Neretva County states that the planned project may have an adverse impact on the water regime of the flood plains, habitats of some threatened taxa, and that EIA is required. In its response, the Town of Metković stated that EIA was not required for the project.

 Concerning the notice published on the official web site of Dubrovnik-Neretva County and on the notice boards of Dubrovnik-Neretva County and the Town of Metković, not a single opinion was submitted.

 Based on the results of the performed procedure, this body is of the view that environmental impact assessment is not required for this project. This opinion is based on the opinions received from other bodies, among which the dominant opinion is that the planned project won’t have any significant impact on the environment or the conservation objectives of the ecological network area in which the project is planned.

 Consequently, pursuant to Article 79, paragraph 2 of the Environmental Protection Act and Article 30, paragraph 3 of the Regulation on environmental impact assessment, the decision as stated in the disposition was reached.

**LEGAL REMEDY**

A complaint against this Decision can be filed to the Ministry of Environmental Protection, Physical Planning and Construction, Zagreb within 15 days from its receipt. The complaint shall be submitted to this Administrative Department in writing, in person or by regular post. A verbal complaint to the minutes can also be made. An administrative fee in the amount of HRK 50.00 shall be paid for the complaint.

 Acting Head

 Nike Sudarević, M.Agr.Eng.

To be delivered to:

1. Hrvatske vode, Water Management Department for the Dalmatian Basins, Vukovarska 35, 21000 Split
2. Files, here

Cc:

1. Town of Metković

Stjepana Radića 1, 20350 Metković