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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

36th meeting
Strasbourg, 15-18 November 2016

Other complaints

**Development of a commercial project in Skadar
Lake National Park and candidate Emerald site
(Montenegro)**

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Ministry of Sustainable Development and Tourism, Montenegro*

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MONTENEGRO

MINISTRY OF SUSTAINABLE DEVELOPMENT
AND TOURISM



Montenegro

A DECADE
OF INDEPENDENCE
A MILLENNIUM
OF STATEHOOD
MONTENEGRO
2016



May Montenegro live forever

DIRECTORATE GENERAL OF DEMOCRACY BERN CONVENTION

Ms Iva Obretenova, Secretary of the Bern Convention

Dear Ms Obretenova,

We appreciate your interest in our national park Lake Skadar, which in addition to protection at a national level since 1983, enjoys international protection as a Ramsar site since 1995.

With regard to your letter and the complaint submitted by an informal group of citizens from Virpazar, and with reference to your questions, the Ministry of Sustainable Development and Tourism hereby informs you of the following:

1. Status of approval and development of the project Porto Skadar Lake

The implementation of Porto Skadar Lake project has been planned to take place in the area covered by "Mihailovići" State Location Study which belongs to the zone of Lake Skadar National Park. According to the national legislation, the Decision on the development of Mihajlovići State Location Study was adopted by the Government at its session held on 4 October 2012, on the basis of the **Spatial Plan for the Special Purpose Area of Lake Skadar National Park for the period 2001-2015 (Official Gazette of the Republic of Montenegro 46/01)**. The area covered by the planned project is located in Zone III – buffer zone of the territory of Lake Skadar National Park.

Draft Report on **Strategic Environmental Impact Assessment** has been prepared in parallel with the development of Draft "Mihajlovići" State Location Study in accordance with the procedures prescribed by the law.

Public consultations for Draft State Location Study and Draft Report on Strategic Environmental Impact Assessment were held in the period from 7 to 22 February 2014. During the Public Consultations there were no interested persons while remarks have been submitted by: the Old Royal Capital Cetinje and stakeholders MJ Property Podgorica and Montenegro Resort Company, which own land lots in the Cadastral Municipality of Mihailovići.

The Environmental Protection Agency, which is the administrative authority competent for the conduct of the strategic environmental impact assessment procedure, gave its consent to the Report on Strategic Environmental Impact Assessment in August 2014.

Thereafter, at the session held on 23 October 2014, the Government adopted the Decision adopting "Mihailovići" State Location Study. The Decision was published in the Official Gazette of Montenegro 49/14.

We would like to mention that the tourist accommodation capacities planned within "Mihailovići" State Location Study are located within two tourist complexes which will be formed according to the principle of ECO lodge (eco-village). The first tourist complex, having the area of **11.85 ha** is planned

at the location of Biški rep in the western part of "Mihailovići" State Location Study on UP1 building plot. The second tourist complex is planned in the eastern part of "Mihailovići" State Location Study, on two building plots – UP2 and UP3, having a total area of **3.51 ha**. Total area of "Mihailovići" State Location Study is 59 ha.

2. Had the Environmental Impact Assessment been conducted prior to granting of the building permit?

In accordance with the Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05 and Official Gazette of Montenegro 40/10, 73/10, 40/11, 27/13), Montenegro Resort Company submitted to the Environmental Protection Agency a **Study on Environmental Impact Assessment for tourist settlement "Porto Skadar Lake"**. At public consultations held in November 2014, apart from the representatives of the Old Royal Capital Cetinje, the investor and author of the Study on Environmental Impact Assessment, **there were no other interested persons**. All documents are available to the public (the citizens of Montenegro, NGOs, etc.).

After it conducted all procedures required by the law, and based on the **opinion of a multidisciplinary Commission, in January 2015 the Environmental Protection Agency gave its consent to the Study on Environmental Impact Assessment for tourist settlement "Porto Skadar Lake"**.

Building permit was issued by the Ministry of Sustainable Development and Tourism on **6 June 2015**.

3. Did the Environmental Impact Assessment cover the Biodiversity Study and what were its bases and conclusions?

Multidisciplinary Commission of the Environmental Protection Agency (members of Commission are : Ms. Jasmina Janković-Mišnić, Mr. Rifat Alihodžić, Mr. Zlatko Bulić, Mr. Vasilije Bušković, Mr. Danilo Medenica,

Mr. Dragan Radojević, Mr. Svetozar Vušović and Mr. Predrag Nikčević) reviewed the Study submitted and noted that it had been made in accordance with the applicable legislation and standards for the construction of this type of structures and that the Study identified relevant measures for prevention, reduction and elimination of potential adverse effects on the environment. In the course of development of the Study on Environmental Impact Assessment and the development of the Strategic Environmental Assessment, a number of relevant documents were used, including those related to scientific and research work of renowned experts and the documents which have been the result of research projects on natural values of the Lake Skadar area. The *Study on Landscape Protection* and the *Study on the Hydrological-Hydrogeological Characteristics of the Location Terrain* were also drafted.

We would like to stress once again that with a view to achieving transparency and participation of both professional and non-professional public, Public Consultations were organized in which there was no interested public.

4. Status of adoption of the Special Purpose Spatial Plan for Lake Skadar National Park (PPPN for Lake Skadar NP)

Special Purpose Spatial Plan for Skadar Lake National Park is in the initial drafting stage which involves selection of scenarios for development of that area. A Citizens' Forum has been established within the framework of development of this Plan, which enables all interested persons to participate in the earliest stages of the drafting process of the planning document.

In the initial stages of the development of the Plan, 500 filled out survey forms have been collected and a number of meetings of the Forum were organized, including site visits, where the drafters of the planning document had direct contacts and thematic meetings with the population and the representatives of the NGO sector. All members of the Citizens' Forum have access to all draft versions of the Plan and are informed by the drafter in a timely manner and in detail on all steps taken in the drafting of this document.

Strategic Environmental Impact Assessment (SEA) is conducted for the Spatial Plan, under the Law on Strategic Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05 of 28.12.2005 and the Official Gazette of Montenegro 73/10 of 10.12.2010, 40/11 of 8.8.2011, 59/11 of 14.12.2011). Development of the strategic assessment has been assigned to the WINsoft- GETEH consortium (WINsoft d.o.o has its registered office in Podgorica, Montenegro and GETEH is from Ljubljana, Slovenia).

In compliance with the procedures required by the law, after the draft *Spatial Plan for the Special Purpose Area of Skadar Lake National Park* and draft *Strategic Environmental Impact Assessment* are prepared, the Ministry of Sustainable Development and Tourism will conduct the procedure of public consultations for both of these documents during which all interested persons, non-governmental organisations, institutions and all citizens of Montenegro will have the opportunity to make all remarks, comments and suggestions.

5. Information deemed relevant concerning measures undertaken in the implementation of the Recommendation No. 157 (2011) with regard to Lake Skadar, candidate Emerald site

Lake Skadar National Park is managed by a Public Enterprise founded by the Government of Montenegro in 1992, while the functioning and operation of this enterprise is regulated by the Law on National Parks (Official Gazette of Montenegro 28/14). In the course of drafting of the mentioned Law, the drafters consulted the Guide of the International Union for Conservation of Nature (IUCN) for the management of protected areas, and also transposed specific provisions of the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora into this Law.

Lake Skadar National Park is managed on the basis of five-year plans (adopted by the Government) and annual plans which include the elements required by the law with a view to achieving sustainable use of this space. The Law on the Protection of Nature defines the content of management plans. The Management Plan for Lake Skadar National Park for the five-year period 2016-2020 contains 22 specific objectives with 63 activities defined. Special attention has been paid to the activities aimed at monitoring, conservation and management of important bird habitats, rare endangered and protected species. Furthermore, with a view to controlling illegal activities and protecting the area, in the first half of 2016, a total of 372 patrolling activities, 34 activities which included assistance by the police and 4 activities which included assistance by inspectors for freshwater fisheries were carried out. In the mentioned period, two reports have been filed to the public prosecutor against 4 persons, while a total of 8 reports were filed for illegal construction in the territory of Lake Skadar National Park.

6. Plans of competent authorities to propose Lake Skadar candidate site to be approved as Emerald site at the next 36th Meeting of the Standing Committee of the Bern Convention

The Project "Establishing Emerald network in Montenegro" has been implemented in two stages, carried out in 2006 and 2007 and it was completed in 2008 when 32 areas have been agreed on, identified mainly on the basis of available literature information. For that reason precisely, the Ministry of Sustainable Development and Tourism formed an Emerald Working Team which prepared the Action Plan for further revalidation and review of these sites. The activities provided for in the action plan include comprehensive additional research of species and mapping of habitats at locations, including Lake Skadar, with precise delineation of boundaries. The Action Plan also provides for the development of a Decree on the designation of National Ecological Network so that the Emerald network is formally designated at national level as well. The Action Plan has been prepared for the period 2016-2019, and it is complementing the activities of the project "Establishing NATURA 2000 Network in Montenegro" funded from IPA funds whose implementation began in April 2016.

The Ministry of Sustainable Development and Tourism is open for dialogue both with the Secretariat of the Bern Convention and the secretariats of other conventions in the field of nature conservation, with a view to promoting and preserving natural resources of Montenegro. We are at your disposal for any additional information and explanations, both with regard to the development of the Special Purpose Spatial Plan for Lake Skadar National Park and further developments concerning the project Porto Skadar Lake, as well as for any other questions that may be of interest to the Secretariat.

Sincerely yours,

Marina Spahić