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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

41st meeting
Strasbourg, 29 November – 3 December 2021

Possible File: 2001/04

**Follow-up of Recommendation No. 98 (2002)
on the project to build a motorway
through the Kresna Gorge
(Bulgaria)**

- REPORT BY THE GOVERNMENT -

*Document prepared by
The Ministry of Environment and Water, Bulgaria*

- August 2021 -



REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER

Complaint No. 2001/4 and Recommendation No. 98 (2002)
on the project to build a motorway through the Kresna
Gorge (Bulgaria) (Struma Motorway Lot 3.2)
Progress since December 2020

9 August 2021

I. Introduction

Struma Motorway is part of the core TEN-T network (the former Trans European Corridor IV, presently Orient/East-Mediterranean Corridor), connecting Western Europe and Greece. The largest part of the motorway has been constructed but the most difficult section – Lot 3.2. – passing through the environmentally sensitive Kresna Gorge is still pending.

The Struma Motorway project has been monitored by the Bureau and the Standing Committee to the Bern Convention for years.

Following the Bureau meeting from 14-15 April 2021, the Secretariat asked the parties to present updates of the situation for the Bureau meeting in September 2021.

II. Updated information

1. As Bulgarian Authorities informed at the last Standing Committee meeting, the monitoring of the status of the most vulnerable species in the Gorge was forthcoming. On February 4th, 2020 the Road Infrastructure Agency (RIA) signed a Contract with “Denkstatt – Bulgaria” LTD as Contractor for “Monitoring of the populations of two species of land turtles - Thorn tortoise (*T. graeca*), The thorn-tailed tortoise (*T. hermanni*) and two species of snakes - the striped dragon (*E. quatorlineata*) and the leopard dragon (*Z. situla*) in the part of the International E-79 route (I-1), passing through the Kresna Gorge”.

The Monitoring of the populations of two species of tortoises and two species of snakes started during the summer and autumn seasons of 2020, the monitoring is ongoing and will last until 2023.

In the period from 15.03.2021 to 15.05.2021 monitoring was conducted for the spring season 2021 and for the summer season (May 15 - July 15) 2021.

2. Recognizing the importance of immediate mitigation measures to be executed on the existing road through the Kresna Gorge, the Bulgarian Authorities have, as promised already at the Standing Committee, initiated the implementation of emergency measures to mitigate the impact of road traffic on wild populations inhabiting Kresna gorge, which are also part of the measures as determined in Decision № 3-3/2017 on the Environment impact assessment, concerning Lot 3.2 of Struma motorway. The mitigation measures are planned in a way to be performed without stopping the traffic, as this is the only road connection with Greece.

In the last months started the elaboration of a technical project and implementation of part of the measures for mitigation of the impact of the traffic on wild animals and birds in Kresna Gorge (Contract D-7/08.01.2021 for "Elaboration of a Technical Design and implementation of part of the mitigation measures of the impact of traffic on wild animals and birds in the Kresna Gorge, specified in EIA Decision №3-3 / 2017, by construction and modification of fencing and defragmentation facilities on road I -1 from km 380 + 300 to km 396 + 137 (part of the right lane of Struma Motorway lot 3.2) and increasing the safety in the section).

All of the monitoring reports performed through the years contain data on animals from different taxonomic groups (including representatives of the target species) that become victims of wildlife-vehicle collision (WVCs). The most critical spots, where the collisions are most frequent were currently determined on the base of field surveys. Currently all data were taken into consideration in the analysis of the need of functional under passage facilities for small animals, clarification of their number and distance, the realisation of new ones and the identification of their location. The need for maximum isolation of animals from the road by building barrier networks wherever possible and appropriate was also considered.

In direct connection with the preparation of the present statement, a full inspection of the existing facilities (bridges and culverts) on the route of the road E-79 passing through Kresna Gorge was conducted. An up-to-date assessment of the condition and possibilities of each of the facilities to be used as a passage facility for small animals was performed (in particular for the target species of the herpetofauna). This assessment showed that most of the existing drainage facilities can be successfully used in the future as passage facilities for the target species. After reconstructions, the directing the animals toward the openings of the facilities will be performed with the help of the fences network. Currently, the larger rectangular culverts are used successfully by amphibians, reptiles and mammals. This was established by field surveys, where on the sand deposits the animal tracks were clearly detectable.

The design solution envisages construction of three new passage facilities of Ø1000 in the most sensitive and critical sections of the road, where there are no suitable facilities and the length of the section between two suitable culverts is over 700 m. The locations of the new additional facilities are in the area of the gas station at km 385+190, the big tunnel at km 388+800 and at Yavorov Station at 394 + 280. The sites planned for two of these facilities correspond to the road sections defined in the Analytical Report of the MoEW, in which the application of defragmentation measures can be judged as effective (indicated as section 5 and section 8 in the report). One of the new facilities planned for construction (at Yavorov station) will be positioned in the section with the highest mortality caused by WVCs in the past year and detected during the current monitoring of the target species.

3. Following the communication with the European Commission on the submitted application for EU funding for Struma motorway Lot 3.2, Bulgaria has asked the European Commission to provide expert support to ensure compliance with the further steps of the project development with the Environmental Acquis.

The EC has Commissioned two external experts, who by March 2021 shall support the Bulgarian Authorities.

The contract with external experts was prolonged till the end of September 2021, as the main contribution of experts is in respect to identification and establishment of detailed and site-specific conservation objectives and measures for both Natura 2000 sites - BG0000366 „Kresna-Ilindentsi“ and BG0002003 „Kresna“. The work is ongoing and the Bureau and the Standing Committee will be informed of the progress in due time.

4. We are looking forward the forthcoming on-the-spot appraisal, as we hope the experts assigned by the Bern Convention to be able to get acquainted with the situation during the mission. We hope that it will happen as soon as possible, taking into account the possible strengthening of the anti-COVID measures during the autumn. The visit is a premise for preparation of an objective report reflecting the real situation and finding a feasible solution.

- January 2021 -



REPUBLIC OF BULGARIA

MINISTRY OF ENVIRONMENT AND WATER

To

MR. KRZYSZTOF ZYMAN
SECRETARY OF THE BERN CONVENTION
COUNCIL OF EUROPE

Sofia, 5 January 2021

Subject: *On-the-spot appraisal visit to Bulgaria within the framework of the Complaint No. 2001/4: Possible file: Motorway through the Kresna Gorge*

Dear Mr. ZYMAN,

Thank you for the provided opportunity to coordinate and update the draft Terms of Reference drawn up by the Bureau to the Standing Committee. We would like to reassure you that Bulgaria, as a Party to the Convention and a member of the EU, adheres to the highest standards of environmental protection and abides by the applicable regulations. It is our belief that the preservation of wild flora and fauna must be ensured while taking into account economic and financial considerations in investment decisions. In particular, this has been the approach the Bulgarian Authorities have applied with regard to the Struma Motorway construction.

It appears, however, that, despite the numerous (more than 20) options considered throughout the development of the project and the comprehensive environmental impact assessment conducted, the Standing Committee is still not convinced of the compliance with the Convention objectives. It is worth recalling that we have demonstrated, as the 38th Standing Committee recognized, that the Recommendation 98/2002 has been fulfilled. Nevertheless, the file remains possible, regardless of the fact that no new evidence or data has been presented either for any deterioration of the species under pressure from the traffic in the gorge, or of any lack of desire of the Bulgarian Authorities to ensure the protection of the wildlife in the Kresna Gorge. Quite the opposite, we have exhibited that we are willing to go above and beyond all legally required procedures to ensure the protection of species and habitats that have coexisted with the road for millennia.

In view of the above, we support the decision of the 40th Standing Committee to mandate an OSA at the earliest convenience in 2021 and would like to present for your consideration a possible ToR (herewith attached) that would ensure the completeness of the mission and a full overview of both the situation on the ground and the measures taken by the authorities to comply with the EU acquis and the Convention.

Best regards,

Valeri GEORGIEV

Head of Biodiversity Unit
National Focal- point for the Bern Convention
National Nature Protection Service Directorate