

Strasbourg, 30 October 2017
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T-PVS/Files (2017) 33

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

37th meeting
Strasbourg, 5-8 December 2017

Possible file

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

- REPORT BY THE NGOS -

*Document prepared by
BALKANI Wildlife Society, Environmental Association "Za Zemiata" (For the Earth)/Friends of the
Earth Europe, Bulgarian Society for the Protection of Birds, Green Policy Institute, Centre for
Environmental Information and Education, Vlahi Nature School, CEE Bankwatch Network*

- OCTOBER 2017 -

**2001/4: Bulgaria: Motorway through the Kresna Gorge
and follow-up of Recommendation No. 98 (2002) on the project to build a motorway
through the Kresna Gorge (Bulgaria)**

NGOs REPORT ON THE CASE

Document prepared by:

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EXECUTIVE SUMMARY

The NGOs that sign this report call the 37th Standing Committee to re-open the case file on the Struma motorway through Kresna gorge because:

The 29th Standing Committee (2010) of the Bern Convention decided to close the case file welcoming the 2008 EIA decision of the Bulgarian government to avoid the construction of Struma Motorway in the Gorge, including measures to mitigate the negative impacts in Natura 2000 sites. In compliance with the Recommendation 98 (2002) were positively considered also the stages of preparation and the quality of the EIA Report, as well as the determination of the motorway route in the Kresna gorge, carried out with the collaboration of relevant institutions, NGOs and scientists.

We are sorry to report that as of today none of those circumstances that made the Standing Committee consider the Recommendation 98/2002 as fully implemented is in place. The Bulgarian decided on 19.10.2017 to construct the Struma motorway partially in the gorge based on poor and manipulative EIA report that contradicts the 2008 EIA report findings and decision. NGOs, academics, alternative tourism and local communities concerns were fully ignored. Furthermore the Minister of Environment sign an order for preliminary implementation of the project denying access to justice of the affected stakeholders.

On October 19, 2017, the Minister of Environment and Waters in Bulgaria signed an 3-3/2017 EIA decision which directly violates Recommendation 98/2002 of the Bern Convention Standing Committee because. The Decision approves the construction of Lot 3.2 of the Struma motorway through the Kresna Gorge, by using the existing road through the gorge. The widening and straightening of the road that are planned for increased car speed are not assessed at all in the report, which lead to manipulative conclusions of the EIA report.

The local residents of the town of Kresna and residents of other small settlements are left without a local road and road for agricultural and tourist purposes. Their concern raised during public consultation and petition submitted to the government and EU institutions were not addressed so far.

15 years later the Recommendation 98/2002 are still relevant and timely. The newly built Struma Motorway¹, funded by European funds, increased road traffic in the gorge and Kresna town. Serious cumulative adverse impacts on animal populations in Kresna Gorge as result of its construction and increased traffic occurred.

Our NGOs appeals to the 37th Standing Committee to open a again case file on the case in view of the apparent, large-scale and unconcealed violations of the Recommendation 98/2002 of the Bern Convention Standing Committee.

Below we describe the violations in issuing the new EIA decision - 3-3/2017 EIA decision.

1 Two third of the Struma Motorway was constructed between 2011 and 2015 with EU Cohesion fund support.

1. Violation of points 3 and 6 of the Recommendation 98/2002 “3. consider the possibility of abandoning the option of enlarging the current road since this would substantially increase damage to a unique site, without possible measures of compensation, and continue studying alternative routes located outside the gorge that would respect the natural constraints as far as possible and provide for the integration of engineering works and compensate for environmental impact;”; “6. provide for the downscaling and rehabilitation of the existing road, restoring its initial status of a local road used by the farming community and tourists and thus ease current pressure on the site,”

1.1 The new 3-3/2017 EIA decision violates the 2008 EIA decision. The existing EIA decision from 2008 (2008 EIA decision) for the construction of the Struma highway is in still force which requires the highway to be built only outside the Kresna Gorge – either by a tunnel or by a full eastern alternative with both directions east of the gorge.

The letter of the Bulgarian Ministry of Environment (MOSV N 85/13.05.2015), listed as Annex 1 of the new Appropriate Assessment report² (2017 AA report), provide for the legal ground for the starting the new EIA procedure of Lot.3.2 of the Struma Motorway. The letter points that “the investment proposal could be consider as measure for implementation of the p.3.2 of the 2008 EIA decision, that envisage for the section of road Krupnik-Kresna (Kresna gorge) para 1: “in parallel with development of the lilac alternative (tunnel) should be considered options for its improvement and development of the best environmental, technical and economically viable option.” This statement clear shows that the new EIA procedure for Lot.3.2 of Struma Motorway is consider as subject and a second stage of the legally binding EIA decision for approval of Struma Motorway construction from 2008.

1.2 The new 3-3/2017 EIA decision³ approves the so-called 'G10.5 East' alternative. It involves the use of the now-existing road in the Kresna Gorge, as part of the motorway in one direction - north to south. The local citizens and tourists will be deprived from local road if this alternative will be implemented. The low speed vehicles and pedestrians will use road lanes which will be part of the motorway!

2. Violation of points 1, 2 and 4. of the Recommendation 98/2002 “1. take account, in the development of this project, of the imperatives of conserving fauna, flora and habitats”; “2. ensure that the decision on the routing of the motorway is taken on the basis of an in-depth environmental impact assessment (EIA) supplemented by scientific and mapping data and any other useful source of knowledge on the area concerned by the project, to justify the choice of alternative as recommended in the expert's report”; “4. ensure that the choice of alternative is based not only on technical, legal and economic criteria but also on social and ecological criteria;”

2.1 The 2008 EIA decision is based on the Appropriate Assessments report developed in 2007 ⁴(NRI 2007 AA report) and is strictly in line with the Recommendation 98/2002. The 2008 EIA decision and NRI 2007 AA report rejected the use of the existing road for motorway traffic as an unacceptable option due to significant impact on the European ecological network Natura 2000 and lack of mitigation measures to reduce the de-fragmentation impacts.

The new 3-3/2017 EIA decision creates legal uncertainty as it goes against the conclusions of 2008 EIA Decision. The selected alternative "G10.5 Eastern" will use the existing road for motorway traffic in one direction and further construction work are planed for widening, straightening and commercial services on the existing road. This mean that the impact of the G10,5 alternative will be bigger than the rejected by 2008 EIA report option for use of the existing road for international traffic.

2 July 2017, Sofia. Impact assessment report of the investment proposal “Improvement of the rout of the Lot 3.2 of the Struma motorway” on the conservation objectives and aims of the protected zones BG0000366 „Kresna-Ilindentzi” for protection of natural habitats and wild flora and fauna and BG0002003 „Kresna” for protection of wild birds. “Road Infrastructure” Agency. Pp. 562 + 8 Appendices.

3 In Bulgaria both procedures – general Environmental Impact Assessment and specific to the NATURA 2000 Appropriate Assessment are going in parallel with separate reports, but with common decision.

4 October 26, 2007. Appropriate Assessment report of project for construction of the Struma motorway, Sofia – Kulata in the section Dragichevo – Kulata, with the objectives and purpose of protection of the protected zones of the National Ecological Network. National Road Infrastructure Fund. 149 Pp. + 2 Annexes with color shemes (in Bulgarian)

“G 10.5 Eastern” alternative intensive defragmentation measures such as construction of 176 underpasses for small animals that according to the 3-3/2017 EIA decision, are designed to avoid fragmentation and adverse effects on the populations of *Elaphe situla*, *Elaphe quatuorlineata*, *Testudo graeca*, *Testudo hermanni*. The 2017 AA report, however, do not provide any argumentation or examples for the effectiveness of such underpasses but accept a priori that those are affective defragmentation measure.

Non-justified mitigation measures of the 3-3/2017 EIA decision contradict the findings of the NRI 2007 AA report, according to which the adverse effect of fragmentation and high mortality along the existing road cannot be effectively reduced for 85-95% of the length of the gorge. The report concludes that only possible mitigation measure is the drastic reduction of traffic and speed along the existing road and construction of the motorway outside the Kresna Gorge. The conclusions of NRI 2007 AA report are based on the 2003-2004 monitoring of road mortality in Kresna Gorge conducted by scientists at the National Museum of Natural History at the Bulgarian Academy of Sciences (NMNH-BAS) in cooperation with NGOs.

The statements of the NGO coalition⁵ and that of the National Museum of Natural History of the Bulgarian Academy of Sciences (NMNH-BAS)⁶, submitted during the public hearings of 2017 EIA procedure, make detailed analysis of the defragmentation measures in the new 2017 AA report and the draft 3-3 / 2017 EIA decision. Both statements are based on monitoring of the road mortality on the existing road in Kresna Gorge conducted by NMNH-BAS and NGOs in 2003-2004. From a total of 167 small underpasses along the existing road (alternative G 10.5 Eastern) to NATURA site BG0000366 and section of Kresna Gorge, 120 (72%) are planned in unsuitable sections and will not be effective and functional because are planned in narrow sections with steep slopes and in their construction the entrances to them will be inaccessible or difficult to access for the animals. They will lead to additional fragmentation and steep inaccessibility for the animal batters. In other 24 (14.4%) of them they will damage valuable natural habitats. A total of 78% of the length of the present road does not allow for undertaking defragmentation facilities as underpasses. The NGOs and NMNH-BAS analyses from 2017 confirm the conclusions the 2007 AA report and expose weakness and bias approach of the 2017 AA report.

2.2 Contrary to the approach applied for “G 10.5 Eastern” the 2017 AA report does not assess any possible mitigation measures for the “G20 East alternative” that bypass the Kresna gorge that partially affect the NATURA 200 site. Even more for this alternative the impact are overestimated as extremely wide road slopes (up to 100 meters wide) with no retaining walls are planned. Without such measures it has significant impact on 4 habitats and 13 species from Annex 1 and 2 of the Habitats and Birds Directives (see point 3.6 of the NGO statement from 24.08.2017) for summary. A number of other similar bias assessment manipulations favoring the "G10.5 Eastern" alternative to the "G20 Eastern" and "Tunnel" alternatives are outlined in the NGO and NMNH-BAS statements.

There is no equal assessment of different alternatives in the 2017 AA report in respect of their impact on the biodiversity. The alternative by-passing the Kresna Gorge from East, that consider as acceptable alternative for mitigation of the impact of NATURA 2000 site, is considered by the 2017 AA report to have to have bigger impact on biodiversity than the G10,5 alternative that case huge fragmentation of protected habitats.

2.3 Two important alternatives for bypassing the gorge were not included at all the scope of the 2017 EIA and AA report. The promise given by the Bulgarian government to the delegates of the 36th Bern Convention Standing Committee for assessment of all alternatives is not fulfilled.

5 24.08.2017. Position paper of Balkani Wildlife Society and NGOs on Appropriate Assessment Report (AAr) on Investment Proposal “Improvement of the route of Lot 3.2 of Struma Motorway on BG0000366 „Kresna–Ilindentsi” and BG0002003 „Kresna”, 17 Pp. + 1 Appendix (in Bulgarian, English translation available)

6 08.09.2017. Position paper of NMNH-BAS, adopted by the scientific council, on Appropriate Assessment Report (AAr) on Investment Proposal “Improvement of the route of Lot 3.2 of Struma Motorway on BG0000366 „Kresna–Ilindentsi” and BG0002003 „Kresna”, 15 Pp. + 1 Appendix (in Bulgarian)

2.4 Section 3 of the Struma Motorway, the last remaining non-built section of the motorway by 2014, was divided into 3 subsections - 3.1, 3.2. and 3.3. Kresna Gorge is the central sub-section - 3.2. As we informed the Bern Convention, the Bulgaria Construction Chamber (BCC), private association of powerful Bulgarian construction companies, attacked in April 2014 the 2008 EIA decision and Recommendation 98/2002 demanding that the Struma motorway in section 3.2 is built through the Kresna Gorge and the 2008 EIA decision to be revised. In 2015, the BCC companies were contracted for d by the state-owned National Company Strategic Infrastructure Projects (NCSIP)⁷ to build the adjacent sections of the Kresna Gorge - 3.1 and 3.3. One of the Moreover, the same persons who is in charge of construction of the section 3.3 is also the director of the selected and hired by the NCSIP company to prepare preliminary design of the "G10,5 Eastern" alternative for motorway in Kresna gorge section (3.2) (the company "Patproekt 2000").

We would like to mark these conflicts to underline that the decision making process about the best alternative is influenced by private commercial interest and is not based on consultation with different stakeholders as Recommendation 98/2002 suggest. The ongoing construction of sections 3.1 and 3.3 also constrains the selection of the best alternative for section 3.2 of the Kresna Gorge due to incompatible endpoints and facilities with number of alternative solutions for the section 3.2 of the Kresna Gorge. This again contradicts the Recommendations 98/2002 on the need for a complete assessment of all alternatives that are reducing environmental impacts.

As a result the scope of the 2017 AA report was limited, the promises given by the government to the 36th Bern Convention Standing Committee that all alternatives will be studied are not fulfilled and at least the following 2 key alternatives are excluded just because they do not match with the endpoints of the construction started in sections 3.1 and 3.3:

- First excluded alternative - NGO's Eastern by-pass proposed in 2002 and requested by the NGOs in February 2017 during the public consultations on the scope of the 2017 AA report to be assessed in the new report. This alternative was assessed by the NRI 2007 AA report as having very minimal negative impacts on 1 species (grey wolf) and possible to be implemented after simple and possible compensation measures. This alternative have more tunnels than the proposed by the "G20 Eastern" alternative, and therefore has smaller impact on the ground.
- Second excluded alternative - the "Eastern" tunnel alternative proposed by a small independent private engineering bureau called "Large infrastructure projects" (we call it "Eastern", because it by-pass the eastern slopes of the Kresna Gorge in contrary to the official "Long tunnel option" by-passing the Gorge from the west). The NGOs were informed for first about this alternative after September 2017 and after the public hearings on EIA and on the AA, when the proponents of this alternatives contacted the NGOs and asked them for their opinion on this proposal. However the alternative was proposed to the Government, as we learnt, for first in February 2017 during the public consultations on the scope of the new EIA and AA and there are no excuses for exclusion of it from the scope of both EIA and AA reports⁸. The alternative includes 12 small tunnels about 10.5 km long and small viaducts about 4.5 km in length, practically without affecting the terrain of the gorge. All viaducts are developed either as bridges over rivers or over existing railway and covered with "sound proof tunnels". The construction will use the existing railway and railway stations and will not affect additional habitats. After further consultations with colleagues from NMNH-BAS in October, the opinion of the NGOs is that probably after applying a set of mitigation measures, this alternative could be consider as most feasible and suitable version of the tunnel alternative that was approved with 2008 EIA Decision. The project includes the construction of a motorway and a high-speed railway line together and has the following advantages:
 - ✓ this is the only alternative that solves the problem of the cumulative impacts of the railway line and solves simultaneously the problems of the entire transport corridor,

7 After 2016 the National Company Strategic Infrastructure Projects (NCSIP) and Struma Motorway Project became a responsibility of the Road Infrastructure Agency (RIA)

8 In Bulgaria both procedure – general Environmental Impact Assessment and specific to the NATURA 2000 Appropriate Assessment are going in parallel with separate reports, but with common decision.

- ✓ has been developed at least at the same engineering level on which other alternatives included in the EIA and AA reports have been developed;
- ✓ possible to be constructed to the end of 2023 and to divide the construction on small sections in order to speed up the process;
- ✓ finds solutions to the impacts on nature and biodiversity of the entire transport corridor – motorway, railway, local road and provides for a practical avoidance of the Kresna Gorge and compliance with Recommendation 98/2002
- ✓ leaves the current road as a local one, safeguards the interests of the local population and in this respect also complies with Recommendation 98/2002
- ✓ the price is practically the same as that of the proposed and government-imposed alternative - but unlike it, it builds beside the highway and the railway line and address the future need for development of the railway infrastructure between Sofia and Kulata

2.4 What is more, in breach of the Recommendation 98/2002, the planned construction works along the existing road in the Kresna gorge as part of the 'G10.5 East' alternative are not subject to any environmental assessment. Widening and straightening of the existing road, construction of commercial zones and parking areas on the territory of NATURA 2000 site are promised officially by the RIA representatives during the public consultations, preliminary meetings with authorities and in the media statements to buy the consensus of local authorities. Those additional construction works are not included in the scope of the impacts project assessed by the EIA and the 2017 AA report. At the same time, the technical characteristics of all the defragmentation facilities presented in Annex 8 of the 2017 AA report are planned for an widened road – in other words the future widening is embedded in the technical characteristics of the project but its impact are not assessed (see point 5.1 of the NGO position from 24.08.2017 on the 2017 AA report)

2.5 The Bulgarian state "Road Infrastructure" Agency (RIA) on 20 April 2017⁹ decided to advance the design of the motorway construction routed through the Kresna Gorge (Lot 3.2) – the so called 'G10,5 East' alternative, without giving equal weight to other alternative solutions fully outside of the Gorge. This decision was presented on a round table held on 27.09.2016 with the participation of the companies from the BCC. The latter issued a public statement that the construction companies openly support the RIA in its decision that the Struma motorway will be built through the Kresna gorge following the 'G10,5 East' alternative. The BCC also publicly advocate that tunnel variant and the eastern by-pass proposed by the NGOs are harmful and unacceptable. As a result of this public agreement to select an alternative on 17.11.2016, the RIA launched a tender procedure for the detailed design of the agreed 'G10,5 East' alternative and finally approved it for implementation with the designer's choice on 20 April 2017. "G10,5 East" alternative envisage that the motorway traffic in the Direction Sofia – Kulata – Thessaloniki will go through the Kresna gorge. The decision was based on purely technical and financial grounds. It thus pre-empts the results of a new Environmental Impact Assessment and Appropriateness Assessment (EIA/AA) that are currently being carried out and should have been decisive about the selection of the most appropriate alternative. This will also contravene the Environmental Impact Assessment Decision from 2008 (EIA 2008 decision) and would likely have very negative effects on the Natura 2000 site and protected species, that could not be mitigated.

2.6 During the public discussion of the EIA report held on 11 of September 2017 in the town of Kresna, "Road Infrastructure" Agency (RIA) presented a herpetological report developed by the private Greek consulting company "Enveco" as a report prepared by independent experts hired by RIA. The same report is presented together with the EIA and AA reports on the RIA website¹⁰. But the reality is different. The "Enveco" Herpetological Report has been commissioned and developed by the Bulgarian Construction Chamber (BCC), in which all Bulgarian private road construction companies are united. In the public space and the media, they announced themselves as future builders of the highway in the Kresna Gorge region. At present, the former chairman of the BCC is the deputy

9 See Appendix 1

10 <http://www.api.bg/index.php/bg/normativna-baza/dokumenti/doklad-po-ovos-na-lot-32-ot-am-struma/>

chairman of the RIA and pursues that the documents and positions developed in the interest of the private entity BCC to become official documents and positions of the state agency RIA. This is a clear conflict of interest and interference with democratic decision making process.

The „Enveco” Herpetological Report does not answer the basic question - whether it is possible to mitigate or not the impact of traffic along the existing road. The report does not assess the effectiveness of the proposed in the EIA and AA de-fragmentation measures, but accepts and assumes that this measures are effective. Without verification, without any real evidence, the de-fragmentation measures are considered appropriate as they have worked elsewhere. There is no assessment of the actual situation, habitats, populations condition, etc. in the region of the Kresna Gorge. The only analysis in the report related to the problem is the analysis of the frequency distribution based on animal deaths along the road in the Kresna gorge (years 2013-2014). This analysis is irrelevant for the scope of assessment of de-fragmentation measures. The analyses carried out are not species specific – the analyzed data of all amphibians and reptiles were combined in one set of data disregarding their biology. The analysed data were only those gathered in the period 2013-2014, when mortality decreased with 84 % (58 to 100% for snakes and tortoises for Annex of the Habitat Directive) compared to 2003 ¹¹. All of these analyzes in the “Enveco” report are therefore unrepresentative and conceal the fact that virtually the entire length of the Kresna Gorge is sensitive and requires rigorous measures to protect animal populations against road deaths and contradict the conclusions of the Recommendation 98 (2002) and in the 2008 EIA and AA Decision, where the only feasible measure for mitigation of the animal road deaths was removal of the motorway outside the Kresna Gorge.

3. Violation of points 1 of the Recommendation 98/2002 “1. take account, in the development of this project, the concerns of the local communities in the municipalities concerned;”

3.1 Misleading presentation of the alternatives were made during the public consultation in Simitly and Kresna towns held on 11 September 2017. The Director of RIA several times made a statement that the “ G10,5 is the only opportunity for quick construction of the Motorway” and G10.5 is the only way for stopping the car and passengers accidents in Kresna gorge and Kresna town”. The statements mislead the discussion towards economic feasibility, time-frame for construction of the motorway and social concerns such as car/passengers accidents, which are not part in the EIA assessment and in the scope of the EIA process. Further more the statement was not referring to any documents that are of public possess (such feasibility studies, cost-benefit analyses etc.) and therefore could not be objectively discussed by the affected communities. As result the main part of the public consultation was not focused on the objective of public consultation namely the impacts of the different route of the Lot.3.3. What is more key information that was important to inform local population about the impacts was missing before and during public consultation – e.g. detailed maps of the proposed alternatives, non technical description of the different alternatives ad construction works etc.

3.2 Misleading petition organized by the authorities.

On 9 August 2017, the construction chamber and 13 other branch and non-governmental organizations launched a petition urging the rapid construction of the Struma motorway in the Kresna Gorge area due to the large number of traffic accidents and deaths occurring in the area of the gorge. The main request of the petition is, quote its exact text: "Among the projects under consideration for the construction of that section, there are also some solutions that conserve nature and, at the same time, cover the requirements for safe travel....A detailed description of the project for Lot 3.2 of Struma – eastern variants can be found here.”

As can be seen, the actual text of the petition does not specify a specific option but points out - the eastern variants that are at least 2 in the scope of the 2017 AA report - the "Eastern G20" (full eastern) and the "Eastern G10.5" (semi-eastern). In the electronic version, clicking on the link to the last word "here" opens a page of the construction chamber server describing only the alternative "Eastern G10.5". The petition was initially e-based at the address <https://www.peticqi.com/kresna> and by September 15, 436 signatures were collected on the internet page of the petition. The collection of

11 Page 25-26. Complaint to the EK. Kresna gorge case.

the same petition began on paper as soon as it was lunched – on paper variant only the above-mentioned text referring to "Eastern Alternatives" was usually available to petitioners.

On 17 October the Commission disclosed a flash briefing¹² from a 25 September meeting between the Commissioners for Regional Policy Corina Cretu and for the Environment, Maritime Affairs and Fisheries Karmenu Vella and Bulgarian Ministers of Transport, Regional Development, Environment and Tourism. The briefing shows that the Bulgarian Ministers presented to the members of the Commission the private (building chamber) and a public initiative to initiate and collect this petition as a governmental one. And that the Bulgarian Ministers reported that they have collected 15 000 signatures in support of the alternative "Eastern G10,5".

We believe that the 3-3/2017 EIA decision is in violation with Recommendations 98/2002 that are very relevant in the current context. The Bulgarian government continued disregard of the Recommendations of the Bern Convention and also of national and EU law by the should be challenged in order to avoid further deterioration of the "the 17 kilometre-long gorge, exceptional in terms of both biological and landscape diversity"¹³. The construction of the motorway has contributed to an estimated 40% increase in transit traffic driving through the Gorge over the period 2003-2015, and caused a very significant deterioration of wildlife. Studies show that over the same period the population abundance of all protected bats in the Gorge has decreased by 92%, protected tortoises and snakes have decreased by 60% and all vertebrates declined by 84%. The administrative requirements of the EU funds involved in the construction of the Motorway envisage that the Motorway should be finalized by 2022. Considering the shortage of time for construction work and also significant impacts of the growing traffic we believe that it is extremely important that the Bern Convention Bureau proposes the case file to be re-opened on the next Standing Committee meeting. The Bern Convention Recommendations have played so far a vital role for protection of the gorge and we hope that the Standing Committee will take action to ensure that the Bulgarian government:

1. Implements the Standing Committee's Recommendation 98 (2002) and the decision on the EIA from 2008, which envision that Struma motorway should be built on an alternative route outside the Gorge – either a tunnel or a full Eastern alternative, as the existing road should be down-scaled and used by local people as a local road.
2. Alternatives that contradict these requirements should be excluded from future consideration as unacceptable from environmental and social perspective.

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12 Ref. Ares(2017)5061710 - 17/10/2017

13 Bern Convention Secretariat report of the Kresna gorge case, 2005 T-PVS/Files (2005) 15

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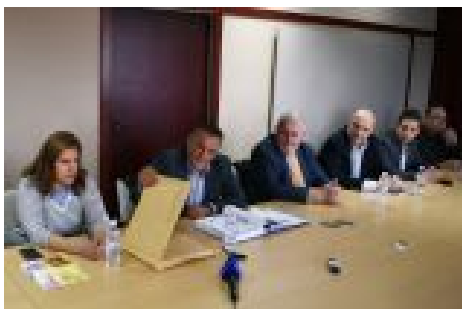
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Annex 1**Translation of a publication on the Road Infrastructure Agency's website of 20.04.2017, last visited on 15.06.2017 (after filing a complaint to the EC in July 2017 the announcement was deleted from the Agency's website)**

Address of publication: <http://www.api.bg/index.php/en/presenter/novini/predlozhenieto-na-putproekt-2000-ood-e-klasirano-na-prvo-myasto-v-konkursa-za-isobutanone-na-razshiren-ideen-proktna-am-strum/>



The proposal of "Putproekt 2000" Ltd. is ranked first in the competition for the elaboration of an extended conceptual design of Struma AM in the area Krupnik - Kresna 20.04.2017 14:31

The proposal of "Putproekt 2000" Ltd. is ranked first in the competition for the elaboration of an extended conceptual design of the Struma motorway in the Krupnik - Kresna section. Today at the Road Infrastructure Agency at a public hearing, the jury announced the results of the evaluation and ranking of the competition projects and opened the envelope with the list and the numbers of the participants in the competition, which until now were anonymous.

Two participants have submitted documents in the competition for "Making of an extended conceptual design with a plot plan for Struma", lot 3.2, Krupnik - Kresna section, a left side with approximate length of 23.8 km and a bypass of Kresna - part of a right side with approximate length of 5.45 km ". The offer of "Putproekt 2000" OOD came first and received 93,278 points and the proposal of Putproekt EOOD came second with 89,859 points. The project value proposed by Putproekt 2000 Ltd. for the construction of the lot is 732 109 652,44 BGN without VAT and for Putproekt EOOD 729 241 729,60 BGN without VAT. The company that offered a higher price has included in its project improvements to the existing cross-connections between the two sides of the future route, explained the chairman of the jury arch. Petar Dikov, representative of the Bulgarian Transport Infrastructure Forum. The jury chairman stressed that both conceptual projects were developed at a highly professional level and the next stage - the technical project - could be prepared on the basis of these.

The received projects have been evaluated according to a previously announced methodology for determining the complex assessment. It includes quantitative indicators, one of which is the design value of the construction. The project that offers the most safe and sustainable design solution is rated the highest. The geological analysis of the terrain through which the route will pass is an extremely important component in the preparation and implementation of a complex infrastructure project, such as Lot 3.2 of the Struma Motorway. The purpose of the competition is to acquire an advanced conceptual design with detailed geodetic surveying and engineering geological study and plot plan for this section of the motorway, which will subsequently be awarded the design of a technical project and construction phase of 23.8 km of the left side of Struma Motorway in the section between Krupnik and Kresna and the 5.45 km bypass of Kresna - part of the right side.

As an innovative solution, the jury highlighted the proposal of Putproekt 2000 Ltd for the construction of a viaduct at km 394 + 151.90, on the left side, through a cantilever installation with a central opening of 302 meters. Such facilities are unique, explained the jury member eng. Pavel Dikovski, representative of the Bulgarian Sectoral Chamber for Roads.

Both teams have tried to minimize the number of facilities that need to be built as they raise the cost of the construction of the route and the volume of investment, but tunnels and viaducts are unavoidable due to the complexity of the terrain through the Kresna Gorge, summarised Dikov. The proposal includes a total of 7 tunnels - five on the left side of the track and two at the by-passing of Kresna.

The competition is conducted by awarding prizes to participants. The prize pool is BGN 2 500 000 for 3 awards - 85%, for the second - 10% and for the third - 5%. The prize pool entitles the developer to use the project.

Attachments:

- Position of NGOs on the 2017 Appropriate Assessment Report part of EIA procedure (English)
- The decision of the Road Agency from 20.04.2017 to select the G10,5 alternative before the EIA process.

The Proposal of Patproject 2000 Ltd. is Ranked First in the Competition for Elaboration of an Extended Conceptual Design of Struma Motorway in the Krupnik – Kresna Section

20.04.2017 15:04

<http://www.api.bg/index.php/en/presenter/novini/proposal-patproject-2000-ltd-ranked-first-competition-elaboration-extended-conceptual-design-struma-motorway-krupnik--kresna-sec/>



The proposal of Patproject 2000 Ltd. is ranked first in the competition for elaboration of an extended conceptual design of Struma Motorway in the Krupnik – Kresna section. Today at a public hearing in the Road Infrastructure Agency the jury announced the results of the evaluation and ranking of the competition projects and opened the envelope with the list and the numbers of the participants in the competition, which until now were anonymous.

Two bidders have submitted documents to participate in the competition for elaboration of an extended conceptual design of Struma Motorway in the Krupnik – Kresna section, left carriageway, with approximate length of 23.8 km and bypass of the town of Kresna – part of right carriageway with approximate length of 5.45 km. The proposal of Patproject 2000 Ltd. was first ranked with 93,278 points and the second one was Patproject SMLLC with 89.859 points. The project value proposed by Patproject 2000 Ltd for the construction of the section is 732 109 652.44 BGN, VAT excluded, and for Patproject SMLLC the project value is 729 241 729.60 BGN, VAT excluded. The company which offered a higher price has included in its design improvements of the existing transverse links between the two carriageways to the future alignment, the chairman of the jury arch. Petar Dikov, representative of the Bulgarian Transport Infrastructure Forum, explained. The chairman of the jury stressed also that the both conceptual designs were developed at a highly professional level and on their basis in a short time could be prepared the next stage – technical design.

The submitted designs have been evaluated according to a previously announced methodology for calculation of the complex assessment. It includes quantitative indicators, part of which represents the design value of the construction. The project that offers the most safe and sustainable design solution is the highest ranked one. The geological analysis of the terrain which the alignment will pass through is an extremely important component in the preparation and implementation of a complex infrastructure project, such as Lot 3.2 of Struma Motorway. The purpose of the competition is to acquire an advanced conceptual design with detailed geodetic surveying, engineering and geological study and plot plan for this motorway section, on the basis of which it will subsequently be able to award the technical design phase of the project and construction of 23.8 km of the left carriageway of Struma Motorway in the section between Krupnik and Kresna and the 5.45 km bypass of Kresna – part of the right carriageway.

As an innovative solution, the jury highlighted the proposal of Patproject 2000 Ltd. for the construction of a viaduct at km 394+151.90, left carriageway, through a cantilever installation with a central clearance of 302 m. Such facilities are unique, the jury member Eng. Pavel Dikovskiy, representative of the Bulgarian Branch Chamber Roads explained.

Both teams have tried to minimize the number of facilities that need to be built, as they would increase the construction cost of the route as volume of investment. Nevertheless, tunnels and viaducts are unavoidable due to the complexity of the terrain through the Kresna Gorge, arch. Dikov summarized. It is proposed to build a total of 7 tunnels – five on the left carriageway of the alignment and two at the bypass of Kresna.

The competition is being hold with awarding of prizes for participants. The prize pool is BGN 2 500 000 for 3 awards – 85% for first place, 10% for second and 5% for third place. The prize fund entitles the employer to use the project.

The screenshot shows the website of the Road Infrastructure Agency (RIA) of Bulgaria. The page is titled "The Proposal of Patproject 2000 Ltd. is Ranked First in the Competition for Elaboration of an Extended Conceptual Design of Struma Motorway in the Krupnik - Kresna Section". The article, dated 20.04.2017 15:04, reports that Patproject 2000 Ltd. has won the competition. The article text is as follows:

The proposal of Patproject 2000 Ltd. is ranked first in the competition for elaboration of an extended conceptual design of Struma Motorway in the Krupnik - Kresna section. Today at a public hearing in the Road Infrastructure Agency the jury announced the results of the evaluation and ranking of the competition projects and opened the envelope with the list and the numbers of the participants in the competition, which until now were anonymous.

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gallery:

The website footer contains contact information for the RIA:

- Винетни стикери: 029173368, 029173305, vinet@api.bg
- Връзки с обществеността и протокол: 029173409, 029173298, 029173488, press@api.bg
- Обществена информация: 029173487, 029173279, 029173407, info@api.bg

Additional footer text includes: Абонамент Отпечатване Обратна връзка A+ A- Карта на сайта RSS

- SEPTEMBER 2017 -

· БЪЛГАРСКО ДРУЖЕСТВО ЗА ЗАЩИТА НА ПТИЦИТЕ ·



ПОМОГНИ ДА ОПАЗИМ
ПТИЦИТЕ И ПРИРОДАТА
НА БЪЛГАРИЯ

ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIA) AND APPROPRIATE ASSESSMENT REPORT (AA) OF AN INVESTMENT PROPOSAL "IMPROVEMENT OF THE ROUTE OF LOT 3.2 OF STRUMA MOTORWAY"

Dear Mr. Atanasov,

In the framework of the EIA procedure, in the statutory seven-day period following a public discussion, the Bulgarian Society for the Protection of Birds, as a non-governmental organization working for public interest, expresses the following opinion on the Environmental Impact Assessment Report (EIA) and the Appropriate Assessment Report (AA) of the investment proposal "Improving the route of LOT 3.2 of the Struma Motorway":

A. We maintain our position in line with Recommendation 98 (2002) of the Bern Convention, the requirement of the European Commission and the EIA decision of the Minister of Environment and Water №1-1 / 2008 that Struma motorway has to pass outside of the Kresna Gorge Struma in order to preserve the unique biodiversity and the complex of endangered species of the gorge, as well as to ensure a reserve road for local people.

B. We fully support the opinions of the Ecological Society "FOR THE EARTH", the National Museum of Natural History at the Bulgarian Academy of Sciences and the "BALKANI" Wildlife Society, expressed within the process of the current EIA procedure, regarding the quality and impartiality of the EIA report and the AA report of the investment proposal "Improvement of the route of LOT 3.2 of Struma Motorway".

C. In addition to the above-mentioned opinions, we express the following findings regarding the quality and objectivity of the EIA and the AA:

I. WITH REGARDS TO THE PROCEDURE AND THE PUBLIC HEARINGS

1. **During the public hearings participants have not been provided access to the detailed maps of the proposed options of the motorway.** Having participated in both public hearings (Simitli and Kresna), we have found out that the team carrying out the EIA and the investors in the project did not provide the detailed maps for the alternative routes of the "Struma" motorway in the section of LOT 3.2, which had to be provided in an appropriate scale and easily accessible by the participants in the public hearing. The number of people willing to take part in the discussions could only see the maps of the proposed tracks for a short while on a screen. The participants in the public discussions in both Simitli and Kresna, had rightfully asked questions about the alternative routes of the motorway in the area, especially about the territories in the vicinity of settlements, without being able to see it clearly. Their questions were not given specific response either. Hence, the objectives of the public hearing were not achieved.
2. During the public hearings both the representatives of the "Road Infrastructure" Agency (RIA) and the representatives of the local authorities made commitments to local people that went beyond the scope of the investment proposal under consideration and beyond the scope of their competencies which we consider to be particularly unfair. For example, they promised that additional infrastructure elements with commercial and other purposes would be built along the

motorway; such infrastructure was not part of the EIA mandate. Although we found lists of such objects in the EIA documentation, no any of their features (scale, location, etc.) were presented, nor were there any analyzes and assessments within the EIA and AA. In practice, they should not be considered in the framework of this procedure but in a separate procedure similar to the EIA experts' statement that a hazardous waste landfill should be considered a separate procedure. On the other hand, local residents of Kresna have been promised incorrectly that the price of transport tickets to Blagoevgrad will not rise, although this kind of engagement goes beyond API's competencies.

3. During the public hearings, the five different alternatives to the route were not presented equally, with only G10.5 being presented in detail, this option being repeatedly referred to as "the best possible compromise." We believe that this tendency to favour one of the proposed options before the EIA decision is taken and without allowing the public to adequately know all the options can be considered serious manipulation of the public opinion.
4. We cannot accept the arguments put forward during the public hearings that there has been no time, and there is a need to hurry, hence the necessity to choose the G10.5 alternative in spite of the fact that it crosses the gorge and is in fact breach of Recommendation 98 (2002) Bern Convention and EIA Decision No. 1-1 / 2008. Since 2002, when the Bern Convention Recommendation was issued (15 years ago) and especially since 2008 when the EIA decision has been issued (seven years ago) the responsibility of each day of delay lies within the Road Infrastructure Agency as the contracting authority as it has not developed in sufficient detail realistic options for the motorway bypassing the gorge and it has continuously been proposing options (including options now offered red G20, blue G20 and G10,5) that pass through the gorge. Thus, by failing to take decisions and to comply with the international commitments, the procuring agency has continued delaying the process, including at the present moment. In order to ensure a swift and lawful completion of the project, it is necessary to abandon all proposed options that include motorway crossing the gorge and go back to original plans and make choices between the options bypassing gorge, namely "tunnel" and "G20 east". Favoring and attempting to deploy any of the other options is associated with risks of further delays, including the risk of having to pay back to the European Commission all funds made available for the motorway in general.

II. IN ESSENCE

In the publicly available EIA and AA, there are significant gaps, statements and conclusions that do not correspond to the factual situation, overrating the potential negative impact on the environment of the "tunnel" and "G20-Eastern" options at the expense of underestimating that of the other three options. Hence, these documents are deemed documents as non-objective and of unacceptable quality, and as such, in their present form, they cannot serve as a basis for an unbiased EIA decision. In addition, to the arguments set out in the opinions of the organizations we support (point B of this opinion), we would like to outline the following substantive arguments:

1. Arguments in relation to the EIA and AA

- 1.1 When describing the characteristics of the different route option, despite of our opinion on the EIA ToR, the characteristics of the route options have not been equally and thoroughly presented. A characteristic of the existing road (zero alternatives) has been entirely missing.
- 1.2 The impact of "rehabilitation of the existing road under option G10.5" has not been assessed in the AA and EIA respectively, under the pretext that this is just rehabilitation and not a new construction. However, in the description of the characteristics of the investment proposal, a number of activities are listed for the rehabilitation of the existing road, including those that would lead to significant additional impacts on species protected in the Natura 2000 sites (especially amphibians and reptiles, but probably also birds, for example, [Western Rock Nuthatch](#), Crag Martin and Red-rumped Swallow), specifically that associated with the removal of rocks, excavations and embankments, removal of soil layer, strengthening of rock slopes, etc. At the same time, no detailed information is provided regarding the parameters of the envisaged "rehabilitation", location of the sections where the respective engineering activities will be carried

out, etc. Taking into account the fact that the current road is 10.5 m wide and that according to EIA and AA there is no intention to extend the road, we must underline the fact that the report on mitigation measures to existing road speaks about 12-meter-wide road, hence the conclusion that the intention is to extend the current road by 1.5 m (without this being officially declared and consequently its impact assessed). The general concept of "rehabilitation of the road" in the Bulgarian practice is too vague and the proof of this is Lot 0 of "Struma" Motorway from Daskalovo to Dolna Dikanya, which has been built under the prerequisite for rehabilitation of the first-class road E79, as a consequence of this "rehabilitation" the road with width of 10.5 m was turned into a road with a major gauge 29 m¹⁴. On this basis, by analogy and in the absence of detailed information, there is reason to consider that the rehabilitation of the current road to transforming it into a one-way route through the Kresna Gorge may result in significant damage to the gorge, which has not been assessed under this EIA. Particularly affected will be those species (especially reptiles) whose habitats are concentrated at a distance of up to 2 meters from the existing road. The absence of an assessment of impacts the left canvas of "G10.5" option through the Kresna Gorge does not actually show the overall impacts of this option and leads to the wrong conclusion that it is more environmentally friendly than the "G20 East" that completely bypasses the gorge.

- 1.3 No equivalent assessment of the impact of the existing road (the so-called zero option) has been provided in the AA and EIA even though monitoring studies have been made. Due to the lack of such an assessment, there are no basis for a comparison of the current situation and the reasons for reaching present significant impacts, so that objective analyses and conclusions could be made as to the choice of the most appropriate alternative.
- 1.4 In violation of the Appropriate Assessment regulation and contrary to the practice, mitigation measures are proposed only for the right canvas of option G10.5 (ie only for part of one of the variants). Mitigation measures should be proposed and analyzed for each option and only then be concluded on the feasibility and environmental security of the options proposed. By skipping this step from the evaluation procedure, the experts unjustifiably and hurriedly conclude in favor of only one of the options, and the only one not valued at their full scale, as stated above.

2. Concerning impacts on birds

- 2.1 There are differences in bird information and analysis between AA and EIA. For example, for all route options in the EIA, it is claimed that the Syrian Spotted Woodpecker (a protected species) inhabits coniferous stands, which does not correspond to the factual situation, although the AA correctly lists its habitats and does not include coniferous stands. The EIA also reports that the Griffon Vulture occurs in the area of the northern entrance of the "tunnel" option, although the species is never registered in the area near Simitli town, while the AA clearly states that the species is found elsewhere in the protected area but not there. During the public hearings, the experts also confirmed that the Griffon Vulture did not occur in the Simitli region and were surprised that the species was identified as being affected by the tunnel variant. These examples evidence that the statements in the EIA on birds do not entirely rely on the data and analyzes made in the AA, and we find that in the EIA, the number of bird species potentially affected by the implementation of the tunnel option is at least increased. We believe that such an approach is unobtrusive and leads to deliberate distortion of the facts in order to favour certain option of the route over another.

¹⁴ By § 10 of the Bulgarian Road Act (State Gazette 26 / 29.03.2000) the National Assembly amended the Environmental Protection Act (EPA) in a way that a mandatory EIA is required only for the construction of NEW roads, but the reconstruction and rehabilitation of existing roads of ANY class is not necessarily subject to an EIA. This was done in connection with the construction of Lot 0 of Struma Motorway (Daskalovo - Dolna Dikanya section), declared as "reconstruction and rehabilitation of main road E-79", where there were serious litigation related to the protection of the environment. As a result even today there is no final approval document "Act 16" for this section of the road and there is no highway because it is co-financed by European funds and according to the rules there cannot be an EIA-free highway in the European Union.

3. With regard to the assessment of bird mortality from road traffic in the EIA and AA - this impact was assessed incorrectly and the assertions and conclusions made did not correspond to the factual situation for the following reasons:
 - 3.1 The baseline data, against which the analysis was made, have been obtained through inadequate methodology resulting in underestimating the results and failure to ensure objective analysis. Although the transects were walked, no account was taken of the rate of removal of carcasses from the road and no accounts were made that would allow to correct the error caused by that, e.g. undertaking morning and evening transects, frequenting the visits during the migration period, during the period of occupation of breeding grounds, as well as during the period when the young birds massively leave nests - July, August. Scientific studies have confirmed that the carcasses of the killed animals are removed by predators from the road relatively quickly, within 5 to 48 hours, especially if they are on the road, and the carcasses that are hidden in the vegetation could last longer. Less frequent visits result in underestimating the real number of killed animals. When walking the track, only the individuals on the road are registered, but not the ones on the banquet and the boundaries of the road, thus most of the killed animals are probably lost. It has also been shown that the above-mentioned periods are more at risk for birds in terms of traffic-related mortality. A transect study was conducted only in the Kresna Gorge without examining control areas in areas outside the gorge, as it is scientifically required. On the other hand, no study of all alive birds on the relevant transects has been carried out, which would enable establishing which species are most vulnerable to this impact and what percent of the birds in the area fall victims to road traffic. There has been no bird survey along the route of the eastern options has been done, which would allow an objective estimate of the expected mortality rate from road traffic on these new routes. These weaknesses and short-comings in the methodology of the collected baseline data are relevant not only to the birds but also to the other groups of animals for which the methodology was applied. On the basis of the data collected under this methodology, no comprehensive and objective analysis of the extent of the impact of road traffic caused mortality and justified conclusions. Given that the extent of the impact is strongly underestimated and, in the case of the eastern routes could be , conclusions of baseline cannot be done because data is missing.
 - 3.2 Experts have based their analysis only on the reports of the 2013 and 2014 mortality surveys mentioned above. According to the above review, the study of the Trakia Motorway and the first class road Pazardjik - Sofia was used, but looking at the analyzes and statements of the experts in the AA and EIA, we find that in practice no analyzes and results of this publication were made with regard to birds in particular. For example, in this publication it is concluded that highways cause higher bird mortality, but in some cases the death rate in the first class may be higher. As regards the most affected species from Trakia Motorway, this publication mentions as such the Common Buzzard, the Long-eared Owl, the falcon species and the passerines. The experts claim also that they also use data from their own research. Their survey methodology is not addressed in the AA with the necessary detail and completeness - it does not specifically specify the objectives and scope of the study (such as specific territories, project route variants, time period, visit intensity and specifically which of the standard methods are used). This does not allow the assessment of the extent to which the data is representative and can be used to determine the impact associated with traffic-related deaths
 - 3.3 The expert's statement in the AA report that birds can easily escape from cars is not true. It has been confirmed that birds cannot judge the distance to approaching cars due to the anatomical features available to their eyes and this is one of the reasons why they are victims of road traffic.

It is true that some of the birds, for example the corvids, learn to avoid car traffic, but this is rather an exception for several groups of species than a standard phenomenon.

- 3.4 The approach of the experts is to mechanically transfer the data from the established mortality in the Kresna Gorge as a forecast of the traffic mortality along the eastern routes is incorrect, mainly for the following reasons: the location of the existing road to the surrounding areas (inside a gorge along the river) produce much different impact than a road situated in hills in more open spaces, which are mostly at or below the roadside; the complex of species affected inside the gorge and on the hills east of it is different - for example, because of the Struma river, in the immediate vicinity of the present species such as the White Wagtail and the Kingfisher is logical to be among the identified victims within the gorge but they do not occur in the area along the eastern routes and cannot become victims of road traffic there. These facts suggest that there is no scientific basis for comparison and use of data from the gorge for estimating the impact of eastern variants. Instead, it would be more scientifically feasible to compare the data from other studies, such as Kambourova and colleagues (2012) or others, where roads with similar characteristics are being studied, at least to identify potentially the most affected species;
- 3.5 With regard to eastern alternatives, the experts wrongly claim that a large number of birds of prey will be exposed to an imminent risk of road fatalities without taking into account the ecological characteristics of the species and the established facts in scientific studies. It has been shown that high-traffic-related deaths are expected for owls and some species of raptors that feed on carrion and can easily find it on the roadway - a Common Buzzard, a Red Kite. Kambourova and colleagues report the Common Buzzard as the most frequent victim of the traffic on Trakia Motorway as well as the falcons. Apart from these species, however, the experts also point to other species of raptors, such as the Lesser Spotted Eagle, the Booted Eagle, the Honey Buzzard and the Short-toed Eagle, as well as being at high risk of mortality without taking into account the fact that these species avoid facilities such as highways or busy roads when hunting, which makes it very unlikely that they will be the victims of road traffic. The analysis, however, makes the impression that eastern alternatives affect a large number of species to a considerable extent and make these variants environmentally unacceptable, which does not correspond to the actual situation.
- 3.6 In the AA, experts argue that during construction it is expected that large number of species are expected to be affected by killing individuals and destroying nests without being based on real data, but only on the assumption that nests may be affected. It would be right in the framework of the design studies of the tunnel variant and the search for "environmentally sound alternatives" and within the EIA procedure to carry out targeted studies on the routes of the eastern variants for the purpose of identifying nests of raptors Black Stork in order to clarify the actual situation. It is clear from the experts' claims that such studies have not been made, but it is rushed to conclude that this possible mortality has an average impact, and in the final conclusions of the AA and the EIS, respectively, it is pointed out that the effects related to mortality of individuals will be significant. This conclusion, as illustrated by the above, is not based on real facts and figures especially for the eastern variants but creates the wrong impression that these variants are environmentally unacceptable.
4. With regard to the impacts of road traffic and roads themselves on birds related to fragmentation and disturbance of bird species, the experts also make statements that do not correspond to established scientific facts. They do not recognize the existence of fragmentation of habitats and practically do not assess the disturbance and displacement of the species. A detailed review of the publications in the world between 1926 and 2002, made by Danish scientists, indicates that the

roads are attractive to birds because they fragment the habitats and cause the "edge" effect where at the end of a habitat attracts larger amount of animals, and thus increase the risk of bird mortality. Also with regard to the quality of the habitats it is found that in habitats along the roads the density of nesting birds is decreasing and the nesting success of the birds in the habitats near the roads is smaller and the birds are inclined to leave these habitats. An estimate of the degree of disturbance and displacement of bird species has not been made in the AA for any of the options. Instead, it is unjustifiably claimed for some species of raptors and Black Stork that their habitats in the gorge are unsuitable for nesting due to the strong disturbance of the existing road. It is likely that some species have left their breeding grounds in the gorge precisely because of the increased traffic, eg the Egyptian Vulture and the Saker Falcon, but it is also true that the nest of the Imperial Eagle is located in the Kresna Gorge, about 700 m from the existing road as well as nests of a Peregrine Falcon. For this reason, it is incorrect to describe certain habitats as "inappropriate" without verifying the facts, only because an intense road passes through the area.

5. As regards the affected areas of habitats of birds, the EIA statement in relation to the "G20 Eastern" variant that "Secondly, there are forest areas where about 1294 decares of forest habitats will be destroyed and / or altered out of total of 44640 decares forests" does not correspond to the factual situation for the following reasons:

- 5.1 It is based on the GIS calculated on the basis of the scope of the track line ("road range"), which ranges of 60 m wide (only for the stretches of viaducts) up to 100-190 m in the areas where the track passes over the ground. This was confirmed by the experts during the public hearing held in Simitli. "Road range" is not equivalent to either the "construction lane" where the construction works are carried out, or the "road track" or "width of the road".

The design width of the G20-eastern path along with the banquet is 20 m and this is the real width of the track where there will be a permanent and irreversible loss of habitats. Assuming that in the forest area the distance of forests from the road could be, for example, 2 meters, the irreversible and permanent loss of habitats cannot exceed the 24 meters width. In the sections where the road is passing by viaducts, the habitats are to be affected only in the foundation of the supporting columns and access roads. For this reason, taking into account the overall loss of habitats along the viaducts at route is the wrong approach leading to erroneous conclusions.

The "construction lane" covers both the roadway (20 m including the banquets) and a certain area around it necessary for servicing the construction works, such as in sections where slopes and embankments are made, as well as at tunnel entrances and exits, it may be larger in width. In practice, after the completion of the construction works in the sections of the construction lane, which are not occupied by the road itself, recultivation activities are carried out. In these plots the habitats can be restored, thus in these areas the impacts on habitats are temporary and reversible when applying restoration measures. The Investor has not provided the experts with a description of the characteristics of the investment proposal with data on the width of the construction lane, including the areas with the widening of this lane due to additional engineering activities (eg ditches, embankments), as done on other highways for example Trakia Motorway, Maritsa Motorway. It is virtually impossible and unreasonable for a road with a 20 m gauge to provide a construction lane of approximately 140 to 200 m (ie between 70 and 100 m on either side of the canvas) on long stretches of track. We would not commit to indicating the width of the roadway's construction lane, but in most cases it has no reason to exceed 60 meters, including the track.

The "road range" of the roadway includes the areas around the track that could in some way be affected by the construction of the road, and this impact may be of a different nature and cannot be linked to direct, permanent and irreversible loss of habitats. The road range includes the roadway itself and the construction lane where direct impacts on habitats can be expected, as mentioned above, but also include areas that will in no way be affected (destroyed) by the construction itself. It should be noted that for all other options, including the proposed G20 variants in the Kresna Gorge (with many new tunnels and viaducts, walkways and retaining

walls), the investor has given a track range of 40 to 60 m, with the widenings only indicated in the sections with planned additional engineering work. This, on the one hand, proves that for a 20 m roadway there is no need for a construction lane of 100-180 meters, and on the other hand that the contracting authority has taken a different approach in determining the scope of option “G20 Eastern” and betting a larger would expect greater impacts, which in terms of direct loss of habitats leads to a significant distortion of the factual situation.

Due to the fact that only the road range was provided, the experts could not implement a differentiated approach and determine how much of the habitats would be irreversibly and permanently destroyed and which part of the habitats would be affected, temporarily destroyed because it fell into the construction lane, but can then be restored. However, this fact does not release the experts who should have requested more detailed information to carry out an objective analysis. They did not ask for such information, but they reached hasty conclusions about a significant irreversible impact. At the public discussion in Simitli, the experts were unable to reason why they assessed the direct loss of habitats based on the road range, saying that it had been submitted by the investor as information and they were not able to answer why the width of the track range was largely exceeds the width of the route itself.

- 5.2 By using the data on the scope of the road routes of the different EIA and AA documentation available to the public, namely GIS files in .shp format, regarding “G20-Eastern”, we found that the affected habitats of birds, which fall within the scope of this option, are 719 decares. On the other hand, as stated above, it cannot be said that all these forests will be destroyed due to the construction of the road, as its width is only 20 m, and only within this lane the forests will be irrevocably destroyed. In this sense, the EIA statement that the forest habitats affected are 1294 decares is untrue. Even in the worst-case scenario that is to say, that all forests in the track will be destroyed, this is equivalent to 1.6% of the forest area, but such a percentage is virtually impossible because the project proposal does not provides a road with a width of 100m. Based on the data in GIS provided to the public, we outlined the line of the project route (the same for variants G10.5 and G20 Eastern), approximating the axis to the polygon defining the range of the track, and for G20 Eastern we generated buffer with a total width of 20 and 26 meters, respectively, for the plots in which such a width is envisaged. The resulting polygon, corresponding to the real width of the road, has been compared to bird habitats as defined in the EIA documentation to identify the real direct, irreversible and permanent loss of habitats. By using this method, we found that 116,76 decares of forests and 48,11 decares of coniferous plantations should be irreversibly and permanently destroyed, which is a total of 0,37% of the forest habitats in “Kresna” SPA and cannot be classified in any way as a significant impact. The calculations we use are based on actual data that is publicly available as part of the EIA documentation and is the same as that used by EIA experts. When using the actual track design as the basis for the calculations it is possible that the exact areas of permanently affected habitats may differ, but as a percentage of the total forest area there will be no significant difference exceeding 0.1%.

Moreover, when comparing the bird habitats of the variants of “G20 eastern” and right canvas of G10.5, it is found that the G20 East does not affect double or significantly larger areas as experts say, but an average of 1.5 times larger areas (a ratio between 1 and 1.9) because the different habitats are not evenly distributed along the track:

Types of habitats	Eastern G10.50	Eastern G20	Impact ratio (area affected by G20 Eastern versus G10.5 Eastern)
	area (decares)	area (decares)	
Wetlands	0,443	0,744	1,7
Grasslands	35,689	63,650	1,8
Scrubs, incl Juniperus	33,786	49,708	1,5
Vineyards	3,855	3,887	1,0
Coniferous plantations	25,444	48,105	1,9
Forests	78,153	116,761	1,5
Rocks	0,837	1,260	1,5
Arable lands	1,594	3,339	2,1
Abandoned land	7,561	7,811	1,0
Yards	1,458	1,407	1,0
Infrastructure	3,890	6,176	1,6
total	192,708	302,848	1,6

6. With regard to the direct loss of habitat types protected in Kresna-Ilindentsi SCI, the experts also argue that under option G20 Eastern will be directly destroyed and affected at least 3 types of natural habitats, basing their claims again on the basis of the road range rather than the width of the route itself, similar to the forest habitats for birds considered above - 91AA * Eastern oak forests, 91E0 * Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Pandion*, *Alnion incanae*, *Salicion albae*) and 5210 Shrubs with *Juniperus* spp. With regard to Alluvial forests, experts say it is not possible to apply mitigation measures for this habitat type. At the Simitli public discussion, the experts confirmed their allegations. As a result of these allegations, the experts conclude that option G20 Eastern is unacceptable to the conservation objectives of the SCI. All of these claims are based on wrong analyses and misinterpretation of the data and do not correspond to the factual situation for the following reasons:

- 6.1 Incorrect data was used to calculate the direct loss of habitat types based on "road range" rather than " width of the road " and "construction lane", as explained above. There is no distinction between permanently and irreversibly destroyed areas and the areas that will be affected during construction but can then be restored by targeted measures. Similarly to the above, applying such an approach artificially and unjustifiably increases the area of directly and irreversibly destroyed habitats and leads to hasty conclusions about a significant irreversible impact;
- 6.2 In addition, the types of natural habitats through which the route passes as viaducts should, but are not excluded from the calculations, thus also increasing the area of "permanently destroyed areas". The allegation that they will be totally and permanently destroyed does not correspond to the factual situation, because only the areas occupied by the foundations of the columns, as well as the access roads will be affected.
- 6.3 For shrub communities with juniper, the experts claim that a large proportion (1.37%) of these habitats will be destroyed in the SCI, with mitigation measures being possible. Neither in the EIA, nor in the AA nor in the reports for this habitat type, we were able to find evidence that this habitat would be affected to the extent indicated by the experts. Experts first pointed out that according to mapping data in 2012 the area of the habitat is 579.00 decares, which corresponds to the factual situation. Referring to the relevant mapping reports, we found that the habitat has a very limited distribution in the southern parts of SCI and is not affected by the "G20 Eastern"

option, right canvas of G10.5 option or another variant of the highway. Experts say that they have identified the habitat of the eastern variants but do not indicate what they are doing on the total area of the habitat within the SCI that they have used to calculate directly destroyed area this of this habitat. The only official area of this habitat is specified in the Natura 2000 standard data form of the SCI. To it, we mechanically added the area of the established by the experts areas with this habitat along the project route taken from the GIS data, resulting in an area of 903 decares. Using this figure, however, the 36% loss of habitat is reached in the calculations if the approach applied by the experts is used, and this figure does not correspond in any way with the represented 1.37%. In this case, the data submitted by the experts are unclear and unreasonable and cannot be inferred based on the significance of the impacts. The presence of this habitat type on the project route have to be still confirmed and its total area in the SCI have to be calculated, and then conclusions about the scale of impact should be assessed. At a minimum, the data should be presented correctly.

- 6.4 In terms of alluvial riparian forests from a total of 7 "affected" polygons, 4 fall under the viaducts (at km 383 + 000 and between km 394 + 000 and 395 + 000, the river Vlahina and virtually cannot be affected, especially if the viaduct construction is carefully planned. One of the polygons (with a significant area of 8 decares), located between km 387 + 000 and 378 + 000, northeast of Stara Kresna, is virtually not on the project route of the G20 Eastern option, but west of it. However, according to the GIS data, the polygon falls within the "road range" of the G20 Eastern option, which in this area is extended to the west and south for no apparent valid reason. According to the maps provided in the EIA and AA reports no additional equipment or viaducts are planned in this section. In GIS data deviation from the motorway to the settlements of Stara Kresna and Oshtava is planned and clearly indicated that runs from the east side of the planned road. Thus, it is unclear for what purpose is proposed this 300 m wide polygon to the west from the track (not the route itself) and why it is placed in an area where it affects two priority habitats - the alluvial forests and the eastern oak forests. On the one hand, it can be assumed that it is unjustifiably included in the project "range road" and, on the other hand, if the construction of the facilities is envisaged, they should be clearly described in the EIA documentation and, in this case, the location of the facilities have to be chosen, so to avoid priority habitats. Experts should have found this inconsistency in the data, to seek more detailed information and to clearly reflect it in the assessment, but they did not do so. Instead, they have concluded that there is a significant impact that cannot be mitigated. The sixth polygon is located at km 389 + 000, just after the tunnel exit in the area of the "Cool Water" springs. This polygon actually is crossed by the route of the planned eastern variants. Although there are not enough detailed maps to show how the route crosses precisely this area, it should ensure that the rivers are lean and the "Cool Water" springs are preserved, and measures taken in this direction can also reduce the damage on alluvial forests in this area. The seventh polygon is located between km 384 + 000 and 385 + 000 along the Mechkull River. Despite the absence of a viaduct here, the river should be intersected by a bridge, where measures can be implemented to minimize damage to the habitat.

With regard to the direct loss of natural habitats, we have applied a method of correcting and correctly calculating the areas that are actually expected to be affected by the construction of G10.5 - the right canvas and the G20 Eastern. First of all, from the GIS layer with the natural habitats for each of these two variants, the habitat types, which are covered by viaducts, were excluded separately. We drew on the project path as explained above and created a buffer around it that corresponds to the actual width of the routes of the two suggested variants. We compared the two polygons with the relevant polygons with the habitats intersected by the route and we calculated the direct irreversible loss of habitats due to the construction of the track. In order to get an idea of the habitats that were further affected during the construction, we narrowed the polygon with the "road range" of the G20

Eastern to a width not exceeding 90 m, excluding the enlargement to the northeast of Stara Kresna, where priority habitats belonged. As a result, we have found that only by correcting the mistakenly included data and narrowing the track the significant impacts can be reduced and the actual and irreversible loss of habitats is below 0.5% for all the habitats concerned, except the alluvial forests. When applying this method, it is proved that the direct loss of alluvial forests is 0.53%, i. the presence of an average scale of impact, and it is possible to mitigate it with the application of careful methods of construction. On the basis of this data, it can definitely be stated that option “G20 Eastern” is acceptable and compatible with the conservation objectives of the SCI and the expert's argument is contradicted.

Habitats code according to app. 1 of the BDA	Area of habitat in the “road range” (decares)	% of the habitat	Area of habitat in the “road range” except viaducts (decares)	% of the habitat	Area of habitat in the narrowed “road range” except viaducts (decares)	% of the habitat	Area of habitat in the area of the track except viaducts (decares)	% of the habitat
6210	105,8	0,41	103,6	0,40	29,4	0,11	7,8	0,03
6220	199,4	0,90	178,7	0,81	89,1	0,40	31,8	0,14
91AA	468,1	1,27	418,7	1,13	265,5	0,72	83,2	0,23
91E0	29,3	3,26	26,7	2,97	18,3	2,04	4,8	0,53
91M0	17,8	0,15	17,8	0,15	17,8	0,15	4,2	0,04

(legend: green – insignificant impacts, yellow – medium impacts, red – significant impacts)

It is clear from the table that the baseline data on which the calculations are made are key to the analysis and interpretation of the data and to the conclusions drawn.

In connection with the above, we also find the following: On the one hand, by providing only data on the “road range”, the investor instructs the experts to accept in their analyzes the larger area affected than that in which the works will actually be carried out. On the other hand, the lack of clear and detailed projects and baseline data on all alternatives makes analysis unobtrusive. All of this leads to a significant difference with regard to habitats' estimates, presented as an increase in the magnitude of the expected impacts, which is subsequently used as an argument for rejecting the alternative for "environmental" reasons. This approach violates the requirements of the applicable legislation. The lack of clear projects does not absolve the experts who should have requested more detailed information to carry out an objective analysis. They have not requested such information, but they have reached hasty conclusions about significant impacts that are unjustified and misleading.

Particular attention should be paid to the allegedly dangerous radioactivity of the tunnel, which is incorrect and does not correspond to the factual situation. The EIA documentation and the experts' statements during the public discussion in Simitli show that: 1) no studies have been conducted to determine the presence and degree of radioactivity of the rock underground where the tunnel would pass, although there has been technological time and funding for detailed tunnel track studies; 2) the only measurements of radioactivity are made from the surface of the terrain, landslides and debris near the existing road, which does not coincide in any way with the tunnel variant. These samples only demonstrate surface radioactivity on the current road. Experts themselves confirm that the available data are not enough to draw conclusions about radioactivity but nevertheless lead to a hasty conclusion about the high-risk radioactivity of the tunnel, and at the same time do not make such conclusions regarding the variants within the gorge where it is established over-radioactivity. This prevents public opinion and decision-makers to exclude one of the variants in advance because of the "high risk of radioactivity".

In the opinions we have stated at the beginning that we support (point B of this opinion), there is also evidence of unobtrusive and tendentious analyzes aimed at discrediting variants of highway crossing the gorge, namely the tunnel and the G20 Eastern.

According to Art. 83, para. 5 of the Environmental Protection Act (EPA), the members of the team and the manager who prepared the EIA have to conclude, guided by the principles of risk prevention for human health and ensuring sustainable development in compliance with the environmental quality standards in legislation in the country. In the present case, however, the analysis is unobtrusive - it is based on unclear baseline parameters whose relevance has not been verified and the conclusions are speculative. The material misstatements described above in the underlying calculations and the logical contradictory conclusions found above cannot be explained as a technical error and imply intention or at least gross negligence. Such gaps are ineligible for expert assignments, especially for tasks of a similar level of great national importance. In view of this, we consider that the grounds for liability under Art. 163, para. 1 of the EPA, namely the experts who have compiled the wrong EIS and have signed the wrong conclusions, be penalized with personal fines up to BGN 10000 unless a correction is made and a more objective analysis is presented.

Worry awakens and something else. By providing untrue data in the EIA, speculative conclusions are made leading to rejection of one option and favoring another. Therefore, in any case, we believe that the tendentious approach in the analysis should be subject to scrutiny by the prosecution authorities. In the event that an intention is established, the behavior of the experts may constitute fraud under Art. 212, para. 2 of the Criminal Code, and the responsible persons (experts and persons benefiting from the wrong EIA) should be criminally liable.

In conclusion, we believe that:

1. The EIA and AA reports shall be revised as soon as possible, removing any omissions, errors and vices so as to objectively reflect the factual situation and serve as a basis for making an objective decision;
2. If it is refused to do so, or if the objectivity and the equivalence of the analyzes and conclusions are not achieved, the guilty persons must be held accountable;
3. The recommendations of the Bern Convention and the requirements of the European Commission should be strictly adhered to, the Struma Motorway route being taken away from the ecologically sensitive Kresna Gorge, while preserving the existing road as part of the republican road network serving the people from the region.

Only in the implementation of these conditions will the construction of Struma AM in the Kresna gorge section be carried out in a timely manner and in accordance with the national and international environmental protection legislation, taking into account the national priorities and the interests of the local communities.

Sincerely yours:
Nada Tosheva-Ilieva
Executive Director
BSPB

**FOLLOW-UP OF RECOMMENDATION NO. 98 (2002)
ON THE PROJECT TO BUILD A MOTORWAY
THROUGH THE KRESNA GORGE
(BULGARIA)**

URGENT¹⁵ UPDATE TO THE CASE

Document prepared by:

BALKANI Wildlife Society, Environmental Association "Za Zemiata" (For the Earth)/Friends of the Earth Europe, Bulgarian Society for the Protection of Birds, Green Policy Institute, Centre for Environmental Information and Education, Vlaha Nature School, CEE Bankwatch Network.

POSSIBLE CASE FILE ON RECOMMENDATION NO. 98 (2002)

Following the conclusion of the 36th Standing Committee the Bulgarian government took action to include in the scope of the Environmental Impact Assessment (EIA)¹⁶ and the Natura 2000 Appropriate Assessment (AA)¹⁷ an alternative for a full eastern bypass of the Kresna Gorge, the 'G20 East' alternative. This exhausts the positive steps taken by the Bulgarian government on implementation of the Recommendations No 98 (2002).

Our organizations insist that the 37th Standing Committee should re-open a file on this case. For the period of December 2016 to September 2017 new serious breaches of Recommendation 98/2002 were made. Only the re-opening of a case file can prevent the ultimate destruction of the Kresna Gorge site that is already significantly affected by the ongoing Struma Motorway construction. Below are listed the main violations of the Recommendation 98/2002:

Violation of p.2 of the Recommendation 98/2002 – Decision on the routing is taken on the basis of in-depth EIA supplemented by scientific data and p.4 of Recommendation 98/2002– choice of the alternative is not based only on technical, legal and economic criteria:

- The Bulgarian state "Road Infrastructure" Agency (RIA) on 20 April 2017¹⁸ decided to advance the design of the motorway construction routed through the Kresna Gorge (Lot 3.2) – the so called 'G10,5 East' alternative, without giving equal weight to other alternative solutions fully outside of the Gorge. 'G10,5 East' alternative envisage that the motorway traffic in the Direction Sofia – Kulata – Thessaloniki will go through the Kresna gorge. The decision was based on purely technical and financial grounds. It thus pre-empts the results of a new Environmental Impact Assessment and Appropriateness Assessment (EIA/AA) that are currently being carried out and should have been decisive about the selection of the most appropriate alternative. This will also contravene the Environmental Impact Assessment Decision from 2008 (EIA 2008 decision) and would likely have very negative effects on the Natura 2000 site and protected species, that could not be mitigated.
- The EIA and AA of July 2007 prepared by the "Road Infrastructure" Agency (RIA) is completely subjective and logically defends the already made decision by the Agency. What is more, in breach of the EIA legislation, the planned construction works in the Kresna gorge as part

15 Based on the initial outcomes of the on-going EIA/AA procedure and public hearing held in Kresna town on September 11th 2017

16 July 2017, Sofia. Environmental Impact Assessment report of the investment proposal "Improvement of the rout of the Lot 3.2 of the Struma motorway". "Road Infrastructure" Agency. Pp. 892 + 37 Appendices.

17 July 2017, Sofia. Impact assessment report of the investment proposal "Improvement of the rout of the Lot 3.2 of the Struma motorway" on the conservation objectives and aims of the protected zones BG0000366 „Kresna-Ilindentzi" for protection of natural habitats and wild flora and fauna and BG0002003 „Kresna" for protection of wild birds. "Road Infrastructure" Agency. Pp. 562 + 8 Appendices.

18 See Appendix 1

of the ‘G10.5 East’ alternative are not subject to any environmental assessment. Widening and straightening of the existing road, construction of commercial zones and parking areas on the territory of NATURA 2000 site are promised officially by the RIA representatives to buy the consensus of local authorities. Those additional construction works are not included in the scope of the project assessed by the EIA and the AA.

- During the public discussion of the EIA report held on 11 of September 2017 in the town of Kresna, “Road Infrastructure” Agency (RIA) presented a herpetological report developed by the private Greek consulting company “Enveco” as a report prepared by independent experts hired by RIA. The same report is presented together with the EIA and AA reports on the RIA website¹⁹. But the reality is different. The “Enveco” Herpetological Report has been commissioned and developed by the Bulgarian Construction Chamber (BCC), in which all Bulgarian private road construction companies are united. In the public space and the media, they announced themselves as future builders of the highway in the Kresna Gorge region. At present, the former chairman of the BCC is the deputy chairman of the RIA and pursues that the documents and positions developed in the interest of the private entity BCC to become official documents and positions of the state agency RIA. This is a clear conflict of interest and interference with democratic decision making process.
- The „Enveco” Herpetological Report does not answer the basic question - whether it is possible to mitigate or not the impact of traffic along the existing road. The report does not assess the effectiveness of the proposed in the EIA and AA de-fragmentation measures, but accepts and assumes that this measures are effective. Without verification, without any real evidence, the de-fragmentation measures are considered appropriate as they have worked elsewhere. There is no assessment of the actual situation, habitats, populations condition, etc. in the region of the Kresna Gorge. The only analysis in the report related to the problem is the analysis of the frequency distribution based on animal deaths along the road in the Kresna gorge (years 2013-2014). This analysis is irrelevant for the scope of assessment of de-fragmentation measures. The analyses carried out are not species specific – the analyzed data of all amphibians and reptiles were combined in one set of data disregarding their biology. The analysed data were only those gathered in the period 2013-2014, when mortality decreased with 84 % (58 to 100% for snakes and tortoises for Annex of the Habitat Directive) compared to 2003²⁰. All of these analyzes in the “Enveco” report are therefore unrepresentative and conceal the fact that virtually the entire length of the Kresna Gorge is sensitive and requires rigorous measures to protect animal populations against road deaths and contradict the conclusions of the Recommendation 98 (2002) and in the 2008 EIA and AA Decision, where the only feasible measure for mitigation of the animal road deaths was removal of the motorway outside the Kresna Gorge.

Violation of p.1 of the Recommendations 98/2002 – take account of imperatives of the conserving the fauna, flora and habitats and concerns of local people. p.3 of the Recommendations 98/2002 - abandoning the option for widening of the current road and p.6 of the Recommendations 98/2002 - provide for downscaling and rehabilitation of existing road;

- The Bulgarian government plans widening and straightening of the existing road by-passing the EIA and AA procedures required by EU legislation. The government count to build with EU funds half the motorway (one direction) outside of the Kresna Gorge. For the construction works in the Kresna gorge they plan to use national funds that are less strict on compliance with Recommendation 98/2002 and EU legislation.
- The approval by the government of the ‘G10.5 East’ alternative also means that there will be NO local road and NO down-scaling of the road to protect nature and the population of species. Local people from the town of Kresna will be deprived of a local road to access settlements and properties in the gorge.
- Local Assembly of Kresna voted on its extraordinary meeting on September 5th 2017 to keep the current road in the Kresna gorge for local needs and demanded that the motorway is constructed

19 <http://www.api.bg/index.php/bg/normativna-baza/dokumenti/doklad-po-ovos-na-lot-32-ot-am-struma/>

20 Page 25-26. Complaint to the EK. Kresna gorge case.

outside of the gorge. More than 1000 citizens of Kresna municipality signed a petition for protection of the gorge and local road and construction of the motorway outside the gorge.

- The position²¹ of the NGOs and of the National Museum of Natural History BAS, which was submitted in the framework of the public discussion of EIA and AA, is analogous. A detailed analysis of the possibilities of de-fragmentation of the existing road in the Kresna Gorge has been made in these opinions and it is concluded that about 80% of the length of the gorge can not be defragmentated and the only way out is to bring transit traffic out of the gorge.

We believe that the continued disregard of the Recommendations of the Bern Convention and also of national and EU law by the Bulgarian Government should be challenged. The construction of the motorway has contributed to an estimated 40% increase in transit traffic driving through the Gorge over the period 2003-2015, and caused a very significant deterioration of wildlife. Studies show that over the same period the population abundance of all protected bats in the Gorge has decreased by 92%, protected tortoises and snakes have decreased by 60% and all vertebrates declined by 84%. The administrative requirements of the EU funds involved in the construction of the Motorway envisage that the Motorway should be finalized by 2022. Considering the shortage of time for construction work and also significant impacts of the growing traffic we believe that it is extremely important that the Bern Convention Bureau proposes the case file to be re-opened on the next Standing Committee meeting. The Bern Convention Recommendations have played so far a vital role for protection of the gorge and we hope that the Standing Committee will take action to ensure that the Bulgarian government:

- I. Implements in the new EIA the Standing Committee's Recommendation 98 (2002) and the decision on the EIA from 2008, which envision that Struma motorway in the Kresna Gorge should be built on an alternative route outside the Gorge – either a tunnel or a full Eastern alternative, as the existing road should be down-scaled and used by local people as a local road.
- II. Alternatives that contradict these requirements should be excluded from future consideration as unacceptable from environmental and social perspective.

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21 The positions are in Bulgarian and currently submitted in Ministry of Environmental and Waters. After translation will be sent to secretariat.

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Annex 1

Translation of a publication on the Road Infrastructure Agency's website of 20.04.2017, last visited on 15.06.2017 (after filing a complaint to the EC in July 2017 the announcement was deleted from the Agency's website)

Address of publication:
<http://www.api.bg/index.php/en/prescentar/novini/predlozhenieto-na-ptproekt-2000-ood-e-klasirano-na-prvo-myasto-v-konkursa-za-isobutanone-na-razshiren-ideen-prokt-na-am-strum/>



The proposal of "Putproekt 2000" Ltd. is ranked first in the competition for the elaboration of an extended conceptual design of Struma AM in the area Krupnik – Kresna
20.04.2017 14:31

The proposal of "Putproekt 2000" Ltd. is ranked first in the competition for the elaboration of an extended conceptual design of the Struma motorway in the Krupnik - Kresna section. Today at the Road Infrastructure Agency at a public hearing, the jury announced the results of the evaluation and ranking of the competition projects and opened the envelope with the list and the numbers of the participants in the competition, which until now were anonymous.

Two participants have submitted documents in the competition for "Making of an extended conceptual design with a plot plan for Struma", lot 3.2, Krupnik - Kresna section, a left side with approximate length of 23.8 km and a bypass of Kresna - part of a right side with approximate length of 5.45 km ". The offer of "Putproekt 2000" OOD came first and received 93,278 points and the proposal of Putproect EOOD came second with 89,859 points. The project value proposed by Putproect 2000 Ltd. for the construction of the lot is 732 109 652,44 BGN without VAT and for Putproekt EOOD 729 241 729,60 BGN without VAT. The company that offered a higher price has included in its project improvements to the existing cross-connections between the two sides of the future route, explained the chairman of the jury arch. Petar Dikov, representative of the Bulgarian Transport Infrastructure Forum. The jury chairman stressed that both conceptual projects were developed at a highly professional level and the next stage - the technical project - could be the prepared on the basis of these.

The received projects have been evaluated according to a previously announced methodology for determining the complex assessment. It includes quantitative indicators, one of which is the design value of the construction. The project that offers the most safe and sustainable design solution is rated the highest. The geological analysis of the terrain through which the route will pass is an extremely important component in the preparation and implementation of a complex infrastructure project, such as Lot 3.2 of the Struma Motorway. The purpose of the competition is to acquire an advanced conceptual design with detailed geodetic surveying and engineering geological study and plot plan for this section of the motorway, which will subsequently be awarded the design of a technical project and construction phase of 23.8 km of the left side of Struma Motorway in the section between Krupnik and Kresna and the 5.45 km bypass of Kresna - part of the right side.

As an innovative solution, the jury highlighted the proposal of Putproekt 2000 Ltd for the construction of a viaduct at km 394 + 151.90, on the left side, through a cantilever installation with a central opening of 302 meters. Such facilities are unique, explained the jury member eng. Pavel Dikovski, representative of the Bulgarian Sectoral Chamber for Roads.

Both teams have tried to minimize the number of facilities that need to be built as they raise the cost of the construction of the route and the volume of investment, but tunnels and viaducts are unavoidable due to the complexity of the terrain through the Kresna Gorge, summarised Dikov. The proposal includes a total of 7 tunnels - five on the left side of the track and two at the by-passing of Kresna.

The competition is conducted by awarding prizes to participants. The prize pool is BGN 2 500 000 for 3 awards - 85%, for the second - 10% and for the third - 5%. The prize pool entitles the developer to use the project.