

Strasbourg, 21 November 2014
[files22e_2014.docx]

T-PVS/Files (2014) 22

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

34th meeting
Strasbourg, 2-5 December 2014

Possible File:

**Hydro power development within the territory
of Mavrovo National Park
("the former Yugoslav Republic of Macedonia")**

REPORT BY THE GOVERNMENT

*Document prepared by
the Ministry of Environment and Physical Planning of the "the former Yugoslav Republic of
Macedonia"*

REPORT

ON THE ACTIVITIES OF “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” CONCERNING PREPARATION OF EIA STUDIES FOR HYDRO POWER PLANT PROJECTS IN NATIONAL PARK MAVROVO

- Updated 21 November 2014 -

Acting upon the request of the Secretariat of the Bern Convention at the Council of Europe (DG-II, idA/IO of 22.10.2014), delivered through the Permanent Mission of “The former Yugoslav Republic of Macedonia” in the Council of Europe (Letter of the Director for Multilateral Relations in the Ministry of Foreign Affairs (MFA) no. 67-36925/1 of 29.10.2014), the Ministry of Environment and Physical Planning (MEPP) prepared Report on the activities undertaken towards integration of measures for nature and biological diversity protection in the Environmental Impact Assessment Studies for the projects for construction of HPP “Boskov Most” and HPP “Lukovo Pole” within the National Park (NP) Mavrovo.

Overview of activities completed to date

In May 2013, Secretariat of the Bern Convention at the Council of Europe submitted Letter to MEPP, through the Permanent Mission of “The former Yugoslav Republic of Macedonia” in the Council of Europe, notifying the Government of “The former Yugoslav Republic of Macedonia” of materials submitted by “Eco-Sense” from Skopje, “The former Yugoslav Republic of Macedonia”, concerning threats to wild life in NP Mavrovo with the implementation of two projects aimed at construction of hydro power plants “Boskov Most” and “Lukovo Pole”. The Letter makes reference to provisions of the Bern Convention and two recommendations of the Standing Committee (nos.157/11 and 161/11) on the application of conservation measures for nominated Emerald sites, types of habitats and Emerald species by the Parties to the Bern Convention. Relevant data and information on the two hydro power plants in NP Mavrovo and possible conclusions of their impacts on natural ecosystems and specifically habitats and wild species have been requested, including specific measures designed in accordance with the provisions of the Bern Convention, EU Bird Directive and EU Habitat Directive and protection of wild fauna and flora. Specific accent was placed on the recommendations of the Committee for Emerald site management and implementation of conservation measures for biological and landscape diversity protection.

Administration of Environment-technical body within MEPP responsible for nature and biological diversity protection, submitted notification to the Public Institution National Park Mavrovo and Power Plants of Macedonia (AD ELEM) and requested data and information on the status of the projects for construction of HPP “Boskov Most” and HPP “Boskov Most”. AD ELEM submitted excerpts of the projects, Environmental Impact Assessment (EIA) Study and Programme for implementation of annual monitoring of the biodiversity in the area of the future reservoir.

Additionally, Department of Environment (DE) requested documents for the management of the procedure for projects approval. The following information was obtained:

- Decision by MEPP issuing Consent for approval of the project for construction of HPP “Boskov Most” (no.11-6660/3 of 9.10.2012), and
- minutes from three public hearings held on the EIA Study on the project for construction of HPP “Boskov Most”.

Public hearings were held on 12.09.2011 in the Municipality of Mavrovo-Rostushe, on 3.09.2011 in the Municipality of Debar and on 14.09.2011 in the hall of the City of Skopje in Skopje.

The listed documents, information and data were analyzed in detail and **Report on the completed environmental impact assessment procedure** was prepared regarding the implementation of the projects the projects for construction of HPP “Boskov Most” and HPP “Lukovo Pole” in NP Mavrovo and public was informed of the two projects. In September 2013, English version of the Report was submitted, through MFA, to the Secretariat of the Bern Convention in Strasbourg. The Report was reviewed by the Bureau of the Bern Convention and notification was

received that the process was going to be observed for the purpose of which the Government of the Republic of Macedonia was obliged to submit excerpt of the EIA Study on HPP “Lukovo Pole” (upon its completion) and the results from the monitoring of the biodiversity in the area of HPP “Lukovo Pole”.

In March 2014, the Secretariat of the Bern Convention requested information on the progress of the development of EIA Study on the project HPP “Lukovo Pole”. However, ELEM delivered brief notification that due to the replacement of the developer, the EIA Study on the project HPP “Lukovo Pole” was not completed. This was communicated to the Secretary and the President of the Standing Committee of the Bern Convention at the Council of Europe.

The latest Letter from the Secretariat of the Bern Convention is dated 22.10.2014, notifying the Macedonian Government that information delivered was not sufficient to establish the status of the two hydro power project and that the report (complaint) of the non-governmental organization “Eko-Sense” from Skopje was to be referred for review to the Standing Committee with a possibility to open a case (in accordance with the procedures of the SC/BC, CE). MEPP was requested to prepare detailed report on the status of the implementation of the projects in relation to the decisions for approval of EIA for HPP “Boskov Most”. MEPP made analysis of the process and prepared report.

Conclusion

In August 2013, expert team engaged by Investor AD ELEM completed the annual monitoring of the biodiversity on the location intended for formation of the reservoir and construction of HPP “Boskov Most”. In the summary with the results of the conducted biodiversity monitoring, scientific experts of flora and fauna and natural ecosystems stated that they registered 56 species of algae, six vegetation communities, 60 species of plant, 63 species of hydrobiontes, 56 species of butterflies, 15 species of other insects, and 52 vertebrate animal species including 2 fish species and 3 amphibian species, 3 species of reptiles, 24 bird species and 20 mammalian species.

The Report contains detailed data on the biodiversity monitoring conducted during summer period (June-August), autumn period (September-November), winter period December 2012-February 2013) and spring period (March-May 2013) on the area of the project range, namely:

- a) Area of the future reservoir of HPP “Boskov Most”;
- b) Check-up locality downstream of the future reservoir;
- c) Check-up locality upstream of the future reservoir; and
- d) Whole range of the project of HPP “Boskov Most”.

With regard to the registered species of algae, plant species, hydrobiontes, butterflies, other insect species, other invertebrate and vertebrate wild animal species, measures for integrated protection of natural habitats and wild species are proposed in accordance with their conservation status on national, European and global level.

Data from the annual monitoring of biological diversity on the area of the whole range of HPP “Boskov Most” Project was presented publically on workshops organized by AD ELEM and disseminated on the web site of AD ELEM, which means it was accessible to the general public. It is important to stress that segments for construction of fish paths are envisaged at all planned water intakes.

In October 2012, appeal was filed by Front 21/44 from Skopje against the Decision of the MEPP to issue consent on EIA Study of the project for HPP “Boskov Most” to the State Commission deciding on administrative and employment procedure at second instance (no. 11-1660/4 of 22.10.2012). In 2013, the Second Instance Commission rejected the appeal of Front 21/42 from Skopje as ill founded and confirmed the MEPP’s Decision. In 2014, Front 21/42 from Skopje filed a suit before the Administrative Court.

The Government of “The former Yugoslav Republic of Macedonia”, at its 167th Session held on 19.11.2013, reviewed the Information on the progress of the activities for implementation of the large projects and took the following decision: AD ELEM to inform the World Bank that the project HPP “Lukovo Pole” will be implemented without the intake Projfel (Dlaboka Reka). AD ELEM with Letter

no. 08-6051/1 of 25.11.2013 informed MEPP that based on the conclusion of the Government of the Republic of Macedonia dated 19.11.2013, the project of HPP “Lukovo Pole” will be implemented without the intake Projfel (Dlaboka Reka).

In September 2014, AD ELEM delivered to the Administration of Environment of the MEPP a Letter of Intention concerning the implementation of the project for construction of HPP “Lukovo Pole” within NP Mavrovo.

In November 2014, the Administration of Environment of the MEPP took a decision establishing the requirement for environmental impact assessment of the project for construction of HPP “Lukovo Pole” and obliged the Investor AD ELEM to publish the Decision in two daily newspapers in the Republic of Macedonia. AD ELEM responded to the obligation imposed by MEPP and on 12.11.2014 published the Decision of the MEPP in two daily newspapers in the Republic of Macedonia (Nova Makedonija and Koha). The announcements from the in two daily newspapers were also uploaded on the web site of MEPP (www.moepp.gov.mk).

In November 2014, AD ELEM Skopje informed MEPP that the process for EIA Study development for the project for construction of HPP “Lukovo Pole” was extended. The EIA Study is expected to be completed by 31.12.2014. AD ELEM announced that they were going to submit the EIA Study to MEPP in January 2015 and organize public presentations for the stakeholders.

The Projects for HPP “Boskov Most” and HPP “Lukovo Pole” are of public interest for the Republic of Macedonia and their implementation will provide accumulation of fresh water and long-term sustainable use of water resources for maintenance of natural ecosystems, survival of wild life, for irrigation, generation of clean energy, recreation, development of eco-tourism, but also for scientific and educational purposes in NP Mavrovo. Water resources will be stored in the reservoirs of “Boskov Most” and “Lukovo Pole”, together with other water bodies within NP Mavrovo, especially Mavrovo Lake and other natural lakes and artificial water accumulations in Macedonia, will be used on long-term basis towards the implementation of the Action Plan of “The former Yugoslav Republic of Macedonia” for mitigation of the shortage of proper quality fresh water and negative impacts of climate change on natural ecosystems.

Dear Ms Ivana D'Alessandro, Executive Secretary of BC/CoE,

Referring your two letter (from January and March 2014), I would like to inform your Secretariat that our Environment Administration has communicated with Department of ESIA of ELEM Skopje.

Please note:

1. ESIA study for first project of development hydro-power Boshkov Most and Annual Report of Biodiversity Monitoring of this area has been prepared and sent to Environment Administration of MEPP. We have confirmed that ESIA is amended with relevant information and measures and this document is prepared according to Law of Environment, Law of Nature Protection and relevant international conventions and agreements for biodiversity conservation, include criteria for Emerald Network/Bern Convention.
2. ESIA study for second project of development hydro-power Lukovo Pole is in process of preparation. Preparation of this document (ESIA) several times has been prolonged because Macedonian Government in October 2013 has adopted Decision to not use of water resources of Projfil (river Dlaboka Reka) and to protect nature heritage and biodiversity at this important area. After this key Governmental decision the World Bank has continued to finance this project. Also, there has been a change of first company who has prepared ESIA. In 13 of March 2014, Mr Antonio Arsov ELEM-Skopje, responsible for ESIA of two projects, has sent short information: ESIA will be finalized by end of April 2014. In May 2014 ESIA will be sent to our Environment Administration, of the MEPP.
3. Official Governmental Report for second project H.P. Lukovo Pole we will prepare after analyse relevant data for biodiversity conservation of the ESIA.

Best regards,

Aleksandar Nastov, MS.Sc

Head of Division of Biodiversity

Department of Nature, MEPP

Ministry of Environment and Physical Planning of the "the former Yugoslav Republic of Macedonia"

Skopje: 7 August 2013

REPORT

on the application of environmental impact assessment procedure concerning the implementation of projects for development of HPP Boshkov Most I HPP Lukovo Pole in NP Mavrovo, “the former Yugoslav Republic of Macedonia”

1. Background

This Report has been prepared at the request of the Secretariat of the Bern Convention at the Council of Europe, for delivery of data and information on activities undertaken by the Ministry of Environment and Physical Planning (MEPP), investor of two hydropower plants in NP Mavrovo and PI NP Mavrovo in the proposed Emerald site Mavrovo.

The Report includes relevant data on completed activities and produced materials in relation to the application of environmental impact assessment procedure concerning the implementation of projects for development of HPP Boshkov Most I HPP Lukovo Pole in NP Mavrovo, as well as planned activities towards implementation of the provisions contained in the national legislation on environment and nature, European law and international conventions and agreements on nature and biodiversity protection.

2. Background of the Council of Europe’s request

In May 2013, Secretariat of the Bern Convention delivered Letter to the Administration of Environment through the Permanent Mission of “the former Yugoslav Republic of Macedonia” at the Council of Europe in Strasbourg, France.

Secretariat of the Convention on the Protection of European Wildlife and Natural Habitats (Bern Convention) notified the Government of “the former Yugoslav Republic of Macedonia” on communications submitted by NGO “Eko Svest” from Skopje, Republic of Macedonia, related to the threat posed to wildlife in the NP Mavrovo by the construction of hydropower plants Boshkov Most and Lukovo Pole. In this context, provisions of the Bern Convention and two recommendations of the Standing Committee (No.157/2011 and 162/2011) we mentioned, concerning application of protection measures for nominated Emerald sites, habitat types and Emerald species by the Parties of the Bern Convention.

It was demanded to deliver more relevant data and information on the development of the two hydropower plants in NP Mavrovo and potential conclusions on their impact on natural ecosystems and especially on habitats and wild species, as well as measures established in accordance with the provisions of the Bern Convention, EU Bird and Habitat Directives and implementation of Recommendation no. 157/2011 on the management of this Emerald site. The Report will be included in the Agenda of the Meeting of the Bureau scheduled for 17 September 2013 in the Council of Europe, Strasbourg, France.

3. Activities of MEPP

The Administration of Environment within MEPP contacted PI NP Mavrovo and ELEM (Electric Power Plants of Macedonia), investor of the two hydropower plants and requested that they deliver the demanded data and information on the status of the two projects concerning development of hydropower plants Boshkov Most and Lukovo Pole. It was also requested that they deliver excerpts from the results of biodiversity monitoring at the site of the future accumulation of Boshkov Most and Environmental Impact Assessment Study for the project aimed at developing the hydropower plant Lukovo Pole.

In addition to the above, Department of Environment collected:

- Environmental Impact Assessment Study for the project aimed at developing the hydropower plant Boshkov Most (Technical no. PZS_005_01/11 of 2011, prepared by GEING Skopje);

- Decision awarding consent to the application for approval of the project aimed at developing the hydropower plant Boshkov Most (MEPP, no.11-1660/3 dated 9.10.2012);
- Minutes from three public debates organized with regard to the Environmental Impact Assessment Study for the project aimed at developing the hydropower plant Boshkov Most, as follows: on 12.09.2011 in the Municipality Mavrovo Rostushe, on 13.09.2011 in the Municipality Debar and on 14.09.2011 in the Grand Meeting Room of the Assembly of the City of Skopje, in Skopje;
- Programme for environmental monitoring (quality of air, water, soils, noise); and
- Programme for biodiversity monitoring in the area intended for development of accumulation and other facilities of HPP Boshkov Most (prepared by EMPIRIA EMS Skopje and Birds of Macedonia Study Society in 2012).

3. Conclusion

Upon detailed analysis carried out on the content of the Environmental Impact Assessment Study for the project aimed at developing the hydropower plant Boshkov Most, it has been concluded that it contained 12 Chapters, executive summary, conclusion and annexes (maps, tables and figures). We have selected the following chapters in particular:

- Goal of the project, description of site and wider area;
- Legal and administrative framework for environmental impact assessment (EIA),
- Process of public information and involvement,
- Considered alternatives,
- Description of environment: landscape, biodiversity;
- Special insight in fauna diversity (animal species),
- Natural heritage,
- Project impact on landscape diversity,
- Project impact on biological diversity and natural heritage;
- Measures to mitigate impacts on nature,
- Plan for environment and nature management and monitoring,
- Special insight in the monitoring of area biodiversity,
- Conclusion, Executive summary.

We have also checked the references of the authors of presented chapters in the Study and concluded that they are reputable national scientific experts (academicians, members of MASA and professors at natural science faculties under the University of “St.Cyril and Methodius” in Skopje).

The Programme for biodiversity monitoring has been carried out by team of experts composed of specialists in flora, botanics and zoology (for invertebrate and vertebrate animals). The monitoring is on-going. So far, autumn, winter, spring and summer season monitoring have been completed.

4. Future activities

The Investor of the project for HPP Lukovo Pole development is also ELEM (Electric Power Plants of Macedonia) from Skopje.

MEPP issued decision to ELEM obliging them to prepare Environmental Impact Assessment Study for the project aimed at developing the hydropower plant Lukovo Pole (no.11-4902/4 dated 16.8.2013).

International tender was published and company BRL from France was selected to develop the EIA Study by engaging international and national experts. Then, the Investor ELEM will forward the Study to the independent expert committee established by MEPP, for review.

5. Conclusion

On the basis of the analysis made of documents prepared by the Investor ELEM (Electric Power Plants of Macedonia) from Skopje, it has been concluded that the provisions of the national legislation have been adhered to in full and the procedure of approval of the Environmental Impact Assessment Study for the project aimed at developing the hydropower plant Boshkov Most has been completed and followed up by issuance of Decision awarding consent to the development of the accumulation and hydropower plant Boshkov Most.

Upon the completion of the process of elaboration of Environmental Impact Assessment Study for the project for construction of hydropower plant and accumulation Lukovo Pole, and its review by the independent expert committee, Investor ELEM will submit the Study to MEPP.

Administration of Environment within MEPP will review the EIA Study on Lukovo Pole project and state its position on the content and measures proposed for protection of environment, nature and biodiversity.

With reference to activities carried out at national level with regard to the second project HPP Lukovo Pole), “the former Yugoslav Republic of Macedonia” Government, through MEPP, will prepare detailed report and forward it to the Secretariat of the Bern Convention at the Council of Europe.

Department of Nature

Aleksandar Nastov, MSci