Hrvatske vode - 374 Received: 22 February 2011 11:49:00 Class. No.: 325-02/09-01/0000303

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REPUBLIC OF CROATIA

OSIJEK-BARANJA COUNTY

OSIJEK

**Administrative Department of Spatial Planning,**

**Construction and Environmental Protection**

**Europska avenija 11, Osijek**

Class: UPI/I-351-03/10-01/03

Reg. No.: 2158/1-02-22/61-11-4

Osijek, 14 February 2011

The Administrative Department of Spatial Planning, Construction and Environmental Protection of the Osijek-Baranja County, pursuant to Article 79, paragraph 2 of the Environmental Protection Act (Official Gazette No. 110/07) and Article 30, paragraph 3 of the Regulation on environmental impact assessment (Official Gazette No. 64/08 and 67/09), concerning the request submitted by Hrvatske vode, Water Management Department for the Danube and Lower Drava, from Osijek, for evaluation of the need for environmental impact assessment of the project, is passing the following

**DECISION**

**For the planned project, the construction of the reservoir Švajcarija, in the area of the Municipalities Feričanci and Donja Motičina, cadastral municipality Donja Motičina, on the stream Brdarice, developer Hrvatske vode,** **Water Management Department for the Danube and Lower Drava, Splavarska 2a, it is not necessary to conduct the procedure of environmental impact assessment.**

**Grounds for decision**

Hrvatske vode, Water Management Department for the Danube and Lower Drava, Splavarska 2a, submitted on 17 December 2010 a request for evaluation of the need for environmental impact assessment for the construction of the reservoir Švajcarija in the area of the Municipalities Feričanci and Donja Motičina in the Osijek-Baranja County. The request was accompanied by the preliminary design “Reservoir Švajcarija” developed by Institute IGH d.d. J. Rakuše 1, p.p. 283, Zagreb, in February 2010.

The planned project, the construction of the reservoir Švajcerija, is planned in the Spatial Plan of the Osijek-Baranja County (Osijek-Baranja County Official Gazette No. 1/02 and 4/10) and the Spatial Plan of the Municipality Feričanci (Municipality Feričanci Official Gazette No. 36/4 and 64/09), and there is an ongoing harmonization of the project through amendments to the Spatial Plan of the Municipality Donja Motičina, which is being developed. The project is not located in the area of the ecological network of the Republic of Croatia. At the distance of about 6.5 km, there is an important area for wild taxa and habitat types: “HR2000622 Šume na Krndiji” (Mt. Krndija forests), and at about 9.5 km there is “HR2001086 Breznički ribnjak (Našički ribnjak) (Breznica/Našice fish pond).

The project will be implemented through the performance of works on the superelevation of the existing (old) dike which closes the segment of the fish pond Švajcarija located furthest upstream. This will increase the retarding area for receiving and reducing of flood waves from the upstream part of the basin, relieve the Bukvik watercourse and improve flood protection of the basin’s downstream part. The project will also facilitate a better exchange of water in the downstream segments of the pond which are formed by low earth dikes (partitions) in the basin of the Brdarica stream. The receiving body of the stream is the Bukvik watercourse which passes through the Town Đurđenovac. The Karašica-Vučica forms the greater basin area. The construction of the new dike will increase the height of the existing crown by 1.5 m, which will create a reservoir surface of 16.4 ha and total volume of 206,415 m3. The total length of the partition in the crown equals 404.5 m, the length of the retarding basin is 600 m; the dam height is 3.8 m. The boundary line of the reservoir area is determined by the elevation of the maximum backwater of 124.00 mn, and closes off the surface of 24.0 ha. The reservoir length is 0.77 km. The designed dam length above the terrain surface is 4.50 m. Upstream of the dam, regulation works are planned for dislocation of the river bed route to bring water to the intake structure of the bottom outlet and facilitate full emptying of the reservoir. The project anticipates construction of a receiving canal (regulated river bed) in the length of 593.30 m in front of the intake structure of the bottom outlet and along the edge of the reservoir area for receiving and transporting waters from the basin for the case when the reservoir is emptied and the waters spill over the flood protection structures (bottom outlet and overflow) and the lateral amelioration drainage canal which flows into the relief canal for amelioration drainage of the surrounding agricultural land. Works on the construction of the reservoir dam will be performed in phases: emptying of the reservoir and downstream basin (fish pond) in coordination with the sporting and fishing association “Đurđenovac”, with care taken of the fish stock: directing of water into the receiving canal along the edge of the reservoir area, if necessary also the removal of mud from the bottom and topsoil from the upstream slope of the existing dike and execution of a cut in the dike and disposal of excavated mud; construction of flood protection structures; extraction of clayey material from the planned exploitation field and from the cut for the lateral canal; laying the upstream slope of the earthen dam Švajcarija with a liner; backfilling of the pit in the exploitation field and cleaning of the construction site, and returning the environment of the project to its state prior to the start of works (filling and restocking of the fish pond, etc.).

Considering the location and characteristics of the project, during the procedure, pursuant to Article 29, paragraph 1 of the Regulation on environmental impact assessment, opinions were requested from the State Institute for Nature Protection and Municipalities Feričanci and Donja Motičina regarding the need for environmental impact assessment for the project. In compliance with the Regulation on environmental impact assessment and the Regulation on Information and Participation of the Public and Public Concerned in Environmental Matters (Official Gazette No. 64/08), the public was also informed about the request of Hrvatske vode. The information was published on the web page and the bulleting board of the Osijek-Baranja County in the period from 29 December 2010 to 31 January 2011.

Of the requested opinions, the following were received within the proscribed period:

- The opinion of the State Institute for Nature Protection from Zagreb, Class: 612-07/10-29/2, Reg. No.: 366-07-7-10-2 of 11 January 2011, in which it is stated that, considering the distance of the project from the area of the ecological network, the screening report for the project can exclude the possibility of significant negative impacts on the integrity and conservation objectives of the ecological network areas, that the project is, therefore, acceptable, and that it is not necessary to conduct the Main Assessment of the project.

- The opinion of the Municipality Feričanci, Class: 351-03/11-01/01, Reg. No.: 2149/03-11-02 of 29 January 2011, in which it is stated that the Municipality has no objections to the planned project.

The Municipality Donja Motičina did not submit its opinion to the inquiry sent to them on 29 December 2010. There were no comments of the public on the information about the request published on the web page of the County.

Based on the data and facts from the request and the above mentioned opinions, and taking into account the criteria from the Annex V. of the Regulation on environmental impact assessment, this Administrative Department has decided that the project in question will have no significant negative environmental impact and that the impacts of the planned project, which is related to flood protection, will be positive in the long term for the population and for human health. In social terms, it will positively affect life of the local population considering the possibility of water use for supplying fresh water to the fish pond downstream and for use of the reservoir for sport and recreation. A positive, permanent environmental impact will be gained from the construction of the lateral amelioration drainage canal which drains the surrounding agricultural land and prevents the inflow of storm water and surface waters containing pesticides, herbicides and fertilizers into the reservoir and fish ponds.

 Taking into consideration all of the above, the Administrative Department of Spatial Planning, Construction and Environmental Protection of the Osijek-Baranja County decided that for the project of construction of the reservoir Švajcarija it is not necessary to perform the procedure of environmental impact assessment, and thus, pursuant to Article 79, paragraph 2 of the Environmental Protection Act (Official Gazette No. 110/07) and Article 30, paragraph 3 of the Regulation on the Environmental Impact Assessment, decided as in the text of the Decision.

INSTRUCTION ON LEGAL REMEDY:

Against this Decision a complaint can be instituted to the Ministry of Environmental Protection, Physical Planning and Construction, Zagreb, Ulica Republike Austrije 14, within the period of 15 days from the date of its receipt. The complaint is submitted in person, by registered mail or through this Administrative Department, or may be declared verbally for the minutes.

The administrative fee for issuing of this Decision in the amount of 70.00 HRK in tax stamps according to Tariff No. 2 of the Administrative Fees Act was duly paid.

 REPUBLIC OF CROATIA

 OSIJEK-BARANJA COUNTY

 Administrative Department of Spatial Planning, Construction and Environmental Protection

 Osijek

 (stamp)

 Head of Department Ranko Radunović, B.Sc.Arch. (signed)

To be delivered to:

1. Hrvatske vode, Water Management Department for the Danube and Lower Drava, Osijek, Splavarska 2a