

**Revision of the part of the EIA for “Vodnjan-Umag gas pipeline”
impact to the potential Natura 2000 area – Lim Channel according to
the EU guidance documents**

2009

Table of Contents

1. Description of the task	3
2. Description of the potential NATURA 2000 area – Lim Channel	3
3. EU guidelines for the evaluation of the impact on the Natura 2000 site	4
4. Analysis of the impact on the Natura 2000 site according the EU guidelines	5
5. Conclusions	16

1. Description of the task

According to the Contract concluded in November 2009 the main task of the assignment was to review the part of the EIA “Vodnjan-Umag gas pipeline” focusing on Lim Channel as protected area of significant domestic and European biodiversity planned to be included in the Natura 2000 network. The review has been done using the publicly available information and existing documents, but mainly relying on the texts which were specifically translated for this purpose and transferred to SIA ELLE.

2. Description of the potential NATURA 2000 area – Lim Channel

The Lim Channel and the Lim Creek represent a unique prominent landscape of exceptional cultural, natural and visual (aesthetic) values, which was the reason for nomination of this area as the Prominent Landscape. The Lim Creek is 35 km long, deep and fertile winding from the town of Pazin towards the sea and ending between Rovinj and Vrsar. The plunging of the western part of the Lim Creek resulted in appearance of the Lim Channel, whose sea and underwater, as well as its landscape form a special reservoir under protection. With its narrow, 11 km long cutting in the ground, this channel makes one of the most beautiful landscapes of Istria, and the region's symbol of identification. What makes it so unique is the forest vegetation protected by both sides of the canyon whose altitude reaches up to 150 metres. Therefore, it is not surprising this landscape is being considered a geomorphologic phenomenon. The channel is positioned in the EW direction, whereas its sides are positioned in the NS direction. The Lim Channel is situated on the border of the Mediterranean and sub-Mediterranean zone, and it presents an example of how vegetation development can be influenced by an exposition. The northern sides of the channel have a southern exposition, which causes the development of the evergreen macchia of the *Orno-quercetum ilicis*, while the southern slopes of the channel are under the influence of northern exposition, which causes an apparition of the sub-Mediterranean deciduous vegetation of *Querco-carpinetum orientalis croaticum* and white hornbeam.

Due to its specific ecological characteristics (high Oxygen concentration, higher annual temperature changes, decreased water salinity), the underground of the Lim Channel is very rich in flora and fauna and, therefore, it represents nursery and winter shelter for many fish species. This channel is also known by its long-range tradition of

shell farming, so these farming places with their floating pontoons have become an important element of the Lim Channel landscape.

3. EU guidelines for the evaluation of the impact on the Natura 2000 site

Assessment of the plans and projects in relation to NATURA 2000 sites is provision of the European Habitats Directive (92/43/EEC), in particular its article 6(3) and 6(4). The aim of these articles is to reveal negative impacts of plans and projects to coherence of NATURA 2000 network through appropriate assessment (AA) of their possible effects on integrity of the NATURA 2000 sites and in particular in regards to their effect on species and habitats that are sites target features. If impacts are detected such plans and projects have to be either avoided or amended, or if imperative reasons of overriding public interest are proved, compensatory measures in favour of NATURA 2000 have to be taken to ensure overall coherence of the NATURA 2000 network.

All possible impacts should be analyzed: direct, indirect and cumulative impacts. The location of the projects is not decisive; even the projects that are outside of the site (i.e upstream on the river) or some distance away might still have to be assessed as they may have impact on NATURA 2000 sites.

The assessment has to have clear conclusion if the project has no significant effects on NATURA 2000 site(s) (and can be approved) or significant impacts remain and project has to be rejected. To remove significant negative effects mitigation measures can be defined or an alternative manner of implementation found. If that is not possible the project is rejected.

The results of the assessment can be overridden only through procedure of establishing imperative overriding reasons of public interest. In that case for reasons such as health, public safety, environmental benefits or other reasons including economical reasons, implementation of the project can be permitted but the lost site or portion of the site has to be compensated with added or restored area of identical characteristics.

The precautionary principle states that if negative impacts cannot be excluded, because of insufficiency of the data or their inconclusive and imprecise nature, the concerns for conservation of NATURA2000 sites have to prevail.

The EU has issued Guidelines “Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC” (2001).

According to the EU guidance on assessment of plans and projects significantly affecting Natura 2000 sites, this assessment comprises four stages and each stage determines whether a further stage in the process is required:

Stage 1: Screening

The Stage 1 of the guidance identifies the likely effects upon a Natura 2000 site and considers whether it can be objectively concluded that these effects are significant;

Stage 2: Appropriate assessment

This stage is impact assessment of the project or plan on the integrity of the Natura 2000 site with respect to the conservation objectives of the site and its structure and function. In addition, in case of identified negative impacts, the mitigation measures need to be assessed.

Stage 3: Assessment of alternative solutions

This stage examines alternative ways of implementing the project or plan that, where possible, avoid any adverse impacts on the integrity of the Natura 2000 site.

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain.

In this stage the compensatory measures should be considered if due to important reasons proposed project or plan affects public interests and it should be implemented.

According to the above-mentioned guidelines the assessment should be based exclusively on ecological aspects and on the impacts on a protected site with its specific conservation objectives. Social and economic aspects have no relevance at this stage.

The part of the EIA for “Vodnjan-Umag gas pipeline” impact to the potential Natura 2000 area – Lim Channel according to the EU guidance documents corresponds to the Stage 2 – Appropriate assessment.

4. Analysis of the impact on the Natura 2000 site according to the EU guidelines

The analysis of the proposed project to the potential Natura 2000 site is carried out by using the following published materials:

- 1) The EU guidelines “Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC” (2001) and the Checklist;

- 2) Proposal for Methods and Presentation Forms for Impact Assessments (IA) pursuant to the Birds and Habitats Directives prepared for: The German Federal Ministry of Transportation, Housing and Urban Planning (F.E. 02.221/2002/LR);

This proposal included Checklist designed as a method for reviewing the adequacy of Impact Assessment Statements in terms of compliance with the requirements of Article 6(3) of the “Habitats” Directive.

The Checklist should always be used in conjunction with the EU Directives on “Habitats” and “Birds” and the Member State legislation, and within the advice set out in the Commission services’ interpretation document “Managing Natura 2000 Sites: The provisions of Article 6 of the “Habitats” Directive 92/43/EEC”
<http://europa.eu.int/comm/environment/nature/home.htm>

Table 1. Analysis of the available EIA report the for “Vodnjan-Umag gas pipeline” impact to the potential Natura 2000 area – Lim Channel

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
Section 1: Structure of the Impact Assessment (IA)				
Task Definition				
1.1.	Are there full names of the planned project (PP) and of the responsible Developers/ Authorities mentioned?	Yes	Yes	Plinacro Company, the Croatian gas transmission system operator.
1.2.	Are the official code number and the name of the Natura 2000 site mentioned as given in the Standard Data Form?	Yes	No	The Lim channel is included in the list of the proposed Natura 2000 sites for Croatia, but for the re-evaluation needs no Standard Data form was available. <u>In the available “Objections to the Study of the targeted content on the environmental influence of ”The Backbone gas line Vodjan – Umag” issued by State Institute for the Nature Protection was available information on the Natura 2000 codes – HR3000001 The Lim Chanel – the sea with the preservation aims - wild species: biological communities of the sea, habitat types 1160 – Large shallow bays; HR2000629 The Lim Chanel – mainland with the preservation aims – habitat type – canyon vegetation.</u>
1.3	Can the status of the site (pSCI, SAC, SPA) be clearly identified?	Yes	No	It is not possible to clearly identify the status. In the chapter 3.6.2. the rare and protected species and habitat types are described.

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
1.4.	Is the IA a specific study for one single site? (Is the IA a case by case assessment and no “collective examination” meddling several sites?)	Yes	No	The impact assessment has been done for the whole gas line (with the total length 71 km), which crosses the potential Natura 2000 site – Lim channel.
1.5	If the Natura 2000 site has been extended in several steps in the past, does the IA refer to the actual boundaries of the site?	Yes	No	No actual borders of the potential Natura 2000 site are available.
Non-Technical Summary				
1.6	Does the IA include a Non-Technical Summary?	Yes	Partly	It could be considered that in the following chapters: A.4.4. – Gas pipeline working technology and A.4.5. – The pipeline construction technology – as non technical summary is included.
1.7	Does the Summary provide a concise but comprehensive description • of the PP, • of the Natura 2000 site?	Yes	Partly	The description of the proposed project is not detailed enough. However – the description of the Natura 2000 site as such is not included.
1.8.	Does the Summary provide a adequate overview on the results of the successive steps of the assessment • PP-related impacts, • residual impacts after PP-related mitigation, • cumulative impacts of other PP, • residual impacts after mitigation of cumulative impacts?	Yes	No	
1.9.	Would the Summary be comprehensible to a lay member of the public?	Yes	No	
Section 2: Description of the Project or Plan (PP)				
2.1.	Are the need for and objectives of the PP explained?	Yes	Yes	The need and objectives are well presented in the chapter A1. – The purpose of the operation and in A.2.3. – Conclusion.
2.2.	Is the entire PP described with further developments or only the presently planned section of a larger PP?	Yes	No	Only planned section of the project is described.
2.3.	Are the main physical characteristics of the PP described?	Yes	Yes	The main physical characteristics are described in the chapter A.4.3. – Technical – Technological Characteristics of gas pipeline.
2.4.	Does the technical description focus on the details required for the specific assessment of impacts on the Annex I Habitats and the Annex II or bird Species of the Natura 2000 site?	Yes	No	
2.5.	Is the area occupied by each of the permanent components quantified	Yes	No	The materials available for the re-evaluation do not include scaled map.

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
	and shown on a scaled map?			
2.6.	Is the size of any structures or other works developed as part of the PP described? (e.g. the height of bridges, size of extractions)	Yes	Partly	The total length of the gas pipeline is known; the minimum depth is 110 cm. Technical – technological characteristics of the gas pipeline are provided, but the information is mainly related to diameter of pipeline, max working pressure, the composition of gas, and gas pipeline technology.
2.7.	Are any activities involved in construction of the PP described? (e.g. area of land temporally needed for construction, demolition, storage facilities, access corridors, water features, earthworks, surface restoration)	Yes	Not satisfactory	Activities involved in the construction are described in a very general way. It is mentioned that the working bound should be established and the vegetation should be removed. The approximate area to be removed is not mentioned.
2.8.	Are the processes involved in operating the PP described? (e.g. emissions of pollutants, noise, light, drainage)	Yes	No	None of the mentioned effects, such as emissions of pollutants, noise <u>during the construction works are described</u> , despite the high relevance of such information, because these effects could occur during the construction works. In the table A.3.6.3.1. of the EIA report in total 90 protected bird species are mentioned. They surely are sensitive to the noise during construction works and such aspects should have been evaluated. In the EIA report possible appearance of noise in blow gas <u>during the operation is mentioned</u> , which can be uncomfortable, because noise of 110 dB(A) occurs in the distance of 50 m from the blow.
2.9.	Is the programme or the implementation of the PP described, detailing length of time, start and finish dates for construction, operation or decommissioning?	Yes	NO	Only approximate time of the project implementation is known. It is written that the investments for the gas line construction will be made during 2007 - 2011.
2.10.	Are there uncertainties about the final design of the PP? Are they mentioned in the description? Are their consequences for the evaluation of the impacts of the PP highlighted?	Yes	No	Two technical solutions for the construction were proposed – laying the gas pipeline in the bottom of the channel and laying pipes by the jet drill method below the channel. In the EIA it is just written that based on the analysis of how different technical solutions influence biological communities, the transition over the Lim Channel by jet drill method has been evaluated as the most favourable technical solution.
Section 3: Description of the Natura 2000 Site Likely to be Affected by the PP				

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
Description of the Natura 2000 Site				
3.1.	Does the description provide all information needed to assess impacts on the integrity of the site or is the description restricted to the part of the site likely to be affected?	Yes	No	Since Natura 2000 Data forms and maps with the clear borders were not available, it was not possible to identify from the available EIA parts the following: the reasons for the proposal for the Natura 2000 site; the conservation objectives of the site and the factors that contribute to the conservation value of site; the key attributes of any Annex I or Annex II species <i>on the site</i> .
3.2.	Does the description of the site provide an adequate description of the main features of the landscape (e.g. geology, hydrology, soils, topography, land use patterns)?	Yes	Partly	<u>At least in the translated parts</u> of the EIA report detailed description of the geology, hydrology, soils, topography is not available. Very general description of the Lim Channel and the Lim Creek is provided in the chapter 3.6.1..
3.3.	Is the occurrence of the Annex I Habitats within the site adequately described? (e.g. total surface, characteristic species of the Habitats (flora and fauna), sub-types, range of variability of the state of conservation within the site, ongoing protection programmes)?	Yes	Partly	The habitats and rare species are described in the chapters 3.6.2., 3.6.3, but it is no really clear where they are located along the planned gas pipe line. <u>The maps of the habitat and species would have been very important source of information for the assessment.</u>
3.4.	Are the populations of the Annex II or of the bird Species adequately described? (e.g. size, distribution patterns within the site, special habitats requirements, functions of the site in the life cycle of the Species (e.g. spawning grounds for fishes, breeding or moulting areas for birds), functional network of the habitats of the Species, ongoing protection programmes)?	Yes	No	
3.5.	Does the site have some privileged ecological relationships with other Natura 2000 sites? (e.g. the site is part of a network of resting places of migratory birds) Are there any interdependencies with other Natura 2000 sites?	Yes	No	No relations with other NATURA 2000 sites or bird migration corridors are described.
3.6.	Does the description include unnecessary information about biotopes or species with no connection with the issues of the Habitats or Birds Directives? (e.g. non-Annex Species, birds Species in sites designated according to “Habitats” Directive, landscape values, human activities)	Yes	Yes	

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
Description of the Study Area				
3.7.	If the PP is likely to affect only one part of the Natura 2000 site, has the study area been defined widely enough to include all the area likely to be significantly affected by the PP?	Yes	No	Since the borders of the potential Natura 2000 sites are not provided, it is difficult to conclude, whether the study area is widely enough described.
3.8.	Have the individual situation of the site and the specific components of the PP been taken into account by the delimitation of the study area? (e.g. specific topographic patterns, sensitivity of Annex II species)?	Yes	No	
3.9.	Are the Annex I Habitats of the study area adequately described? (e.g. proportion of the occurrence in the whole site, characteristic species (flora and fauna), local subtypes, local differences of the state of conservation)?	Yes	No	
3.10.	Are the Annex II or the birds Species of the study area adequately described? (e.g. proportion of the occurrence in the whole site, functions of the site in the life cycle of the Species)?	Yes	No	
3.11.	Is the function of the study area within the site highlighted? (e.g. bottleneck area for migrations of species or for genetic exchanges among populations)?	Yes	No	
3.12.	Does the IA provide information about the baseline situation in the study area? (e.g. pollutants, noise, light, previous impacts). Has the baseline situation to be improved in order to restore a favourable state of conservation?	Yes	No	The favourable status of the conservation is not known.
3.13.	Does the IA provide information about conservation measures planned to improve the state of conservation of Habitats or Species of the Annexes in the study area? (e.g. reintroduction of Species or re-establishment of Habitats)?	Yes	No	
3.14.	Do the descriptions of the study area and of the whole site provide the information needed to assess the significance of impacts at local scale for the integrity of the whole Natura 2000 site?	Yes	No	The integrity of site could mean - does this project have potential to: 1) cause delays in progress towards achieving the conservation objectives of the site? 2) Interrupt progress towards achieving the conservation objectives of the site? 3) Disrupt those factors that help to maintain the favourable conditions of the site? 4) Interfere with the balance, distribution and density of key species

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
				that are the indicators of the favourable condition of the site? 5) Cause changes in the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem? 6) Reduce the area of key habitats? 7) Reduce the diversity of site and other indicators could be mentioned.
Data Collection and Survey Methods				
3.15.	Are data and information recent?	Yes	No comments from the Consultant	As it was mentioned before the data form for the NATURA 2000 site is not available
3.16.	Have all relevant national and local agencies been contacted to collect information on the site?	Yes	Difficult to comment for the Consultant	
3.17.	Have sources of data and information been adequately referenced?	Yes	Difficult to comment for the Consultant	
3.18.	If surveys have been undertaken as part of the IA Study, were the methods used appropriate for the purpose?	Yes	No	
3.19.	Was a specific mapping of Annex I Habitats carried out?	Yes	NO	
3.20.	Are data about Annex I Habitats based on the interpretation of types primarily described according to other classification systems? Can any ambiguities about the assignment to corresponding Annex I types be excluded?	Yes	No	
3.21.	Were experts involved? (e.g. for determination of difficult Annex II taxa: lichens, molluscs etc.)	Yes	Difficult to comment for the Consultant	
3.22.	Are there any important gaps in the data?	Yes	No	The Standard data form for the potential Natura 2000 is not available and the maps of the species and habitats are not available.
3.23.	If there are unavoidable gaps in the data, are the means used to deal with these gaps in the IA explained?	Yes	No	
Section 4: Description of the Likely Significant Impacts on the Natura 2000 Site				
Methods of the Impact Assessment				
4.1	Are the methods used to predict and evaluate the significance of impacts described?	Yes	No	
4.2	Are the methods appropriate for the assessment of impacts on endangered and rare species or habitats?	Yes	No	

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
4.3	Does the IA provide a clear evaluation of impacts <u>without</u> mitigation.	Yes	NO	Only very general impacts are described. Only the influence on the wood and woodlands communities are described
Description of the Effects Likely to Occur				
4.4	Are all possible effects described? (e.g. related with construction and operation of the PP, primary, secondary, temporary, long term effects)	Yes	NO	Not all possible effects have been described. All effects are described mostly for the construction period and not for the operation period.
4.5	Does the IA connect clearly the possible effects of the PP with the ecological requirements of the Annex I Habitats and the Annex II or bird Species?	Yes	NO	
4.6	Does the description of possible effects take the specific situation of the study area and of the Natura 2000 site into account?	Yes	No	
4.7	Have adverse effects on the future implementation of the ecological management of the site been taken into account? Could the PP compromise the restoration of a favourable state of conservation?	Yes	No	It is not known what the favourable conservation status is in general?
4.8	If there are close ecological interdependencies with other Natura 2000 sites, have been indirect effects on these other sites been identified?	Yes	No	No information on the other Natura 2000 sites is provided
4.9	Does the IA include effects with no connection with the issues of the Habitats or Birds Directives? (e.g. socio-economic values, environmental features not related to the both Directives, landscape or scenic value)	Yes	Yes	
Evaluation of the Significance of the Impacts				
4.10	Are the thresholds of significance of impacts clearly stated? Are uncertainties discussed?	Yes	NO	Impacts are very generally described such as – <i>temporary loss of flora and new damage to the habitats</i> . The width of the damaged stretches is provided in meters, but still no specific names of the habitats and species are provided.
4.11	If the design of the PP is not yet fully clear, are its impacts on the site described as worst case predictions?	Yes	No	No clear description of the impacts without mitigations has been provided.
4.12	If there are relevant uncertainties (e.g. unclear PP design, gaps in scientific knowledge on sensitivity of a Species), does the IA conclude to a	Yes	No	All possible impacts are described in general without <u>dividing into likely significant impact or a likely non-significant impact</u> .

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
	<u>likely significant</u> impact? or a <u>likely non-significant</u> impact?			
4.13	Have the specific sensitivities of the Habitats and the Species been taken into account? Or does the IA operate with undifferentiated thresholds?	Yes	No	In the table A. 3.6.2.1. the habitat types, which could be found in the area of the planned intervention (400 Deleted: . described. Some of the mentioned habitats might be very sensitive to the construction works, for example – caves not open to the public (biotope code 8310), sandbanks which are slightly covered by sea water all the time (1110), reefs (1150 *, which is priority biotope).
4.14	Does the evaluation take the lower threshold of tolerance (= the higher sensitivity) of Habitats or Species which have been damaged previously into account?	Yes	No	No information is provided on the previous damages.
4.15	Is appropriate emphasis given to the most sensitive stage of the life cycle of the Species? (e.g. eggs or larvae for fishes)	Yes	No	
4.16	Does the IA provide an individual evaluation of the impact of each effect on each Species and Habitat affected?	Yes	No	No impacts on each species and habitats are provided
4.17	Are the effects of local impacts in the study area on the state of conservation of the Species or the Habitat in the whole Natura 2000 site discussed?	Yes	No	No information is provided on the local impacts
4.18	Do considerations with no connection with the issues of the Habitats or Birds Directives interfere with the evaluation of impacts of Annex I Habitat or Annex II or bird species?	Yes	No	
Section 5: Description of the Mitigation Measures				
Description of the Mitigation Measures				
5.1	Does the IA explain how the measures will <u>avoid</u> or <u>reduce</u> adverse impacts on the site?	Yes	Partly	Very general descriptions of the mitigation measures are provided. As for example “to ensure the permanent access to the speleological objects by leaving natural or substantial entries”. It is not explained how the mitigation measures will avoid or reduce the adverse effects on the integrity of the site.
5.2	Is it clear that no <u>compensation</u> measures have been proposed for <u>mitigation</u> ?	Yes	No	No information on compensation measures has been provided.

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
5.3	Have the measures been adapted to the specific requirements of the Annex I Habitats and Annex II or bird Species affected?	Yes	No	The measures are not adapted to the specific requirements of the species and habitats of the Habitats Directive.
5.4	Does the IA discuss any other negative effects of the proposed measures on other Annex I Habitats or on Annex II and bird Species?	Yes	NO	No other possible negatives effects of the proposed measures have been discussed.
5.5	Is the mitigating effect on the magnitude of impacts clearly established? Are uncertainties discussed?	NO		
5.6	Are the <u>residual impacts after mitigation</u> described and their magnitude assessed?	Yes	No	No residual impacts after mitigation are discussed.
5.7	Was the same method used for the evaluation of primary impacts and of residual impacts? Can the results be compared directly?	Yes	No	Methods have not been described.
5.8	Is it evident that the IA team/ the Developer have considered the full range of possible mitigation?	Yes	No	Very general descriptions of the mitigation measures are provided. They have not taken into account the specific sensitivities of the Habitats and the Species.
5.9	Have alternative solutions been assessed?	Yes	Yes	Two alternatives are proposed, but they have not been compared adequately. Deleted: e
5.10	Have proposals of the Nature Conservation Authorities or other stakeholders been taken into account?	Yes	Difficult to comment for the Consultant	
Implementation of the Mitigation Measures				
5.11	Does the IA specify a timescale for implementation of mitigation measures? Will the measures be effective when the impacts are likely to occur?	Yes	No	No timescale is provided and no evidence that the most effective measures were provided.
5.12	Are the measures only suggestions or recommendations of the IA team? Does the IA provide an evidence of a binding commitment of the Developer?	Yes	No	No binding commitment of the Developer is provided.
5.13	Are the responsibilities for the implementation of mitigation measures (including funding) clearly defined?	Yes	No	In the description of the mitigation measures the references on the legal acts are provided, but no responsibilities were described and possible funding is not discussed.

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
5.14	Does the IA describe a monitoring scheme and how any mitigation failure will be addressed?	Yes	No	It is not described how any mitigation failure would be addressed.
Section 6: Description of Other Plans or Projects				
Description of the Relevant Other Plans or Projects				
6.1.	Are the criteria used for the identification of relevant other PP explained? (e.g. potential cumulative pathways, relevant types of impacts, affected Habitats and Species)	Yes	No	No other possible PP are described or it is not clearly stated that no other projects are proposed or have been implemented.
6.2	Are the boundaries for the assessment of cumulative impacts explained?	Yes	No	
6.3	Was the screening for relevant PP restricted to the study area or extended to the whole Natura 2000 site?	No		
6.4	Have the regional or national competent authorities (e.g. for Spatial Planning, Nature Conservation) been contacted for information?	Yes	Difficult to comment for the Consultant	
6.5	Are uncertainties regarding the implementation of other PP (e.g. unclear technical design, timescale) discussed?	Yes	No	
Assessment of Cumulative Impacts				
6.8.	Does the IA provide an adequate description of all cumulative impacts which are likely to affect the same Annex I Habitats and the Annex II or birds Species which are damaged by the assessed PP? (criteria → Section 4)	Yes	No	
6.7	Does the IA provide an adequate assessment of the magnitude and significance of the relevant cumulative impacts? (criteria → Section 4)	Yes	No	
Mitigation of Cumulative Impacts				
6.8 !	If the IA concludes that cumulative impacts are likely to cause a significant damage to the site, have specific mitigation strategies for cumulative impacts been proposed?	No		
6.9 !	Does the IA explain how the measures will <u>avoid</u> or <u>reduce</u> the cumulative adverse impacts on the	Yes	No	

Impact Assessment According to Article 6(3) of the “Habitats” Directive / Review Checklist				
No.	Review Question	Relevant ?	Adequately addressed?	Conclusion / what further information would be needed?
	site? (criteria → Section 5)			
6.10 !	Are the residual impacts after mitigation described and their magnitude assessed? Was the same method used for the evaluation of primary impacts and of residual impacts? Can the results be compared directly?	Yes	No	
6.11 !	Are the responsibilities for the implementation (including funding) clearly defined? (e.g. Was an agreement met among the developers of the different PP involved?)	No		

5. Conclusions

The parts of the EIA report available for the Consultant allowed concluding the following:

1. The description of the potential Natura 2000 site, including map with the borders was not available for the EIA study:
 - Is not clear where exactly and what kind of habitats and key species are present;
 - The conservation objectives of the site, including the factors that contribute to the conservation value of the site are not clear; Article 4 (1) of the Habitats directive requires proposing a list “indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host”. According to its second paragraph, the information on each site shall include a map of the site, its name, location, extend and the data resulting from the application.
 - The conservation status of the site (favourable or otherwise) is not known;
 - None of the key attributes of any Annex I or Annex II species on the site are known;
 - No details of the value of the site to the Natura 2000 network are provided (e.g. 20% of the population in the Member State or 30% of the population in the country).
2. Not enough details are provided within the description of the project:

- The necessary resources for the construction/operation of the project are not defined (including human resources and construction material);
 - No description of any waste arising (e.g. removed soil and ground, removed forest), or other residues (including quantities), and their means of disposal are provided;
 - No timescale for the various activities are provided for the implementation of the project.
3. Not all significant effects likely to occur are described:
- In the Habitats directive the significance of the effects means, that significance should be determined in relation to the specific features and environmental conditions of the protected site, taking particular account of the site's conservation objectives (unfortunately the conservation objectives for the potential Natura 2000 are not clear);
 - Not all specific sensitivities of the habitats and the species have been taken into account; some of the mentioned habitats might be very sensitive to the construction works, for example – caves not open to the public (biotope code 8310), sandbanks which are slightly covered by sea water all the time (1110), reefs (1150 *, which is priority biotope);
 - Not all types of the possible impacts (adverse effects) are identified – direct, indirect; short-term, long-term, isolated, interactive or cumulative.
4. The mitigation measures are not described detailed enough:
- It is not explained how the measures will reduce the adverse effects on the integrity of the site and no evidence is provided on how they will be implemented and by whom;
 - No timescale, related to the project, when these measures will be implemented, has been provided;
 - Some mitigation measures could be designed into the project;
 - All mitigation measures should have been divided into two parts: mitigation measures during the construction and during the operation, e.g.; mitigation measures in order to reduce noise to birds during the construction and during the operation, when possible appearance of noise in blow gas;
 - The mitigation measures are described only for one technological alternative solution – laying the pipe line by the drill jet;

5. The two proposed technological alternatives are not compared adequately; from the Habitats directive point of view it would have been important to compare, which of the solutions have less adverse impacts to the habitats and species of the Annex I and Annex 2 and which effects could be mitigated.
6. The integrity of the site is not sufficiently described; the integrity of the site involves its ecological functions. The decision as to whether it is adversely affected should have been focused on the site's conservation objectives, which are not clear in this case.

The available parts of the EIA report for the Consultant confirm that the evaluation of the impacts to the potential Natura 2000 site is not carried out according to the provisions defined in Article 6 of the Habitats Directive 92/43/EEC and according to the EC guidelines for the carrying out such assessments. The aim of this article is to reveal negative impacts of plans and projects to coherence of NATURA 2000 network through appropriate assessment (AA) of their possible effects on integrity of the NATURA 2000 sites and in particular in regards to their effect on species and habitats that are sites target features. In spite of this Directive such assessment should have been focused exclusively on the conservation of the habitats and species of the potential Natura 2000 site. The present assessment has no clear conclusion if the project has no significant effects on NATURA 2000 site (and can be approved) or significant impacts remain and project has to be rejected. It is not entirely clear if it is possible to reduce significant negative effects by the mitigation measures or an alternative manner of implementation found.