



**BANSKO SKI ZONE**

**CRIME  
AGAINST:**

**UNESCO site**

**Potential  
Natura 2000  
site**

**Corruption  
and mafia**

**Save Pirin  
NGO Coalition**

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## **List of Abbreviations:**

MEW – Ministry of Environment and Waters

PAA – Protected Areas Act

PNP – Pirin National Park

NGO – Non- governmental organization

EIA – Environmental Impact Assessment

ELC – European Landscape Convention

CRB – Constitution of Republic of Bulgaria

LPE – Law for the Protection of the Environment

BPA – Biodiversity Protection Act

CA – Concessions Act

cc – Penal Code

EBRD – European Bank for Reconstruction and Development

FIB – First Investment Bank

FI – Financial Intermediaries

## **Introduction**

### **Pirin National Park and Bansko Ski Zone**

This report is prepared by independent experts from the SAVE PIRIN NGO coalition and is endorsed by the following organizations: Za Zemiata, Center for Environmental and Information Education, Balkani Wildlife Society, Green Balkans Federation of Nature Conservation NGOs, Bulgarian Society for Protection of Birds, TIME Foundation, Mountains and People Association, Bulgarian Association for Alternative Tourism, Ekoforum – For The Nature NGO, Tetida, Eko Rila and others. <sup>1</sup>

Pirin National Park<sup>2</sup> spans a territory of more than 40 000 ha, including two natural reserves – Baiuvi Dupki and Yulen, 11 nature-wonder sites and 113 caves. The third highest peak on the Balkans (Vihren, 2915 meters) is located in the Pirin National Park. More than 186 lakes and 35 big water circuses are located in the park. A spectacular biodiversity with 1089 plant species (1/3 of all flora species in Bulgaria) and 172 animal species (114 of which endangered) are hosted in the National Park, including endemic species such as the Macedonian Pine, which is protected by the Bern convention.

The illegal construction of the ski resort in Pirin starts as early as 1967. The Bansko Ski Zone, in its current phase, was modelled in 2000. The ski zone, with 100 ha “legally” built and 150 ha built without environmental permission, has expended threefold since 2000. The ski resort, in its current form, includes 12 new ski slopes (6 of which with EIAs and the rest without)<sup>3</sup>, 21 cable ways (7 of which with EIAs and 15 without)<sup>4</sup>, buildings and canteens, an artificial lake, and 3 ski roads.

The project investor is a mixed venture between Bansko Municipality (12%), Alpenwald Tourist – Bulgaria (51%), Ski Engineering (31%), Pirin Tourist (3%). Direct funding for the project was provided by the Bulgarian First Investment Bank.

The investor promised “bread for Bansko”, “European” standards in terms of ski facilities, economic development and the well-being of the Bansko region. In reality, the company has gradually become a regional monopolist in offering ski services. The investor, Yulen, bought the biggest hotels and a large amount of real estate in the Bansko region and thus, it is now among the leading accommodation services provider.

In July 2000, the Ministry of Environment and Waters (MEW) approved the Environmental Impact Assessment (EIA) report of the entire project plan despite the report's weaknesses and incompetent conclusions concerning the biodiversity conservation and the conservation status of the National Park. By May 2001 MEW approved the EIAs of three new ski slopes and the enlargement of two old ones, and 7 cable ways. All facilities were located within the borders of the natural heritage site.

Construction of the thus approved resort began in 2001. All EIA permissions were substantially violated from the very beginning. The construction territory was gradually expanded to include the total area of 250 ha, while a public concession was given for only 100 ha.

On March 22, 2005, the Municipality of Bansko decided to further extend the “expanded” ski resort to include an extra total territory of 112 ha. The proposal breaches the recently approved Management Plan of the Pirin National Park and a number of Bulgarian environmental legal acts. On September 8, 2005, the expansion proposal was also approved by the Director of the Regional Inspectorate of Environment and Water - Blagoevgrad.

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<sup>1</sup> The statements presented here have been prepared by experts and do not fully bind the organizations that endorsed them.

<sup>2</sup> [www.pirin-np.com](http://www.pirin-np.com)

<sup>3</sup> Constructed cable-ways: ” Strazhite, “Chalin Valog 2”, “Shiligarnik 1 and 2”, “Plato 1”, „Bunderitza”, “Children”, ski slopes : “Platoto”, “Platoto – Shiligarnika”, “Stara Pista”, “Bunderishka Polyana – Shiligarnika”, “Bunderishka Polyana – Todorka peak”.

<sup>4</sup> Constructed cable-ways: “Zhelezni Most – Platoto”, “Bunderishka Polyana”, “Children”, “Platoto”, “Shiligarnika– Platoto” “Balkaniada”, “Bunderishka Polyana – Shiligarnika” “Bansko – Bunderishka Polyana”, “Bunderishka Polyana – Todorka peak”, “Plato – Sever” and 10 children cable-ways.

## Executive summary

This report was created on the basis of a detailed research and analysis of the major negative implications of the Bansko Ski Zone. The following main spheres of impact were thus identified:

- legal violations
- biodiversity loss
- landscape and erosion processes
- social and economic impact

The analysis of the legal violations section demonstrates that nine international and six national legal acts were breached in the Bansko Ski Zone construction. Although the violations were well-documented by civil society, all our attempts for improving transparency and accountability through court actions and alerting public prosecutors have failed.

On the basis of the legal violations described below, the authors of the report conclude that the EIA decisions issued, the respective ski slopes and facilities constructed within the Bansko Ski Zone are in breach of both Bulgarian and International legislation. All EIA permissions are unlawfully granted.

The investor has breached nearly every requirement included in the EIA decisions. Thus, those should be cancelled.

The contract providing the investor with the right to use 99 ha of the National Park is unlawful. The expansion of the ski-zone by more than 150 ha beyond the specified in the contract territory, and the breaching of the EIA decisions present a major violation of the existing legislation.

The exploitation of the Bansko Ski Zone should be discontinued due to its illegal construction and exploitation, and the dangers it poses to the environment, biodiversity and human health.

Decision No 482/22.03.05 of the Bansko City Council, together with the Environmental Appraisal No BD – 01-EO/2005 of the Regional Directorate of MEW concerning a two-fold expansion of the (expanded) ski-zone are void.

Protected areas are managed according to the Protected Territories Act, not according to the Territorial Development Act. Both decisions violate the Protected Areas Act, the Pirin National Park Management Plan, the Bulgarian constitution and legal system. In addition, Bansko Municipality does not possess the competence to issue the above mentioned decree.

**Due to the above mentioned legal circumstances, and due to their legal weight and consequences, the authors of the report insist on the following:**

- all EIA acts and the concession contract should be declared unlawful
- the responsible individuals should receive administrative, criminal and disciplinary penalties
- the exploitation of the illegal (constructed with and without EIA) ski-slopes should be discontinued
- urgent recultivation and erosion measures should be undertaken
- citizens and NGOs' rights to court justice should be guaranteed

- national and European environmental legislation should be adhered to more strictly by Bulgarian authorities
- institutions should become more forthcoming in supplying access to public information
- Bansko Ski Zone should be excluded from the application of Bulgaria to host the 2014 Winter Olympic Games
- Bansko Ski Zone should not be excluded from the UNESCO World Heritage Site being an integral part of Pirin National Park.

On the biodiversity impact side, the Bansko Ski Zone was found to have significant and irreversible impact on a large number of species, among which Alpine and Boreal heaths, Species-rich Nardus and Oro-Moesian acidophilus grasslands, Boreal Owl, Black Woodpecker, White-backed Woodpecker, Balkan chamois, Honey Buzzard, Golden Eagle, Lesser Spotted Eagle, Peregrine Falcon, Three-toed Woodpecker, Hazel Grouseer, Capercaillie, Bushes with Pinus mugo, Rhodope spruce, Macedonian pine and Brown bear. According to professor Alexander Alexandrov, Director of the Forest Institute at the Bulgarian Academy of Science, the constructed ski slopes pose a major threat to nature in the Pirin National Park.<sup>5</sup>

The erosion review demonstrated that significant erosion damage was done to the landscape in the ski zone. The destroyed landscape is irreversibly lost. The integrity of monolithic forest massifs has been violated. The multiple violations in the landscape management necessitate immediate inspection of the whole concession area, assessment of the degree of ecological catastrophe and preparation and implementation of an urgent terrain re-cultivation plan.

Finally, the socio-economic poll undertaken among random citizens of Bansko demonstrates that the quality of life for the majority of Bansko citizens did not improve as a result of the project. On the contrary, there are a number of negative factors associated with the ski resort expansion, among which were the pollution and the poor and deteriorating state of public infrastructure. In addition, the expected economic returns for the biggest deal of the population did not turn out as high on the average as expected.

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<sup>5</sup> See Appendix 7 - Article from the director of the Forest Institute at the Bulgarian Academy of Science

## **Part I**

### **Assessment of the Legal Violations Concerning the Bansko Ski Zone Project**

This report describes legal violations recorded during the implementation of the Bansko Ski Zone project. The time period of the investigation spans from December 2000 to August 2005. The data was gathered through field visits, screening of documents, accessing public information and expert analysis performed by the Save Pirin NGO coalition.

#### **1. Legal statute of Pirin National Park**

The flora and fauna and landscape diversity of the park are protected by national and international legislation.

Two nature reserves are located within the park's territory.

Bayuvi Dupki – Dzhindziritsa is one of the oldest reserves in Bulgaria. It was established in 1934 to preserve the natural primeval forests of Macedonian and Mountain Pine and the huge diversity of animal and plant species. In 1977, the territory became a Biosphere Reserve after the “Man and Biosphere” UNESCO program. The YULEN Reserve was established in 1994. It contains an exceptional diversity of forest, sub-alpine and alpine ecosystems and landscape.

Vihren People's Park was established on the 8th of November 1962. In 1974, it was enlarged and renamed “Pirin People's Park”. With the Protected Areas Act taking force in 1998, the park received the status of a “national park” and its management was passed onto the Ministry of Environment and Waters. Its territory covers 40 332,4 ha. The park is exclusively state-owned and borders on the municipalities of Gotse Delchev, Bansko, Razlog, Simitli, Kresna, Striumiani and Sandanski.

Due to its unique natural system, Pirin National Park is a potential NATURA 2000 and EMERALD site (Code: BG0000209 Pirin) and a UNESCO World Heritage Site according in the World Heritage Convention<sup>6</sup>. Pirin National Park is listed under No 225/09.12.1982 in the UN list of National Parks and Reserves.

The National Park is managed by MEW. The National Nature Protection Service, part of MEW, coordinates and controls the protected areas management in Bulgaria. The management and implementation of state policies in the park is implemented by the Pirin National Park Directorate.

**The statute of Pirin National Park is regulated by the following legislative acts:**

##### **a. International legislation:**

UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage

Convention on the Conservation of European Wildlife and Natural Habitats

European Landscape Convention

Convention on Biological Diversity

Convention on the Conservation of Migratory Species of Wild Animals /Bonn Convention/

Directive 92/43/EEC

Directive 79/409/EEC

Seville Strategy for Biosphere Reserves, Mart 1995 – UNESCO “Man and Biosphere” programme

##### **b. National legislation:**

Constitution of Republic of Bulgaria

Penal Code

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<sup>6</sup> <http://whc.unesco.org>

Protected Areas Act  
Biodiversity Protection Act  
Water Act  
Environmental Protection Act and others.

## **2. Chronological development of the Bansko Ski Zone case**

### **2.1 EIA acts signed by the Ministry of Environment and Waters**

Within the period 2000 – 2002 the Minister of Environment and Waters issued the following EIA decisions, related to the overall construction of the resort and its separate components:

- EIA 57-13/2000 on Territorial and Management Plan of Bansko Ski Zone;
- EIA 35-11/2001 on “Children Ski Slope and Cable-Way”;
- EIA 36-11/2001 on “Platoto Cable-Way and Ski Slope”;
- EIA 37-11/2001 on “Chair Cable-Way Shiligarnika–Platoto and Ski Slope Platoto-Shiligarnika”;
- EIA 38-11/2001 on “Cable-Way Balkaniada”;
- EIA 39-11/2001 on “Extension of Stara Pista Ski Slope”;
- EIA X-7/2002 on “Bunderishka Polyana–Shiligarnika Ski Slope and Cable-Way”;
- EIA Decision XI-7/2002 on “Bansko–Bunderishka Polyana Cabin Cable-Way”;
- EIA Decision on “Bunderishka Polyana–Todorka Peak Ski Slope and Cable-Way”;

All acts listed above violate the Pirin National Park Management Project from 1994, the Protected Areas Act, UNESCO, the Bern Convention and others. (More details are given in point 3.)

NGOs and citizens appealed all the EIA permissions issued by the Ministry of Environment and Waters. In February 2001, after the approval of the “Territorial and Management Plan of the Bansko Ski Zone” EIA, six NGOs appealed the decisions in front of the Supreme Administrative Court of Bulgaria. In May 2002, more than 52 appeals against the last three EIA decisions were filed in the Supreme Administrative Court.

All appeals were rejected in November and December 2002, despite the significant evidence for legal violations the appealed decisions were into.

In 2002, NGOs and citizens sent signals to the Directorate for National Construction Control – Blagoevgrad about illegal construction work in the region of the ski zone and town of Bansko. To this date, there has been no response to the complaints.

During a field visit to the ski zone construction site in June 2003, NGO representatives found a number of violations of the clauses of the EIA decisions. The NGO representatives phoned the Ministry of Environment and Waters on the spot to demand an investigation of the case. Half an hour after the call, a number of the investors' representatives appeared on the terrain, demanding the film materials documented by the NGOs and threatening the observers with physical violence.

There is evidence that criminal acts, as defined in the Penal Code, have been committed.

In 2002, a signal to the Regional Prosecutor's Office in Razlog was sent. The claim was cancelled by the Regional Prosecutor's Office as a police investigation on the case had previously been undertaken.

According to the prosecutor's response, “a number of materials – construction plans, logging certificate and timber transportation, have been gathered.” The Regional Prosecutor's Office “was not able to make a substantial justification that a general type crime has been committed,” did not initiate prosecution and cancelled the claim.

The same decision (number 1522 from 4.11.2002) read: “Investigations on the construction process were undertaken by MEW and the National Park Directorate, which did not reveal any violations. Those statements are confirmed by the written explanation of the Pirin National Park Director.”

In comparison with the reference presented by MEW on the penalties the Ministry issued, we found that up to November 4, 2002, two fines of six thousand and of ten thousand levs were issued for



administrative violations during the construction of the Bansko-Bunderishka Polyana Cabin Cable-Way and the Children Ski Slope.<sup>7</sup>

It is contestable why, considering that two penalties related to the ski-zone construction process were issued, the Regional Prosecutor's decision read that no evidence for legal violations was found. The person who issued the decision should thus be held accountable for giving untruthful information or providing biased response to signals for committed crimes.

The experience above demonstrates that all attempts of citizens and civil society to seek legal accountability for Bansko case using the Bulgarian court system and public prosecutors proved futile.

## 2.2 Violations of the issued EIA acts

The following section gives a summary of the violations of the EIA provisions. Appendix 6<sup>8</sup> describes in detail the violations of every EIA decision.

### **Substantial expansion of the ski slopes and facilities beyond the territory provided for in the EIA<sup>9</sup>**

The Territorial and Management Plan, Concession Contract and EIA decisions allow for 100 ha of logging and ski facilities construction. Width of the corridors for ski slopes and cable-ways is explicitly outlined to be between 20 and 30 meters (for ski slopes) and 4 and 9 meters (for the cable-ways)<sup>10</sup>.

Independent terrain measurements demonstrate that the ski slopes are between 30 and 150 meters wide and corridors for cable-ways – between 20 and 40 meters. The total territory of the newly constructed ski slopes and facilities is in reality over 250 ha, which is two times and a half more than the officially permitted<sup>11</sup>

### **Large-scale excavation** *(See pictures 3 and 4 in Appendix 1)*

All EIA acts ban excavation and terrain modelling. Yet, large-scale excavation was undertaken. The Bunderishka Polyana–Todorka Peak ski slope was continuously modelled in 2002, 2003, 2004 and 2005. During 2003 only, excavation of more than 35 000 cubic meters on the total territory of 100 000 square meters was undertaken.

### **Use of heavy-chained excavators** *(See picture 5 in Appendix 1)*

Manual construction and use of light machines only if other construction manner proved necessary and impossible was a requirement in EIA decisions. Yet, field observations in the period 2001-2005 show that heavy-chained excavators were the common and main construction tool used.

### **Construction and earth piling on the river beds** *(See picture 6 in Appendix 1)*

Construction and earth piling in the river beds is prohibited in all EIA decisions. The ban was regularly not adhered to. During the Zhelezni Most–Platoto ski-slope construction, significant amounts of earth mass were piled at the base station and bed of the Ikrishte River. Earth piling was done at the west side of the Shiligarnika area, covering all local streams.

### **Use of explosives** *(See picture 7 in Appendix 1)*

Use of explosives is banned in all EIA decisions. Yet, large-scale explosion work was done for the removal of a hill at Bunderishka meadow and during the Shiligarnika and the Bunderishka Polyana–Todorka Peak ski-slope construction.

### **Uprooting of tree-logs**

Tree logs uprooting is banned in all EIA decisions. Yet, tree logs were unearthed during the construction of all ski slopes and a substantial deal of the cable-way sites.

<sup>7</sup> See Appendix 2 - Reference, granted by the Ministry of Environment and Waters

<sup>8</sup> See Appendix 6 - Tables with violations of EIA Decisions

<sup>9</sup> See Appendix 3 - Map of allowed and not allowed ski-slopes and facilities

<sup>10</sup> See Appendix 6 - Tables with violations of EIA Decisions

<sup>11</sup> See Appendix 3 - Map of allowed and not allowed ski-slopes and facilities

### **Insufficient anti-erosion, drainage and re-cultivation measures** *(See picture 8 in Appendix 1)*

In addition, in the EIA of the Territorial and Management Plan of the ski zone, the investor was obliged to re-cultivate the Chalin Valog and the Tzyrna Mogila ski slopes, which was not fulfilled either.

In all EIA decisions, a clause exists that urges the investor to undertake a number of anti-erosion, drainage and re-cultivation activities. Up to June 2005, no significant anti-erosion, drainage and re-cultivation measures were undertaken. According to the investor's Investment Program, such were due to happen in 2005. No significant anti-erosion, drainage and re-cultivation activities have taken place. There have been attempts for recultivation with non local species (clover etc.).

### **Use of chemicals and fertilizers**

Use of chemicals and fertilizers for ski-slope maintenance is forbidden in all EIA decisions. Yet, there is evidence that such substances were in use for ski-slope maintenance. The responsible authorities should undertake serious investigations of the issue.

### **No solution for the crossing of Bunderishka Polyana–Todorka Peak ski slope with the Bansko – Vihren road** *(See picture 9 in Appendix 1)*

A requirement for the development of a technical solution for the road-crossing between Bunderishka Polyana–Todorka Peak ski slope with the Bansko–Vihren road is made in the EIAs of the Territorial and Management Plan of ski zone and of the Bunderishka Polyana–Todorka Peak ski slope. Yet, there is no development of a safe crossing point between the two legs of the Bunderishka Polyana–Todorka Peak ski slope and the Bansko–Vihren car road. The consequences include serious erosion, making the road unusable after heavy rains and increased danger for pedestrians and vehicles using the road. (An example of a car, overtaken by earth masses was documented on September 26, 2004.) The road is also not usable during the winter, as pedestrians get in the way of skiers. Thus, the single connection between the city of Bansko and two of the most popular huts in Pirin (Bunderitsa and Vihren) is seriously obstructed.

### **Night illumination of ski roads and slopes**

Night illumination is not permitted by EIA. Yet, according to information from the investor's construction unit, the Bunderishka meadow, the Bansko–Bunderishka Polyana ski road, and the Starata Pista ski slope are illuminated during the night.<sup>12</sup>

### **Construction of multiple temporary roads**

Construction of temporary roads is not permitted in none of the EIAs. Yet, a number of temporary roads were built during the construction of the Bansko Bunderishka Polyana cabin cable-way, the Bunderishka Polyana–Todorka Peak ski slope and cable way, the Zhelezni Most–Platoto ski slope and cable way.

### **Increase of the tourist accommodation capacity of the town** *(See picture 10 in Appendix 1)*

The Territorial and Management Plan of the ski zone did not allow for increase of the accommodation capacity of the town, as a result of which a conflict between the holding capacity of the city and the ski facilities (slopes and cable-ways) was possible. The Bansko Ski Resort development demonstrates that such conflict does exist. The decision to expand the ski zone because of the increased accommodation capacity of the resort city is unsustainable. Thus, the ongoing town enlargement and hotel construction in the city of Bansko is one of the largest threats to the National Park. According to data from Bansko Municipality, up to March 2004, 270 permissions for hotel constructions were issued, 70 of which are finalized in 2004-2005. In reality, the growth of building construction in the city is among the highest ones in the country. That is a clear violation of the ski zone Territorial and Management Plan clauses.

### **Logging of Bushes with Pinus Mugo**

All EIA decisions concerning sites with bushes with Pinus Mugo explicitly state that no logging of the Pinus Mugo bushes should be undertaken. Yet, 24 ha of Pinus Mugo bushes were logged for the construction of the Platoto ski slope (number 11 in the investors' map) and ski road 2. The habitat was fragmented with bulldozers digging the remaining roots and earth after the logging.

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<sup>12</sup> See Appendix 5 – Map at investor's site ([www.banskoski.com](http://www.banskoski.com))

### **Lack of adequate state control and concern**

Almost all provisions of the EIAs have been substantially violated. Adequate monitoring and control by the responsible institutions was missing. With the exception of the few penalties issued by MEW<sup>13</sup>, no serious sanctions were given despite the huge magnitude of the damage done to public property such as Pirin National Park. All EIA decisions have provisions which make them reversible in the case of a clause breaching. Thus, MEW was able and obliged to cancel or reverse the EIA permissions on the basis of the violations made. However, the Bulgarian authorities neither adhered to, nor controlled the implementation of their own decisions.

### **2.3 Construction, undertaken without EIA**

The findings below were made on the basis of the reference given from the Ministry of Environment and Waters<sup>14</sup>, many field visits and a map of the allowed and constructed facilities.<sup>15</sup> In practice, the built-upon territory is 2,5 times larger than the amount allowed by MEW<sup>16</sup>. Buildings, an artificial lake and water-catchments were built without an EIA. All activities took place in the period between 2002 and 2004.

**The following significant construction works were undertaken without EIAs<sup>17</sup>:**

- Construction site and temporary buildings at the Bunderishka meadow and in the area of Shiligarnika, the base station of the Zhelezni Most–Platoto cabin cable-way and upper station of the Bunderishka Polyana cable-way;
- The Strazhite (Zhelezni Most–Platoto)<sup>18</sup>, Shiligarnik 1 and 2<sup>19</sup>, Plato 1<sup>20</sup>, Bunderitsa<sup>21</sup> and their large site branches ski slopes;
- The Bansko Bunderishka Polyana<sup>22</sup> and Shiligarnika–Chalin Valog<sup>23</sup> ski roads and two others with a total length of 16 km<sup>24</sup>;
- The following ski facilities: Zhelezni Most–Platoto<sup>25</sup>, Plato–Sever<sup>26</sup> and 10 children cable-ways; two additional cable-ways crossing and connecting Bunderishka Polyana with crossing points 6, 7 and 9;
- A lake at Bunderishka meadow and two water catchments at the Bunderishka and Demianitsa rivers.

The list above is a confirmation of the earlier claim about the lack of state and prosecutor monitoring and control over the construction works and respective crimes undertaken in the Bansko Ski Zone.

### **2.4 The Management Plan of Pirin National Park comes into force**

Since December 2004, the Management plan of Pirin National Park is legally enacted. The Plan, which has a statute of a legal act, **does not** provide for construction, renewal or broadening of new or existing ski slopes and facilities on the territory of the park.<sup>27</sup> Thus any expansion of the ski zone is a violation of the Management Plan.

<sup>13</sup> See Appendix 2 - Reference, given by the Ministry of Environment and Waters

<sup>14</sup> See Appendix 2 - Reference, granted by the Ministry of Environment and Waters

<sup>15</sup> See Appendix 5 - Map at investor's web site

<sup>16</sup> See Appendix 3 - Map of allowed and not allowed ski slopes and facilities

<sup>17</sup> See Appendix 3- Map of allowed and not allowed ski slopes and facilities

<sup>18</sup> See Appendix 5 - The Ski-slope is marked under number 12 at the map

<sup>19</sup> See Appendix 5 - The Ski-slope is marked under number 5 and 10 at the map

<sup>20</sup> See Appendix 5 - The Ski-slope is marked under number 3 at the map

<sup>21</sup> See Appendix 5 - The Ski-slope is marked under number 2 at the map

<sup>22</sup> See Appendix 5 - The Ski-road is marked under number 1 at the map

<sup>23</sup> See Appendix 5 - The Ski-road is marked under number 1 at the map

<sup>24</sup> See information at [www.banskoski.com](http://www.banskoski.com): „A wonderful 16-km ski-road, equipped with light and canons fir artificial snow production, connecting the high parts of the resort with the town of Bansko”

<sup>25</sup> See Appendix 5 - The Ski-road is marked under number 1 at the [www.banskoski.com](http://www.banskoski.com) map

<sup>26</sup> See Appendix 5- The facility is marked as a cable-way “Plato-Sever” towards ski-slope 3 at the at the map

<sup>27</sup> See Appendix 8 - Law Citations, p.43

Yet the ski zone's expansion after 2004 goes beyond the concession territory and heads in direct and dangerous vicinity to the Yulen reserve, which breaches the Management Plan of the park. In this case the Bulgarian state adopts a Management Plan, which it does not follow.

However MEW violated significant recommendations from the Report of the Mission to Pirin National Park, Bulgaria, February 11- 16, 2002, Experts Milln (UNESCO) and Heis (IUCN): „The State Party should be urged to resolve a wide spectrum of existing management issues potentially reflecting a significant loss of integrity, as well as to demonstrate the ability to effectively implement the Bulgarian-Swiss Management Plan upon its completion in 2003-4.“<sup>28</sup>

## **2.5 Evidence for Committed Crime**

In the implementation of the Bansko Ski Zone project, there is evidence that the following clauses from the Penal Code have been breached: art. 136; art. 202, par. 1, point 3 in connection with art. 201, par. 219; art. 235; art. 236; art. 278c; art. 282; art. 302; art. 302 in connection with art. 301; art. 352; art. 353 a; and art. 353d <sup>29</sup>. All of these are described below.

There is evidence that during the ski slopes and facilities construction, labour safety rules were frequently breached, in violation of art. 136 of the Penal Code.

Considering the information about the unlawful distribution of funds from the SAPARD Ecotourism Measure program in Bansko<sup>30</sup>, evidence exists of the violation of arts. 201 and 202, par 1, point 3.

An examination is due to take place to check whether the responsible individuals have indeed managed Pirin National Park responsibly and if evidence is found that art. 219 has been violated, prosecution should be undertaken.

Considering the large-scale illegal logging, prosecution according to art. 235 should be undertaken.

Considering the evidence for destruction and damaging of trees and tree cultures and sprout, prosecution according to art. 236 should be undertaken. (*See picture 11 from Appendix 1*)

Destruction of protected species and damaging protected territory is a crime according to art. 278. The article provides for damage to protected species and territory, both of which were committed in the Bansko Ski Zone.

### **Damage to protected territory**

Pirin National Park is a protected territory of the highest conservation stature, according to Bulgarian and international legislation. The constructed ski zone caused significant damage to this protected territory. (*See Part II*)

### **Destruction of protected species**

Over 1250 hectares with protected species were destroyed during the logging works that cleared the way for the new ski facilities. The composition of tree species in the ski slope cutting across the road above Bunderishka meadow, for example, was 30% Macedonian Pine, 60% spruce and 10% other species. (*See Part II*)

There is evidence that the waters of the Bunderishka and Demianitsa rivers and the soil have been polluted with chemical substances for treating the ski slopes and facilities, which breaches art. 352.

The withholding of information about the state of the environment, human life and health breaches art. 353a of the cc.

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<sup>28</sup>See Appendix 12 – Report of the Mission to Pirin National Park, Bulgaria, February 2002

<sup>29</sup> See Appendix 9 - Penal Code Citations

<sup>30</sup> [http://www.zazemiata.org/sapard\\_report\\_Oct2005.pdf](http://www.zazemiata.org/sapard_report_Oct2005.pdf)

The construction of water drainages and catchments without the necessary documents for ground-water use (regarding the Bunderitsa and Demianitsa rivers) breaches art.353d from the cc.

## **2.6 Conclusion**

The review so far demonstrates a lack of state control and state willingness to implement publicly adopted environmental legislation, including the Park's Management Plan. In addition, the court and prosecution system made it impossible for citizens and NGOs to successfully appeal enacted decisions, place complaints or take any action for improving transparency and revealing legal violations and crimes committed during the construction of the Bansko Ski Zone. The findings pertain to the overall fashion in which the Bulgarian legal and penal system works.

## **3. List of legal violations**

In this section, all relevant for the case national and international legal acts are listed together with the points where violations have been made.

### **3.1. International Legislation**

#### **UNESCO World Heritage Convention**

The implementation of activities, contradicting the PNP conservation statute is in violation of art. 4 of the World Heritage Convention.<sup>31</sup>

Two UNESCO/IUCN missions inspected the Convention's implementation.

According to the second mission's report, the ski zone construction is hazardous and endangers the values and wholeness of the world heritage site. UNESCO called upon the Bulgarian state to undertake effective measures to stop the legal violations within the World Heritage Site and in its surroundings<sup>32</sup>.

#### **Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)**

The constructed ski facilities and building sites endanger five natural habitats and 12 species included in Resolution 4 and 6 of the Permanent Committee of the Convention, Appendix 2 of Directive 92/43/EC and Appendix 1 of Directive 79/409/EC. That violates art. 4, par.1 of the Convention.<sup>33</sup>(*See Part II*)

#### **European Landscape Convention**

The uprooting of the tree trunks, explosion and large-scale excavation works undertaken, the significant declivity of the ski slopes (from 20 to 50%) and the high altitude are amongst the major factors which have contributed to the emergence and development of erosion. Up until June 2005, no significant anti-erosion and water-draining activities had been undertaken. (*See Part III*)

By allowing this intense erosion activity and the destruction of a unique mountain landscape, Bulgaria is disregarding the responsibilities it has undertaken under art. 5 of the ELC.<sup>34</sup>

The concrete measures included in art.6 from the ELC which Bulgaria is due to undertake as a party that ratified the convention have also not been implemented.<sup>35</sup>

#### **Convention on Biological Diversity**

No processes or activities with significant impacts on biological diversity have been identified (See Part II), and nor have mitigating measures been taken. Therefore the State party is not fulfilling its duties as laid down in art. 7, par. b, c and d.<sup>36</sup>

Considering the significant impact of the ski zone on biological diversity (*See Part II*), the State is in breach of art 8, par a, c, d, e, f, g, h, i, j, and l of the Convention.<sup>37</sup>

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<sup>31</sup> See Appendix 8 - Law Citations, p.1

<sup>32</sup> See Appendix 12 and Appendix 13 - Reports of the Mission to Pirin National Park, Bulgaria, February 2002 and 2004

<sup>33</sup> See Appendix 8 - Law Citations, p.2

<sup>34</sup> See Appendix 8 - Law Citations, p.3

<sup>35</sup> See Appendix 8 - Law Citations, p.4

<sup>36</sup> See Appendix 8 - Law Citations, p.5

<sup>37</sup> See Appendix 8 - Law Citations, p.6

The clauses from art. 10, par a, b, c, d and e<sup>38</sup> and those from art. 11<sup>39</sup> have also not been adhered to.

### **Convention on the Conservation of Migratory Species of Wild Animals /Bonn Convention/**

The habitat's fragmentation and the significant overall impact on biological diversity violate the provisions of art.2 and 3 of the Bonn Convention.<sup>40</sup>

### **Directive 92/43/EC**

The ski zone has significant negative impact on the natural habitats and wild birds. (See Part II). Therefore, the responsibility undertaken by the Bulgarian state as an accession country to the European Community to propose and protect sites of community importance, aiming at the conservation of natural habitats in Appendices 1 and 2 of the Directive 92/43/EC are not fulfilled. This is especially relevant for the potential EMERALD and NATURA 2000 sites, such as Pirin National Park. (*See Part II*)

### **Directive 79/409/EC**

It has been proven that the ski zone is having a significant negative impact on natural habitats and wild birds. (*See Part II*) Therefore, the responsibility undertaken by the Bulgarian state as an accession country to the European Community to propose and protect sites of community importance, aiming at the conservation of species of birds listed in Annex 1 of the Directive 79/409/EC have not been fulfilled. This is especially relevant for the potential EMERALD and NATURA 2000 sites, such as Pirin National Park. (*See Part II*)

### **Seville Strategy, March 1995 – UNESCO Man and Biosphere Programme**

The direct and indirect impact on the two reserves (Yulen and Bayuvi Dupki) protected by the Seville strategy are significant. (*See Part II*)

## **3. 2. National Legislation**

### **Constitution of Republic of Bulgaria**

The violations of the international laws listed above breach art. 5, par. 4 from the CRB, which stipulates that all ratified international acts are part of the national legislation.<sup>41</sup> The negative impact on the environment, destruction of wildlife and unwise utilization of the PNP's resources contradict art.15 from the CRB.<sup>42</sup> The violation of the Concession Act breaches the provisions of art. 18, par.5 of the CRB.<sup>43</sup>

The National Park is managed as if it were private property for the sole benefit of the investor. The park is not managed in the interest of the public and this is in breach of the provisions of art.18, par. 6 that stipulates that state property should be used in the interest of the public.<sup>44</sup>

### **Nature Protection Act**

The Nature Protection Act was revoked with the enactment of the Biological Diversity Act in 2002. Until the revocation, it was violated in the following ways:

The project's implementation led to the destruction of animal and plant species protected under art. 14 and 15 of the Nature Protection Act.<sup>45</sup>

### **Protected Areas Act**

The Bansko Ski Zone project contradicts art. 2, par. 1 of the PAA which states that the aims of the PAA are the preservation and conservation of the protected areas as a national and universal treasure as a form of a specific national nature preservation strategy.<sup>46</sup>

<sup>38</sup> See Appendix 8 - Law Citations, p.7

<sup>39</sup> See Appendix 8 - Law Citations, p. 8

<sup>40</sup> See Appendix 8 - Law Citations, p.10

<sup>41</sup> See Appendix 8 - Law Citations, p.11

<sup>42</sup> See Appendix 8 - Law Citations, p.12

<sup>43</sup> See Appendix 8 - Law Citations, p. 13

<sup>44</sup> See Appendix 8 - Law Citations, p. 14

<sup>45</sup> See Appendix 8 - Law Citations, p. 17

<sup>46</sup> See Appendix 8 - Law Citations, p. 18

Violating art.18, par.2 from PAA, the construction of the new ski slopes and other facilities in the park contradicts the statute and establishment of the National Park. <sup>47</sup>

The ski-zone construction works involved the use of explosives, large-scale tree-logging and earth-excavation and lead to substantial building. The process is in violation with art. 21, par.1, point 1 from the PAA which forbids construction works in National Parks. <sup>48</sup>

With the logging of over 250 ha, the ski zone's expansion is in violation of art.21, par.1, point 3 from the PAA which forbids logging on the territories of National Parks. <sup>49</sup>

The use of artificial fertilizers and other chemical substances for treatment of the forest openings for the ski slopes and facilities violates art. 21, par.1, point 4 from PAA which forbids the use of fertilizers and other chemical substances. <sup>50</sup>

The alteration of the natural current of the Bunderitsa and the Ikrishte rivers with the creation of an artificial lake and water-catchments and the conducting of large-scale excavation works on the beds of the rivers violate art. 21, par.1, point 9 from the PAA, which forbids any actions that lead to transformation of the natural state of the water currents and their banks. <sup>51</sup>

The large-scale logging, earth-excavation and piling up and the isolation of populations of *Pinus Mugo* bushes are leading to the fragmentation and destruction of protected species of plants and natural habitats /such as Forest and Macedonian Pine, White and Black Pine Trees, Spruces, bushes with *Pinus Mugo*/ (See Part II). The continuous construction works, the noise, water and air pollution, the significant anthropogenic pressure are chasing away animals, fragmenting animal habitats, destroying protected species and disrupting the biological diversity. All actions and effects listed above are in violation of art.21, par.14 from the PAA. <sup>52</sup>

In addition, the destruction of rare, endemic, relict and protected species in the ski zone violates art. 21, par.1, p.15 and par. 14 of the PAA. <sup>53</sup>

According to art.81, par.1 of the PAA, the Minister of Environment and Waters and the Director of the Regional Water Inspection must fine the natural persons responsible for conducting the actions listed. <sup>54</sup>

According to art.812, par.1 of the PAA the officials who permitted construction in protected territory must be penalized. <sup>55</sup>

According to art. 83 of the PAA, the legal entities that conducted activities in protected territory in violation with the territory's statute must be penalized with a property sanction. <sup>56</sup>

As it is a violated object and exclusive state property, illegally harvested timber should be confiscated by the state, as stipulated in art.84, par.1 of the PAA. <sup>57</sup>

### **Environment Protection Act from 1991**

The EPA from 1991 was enacted during the initiation of the construction works and revoked in 2002 with a new Law for the Protection of the Environment.

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<sup>47</sup> See Appendix 8 - Law Citations, p. 19

<sup>48</sup> See Appendix 8 - Law Citations, p. 20

<sup>49</sup> See Appendix 8 - Law Citations, p. 21

<sup>50</sup> See Appendix 8 - Law Citations, p. 22

<sup>51</sup> See Appendix 8 - Law Citations, p. 23

<sup>52</sup> See Appendix 8 - Law Citations, p. 24

<sup>53</sup> See Appendix 8 - Law Citations, p. 24

<sup>54</sup> See Appendix 8 - Law Citations, p. 25

<sup>55</sup> See Appendix 8 - Law Citations, p. 26

<sup>56</sup> See Appendix 8 - Law Citations, p. 27

<sup>57</sup> See Appendix 8 - Law Citations, p. 28

According to art. 23a of EPA<sup>58</sup> public hearings on each EIA should be organized and conducted. Contrary to the legal provisions, there was only one public hearing for the Territory Management Plan. This constitutes a serious violation of the environmental impact assessment procedures according to the EPA.

### **Environment Protection Act from 2002**

The following main provisions of the EPA (from art. 3, par.1, points 1 to 8, and 11) were breached during the implementation of the Bansko Ski Zone,<sup>59</sup> due to the fact that the project:

- is not being implemented according to the sustainable development principles;
- does not fulfil the precariousness and risk for human health reduction clause;
- the principle of pollution avoidance is not given preference to mitigation of the caused damage;
- public participation and transparency in the environmental decision-making process was not ensured. The public does not have access to information about the state of the environment in the ski zone and attempts have been made to conceal the violations;
- the “polluter pays” principle has not been followed;
- the ski zone is having a substantially negative impact on the ecosystems and biological diversity;
- no measures to recultivate and improve the environment in the polluted and damaged areas have been undertaken;
- access to justice on environmental issues is denied;

### **With the rejection:**

Denying access to public information about the penalties, issued in the name of the project executor for violation of the EIA decisions and the concession contract, MEW and the National Park Directorate violate chapter II of the EPA.

The requirements and principles for protection of the soil and humus layers in section three of chapter III of the EPA are being substantially violated.<sup>60</sup>

The negative impact of the ski zone on biological diversity and the violation of the Protected Areas Act and Management Plan of the park contradict the main principles contained in art. 51-53 of the EPA.<sup>61</sup>

The substantial violations of almost every requirement listed in the EIA decisions, the environmental crisis and lack of control bring us to the conclusion that the provisions of art 148 from EPA are breached. No effective preventive, on-going and subsequent control is being carried out in the ski zone by the Ministry of Environment and its regional structures.<sup>62</sup>

According to the legal definition of the term “environmental pollution” (§1, point 5 in the Supplementary Provisions of the Environmental Protection Act), there is one in the Ski Zone with Centre Bansko.<sup>63</sup>

Considering the erosion on the territory of the ski slopes, there is substantial evidence that the soil has been changed and damaged, as defined in art. 1 par. 16, points “b” and “c” from the Supplementary Provisions of EPA.<sup>64</sup>

### **The Biological Diversity Act**

The Ministry of the Environment and Waters did not exercise its legal right, given by art.19 from the BPA, to protect or limit actions damaging future protected areas.<sup>65</sup>

The disruption, damaging and destruction of the breeding and rest places for the animal species at the territory of the ski zone breach Annex 3 and art.38 of BPA.<sup>66</sup> (*See Part II*)

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<sup>58</sup> See Appendix 8 - Law Citations, p.29

<sup>59</sup> See Appendix 8 - Law Citations, p. 30

<sup>60</sup> See Appendix 8 - Law Citations, p. 31

<sup>61</sup> See Appendix 8 - Law Citations, p. 32

<sup>62</sup> See Appendix 8 - Law Citations, p. 33

<sup>63</sup> See Appendix 8 - Law Citations, p. 34

<sup>64</sup> See Appendix 8 - Law Citations, p. 35

<sup>65</sup> See Appendix 8 - Law Citations, p. 36

<sup>66</sup> See Appendix 8 - Law Citations, p. 37



The uprooting and destruction of species listed in Annex 3 from the BPA breach art. 40 of the BPA. <sup>67</sup>

The disturbance of birds, included in Annex 3 and 4 of the BPA, breach art 46. <sup>68</sup>

### **Waters Act**

There is an artificial lake constructed at Bunderishka meadow (*See picture 1 from Appendix 1*). It is without a permit for water exploitation, according to art 49, par.1 of the WA or EIA in LPE. <sup>69</sup>

The water catchment at the Bunderitsa and Demianitsa rivers has been constructed without EIA, even though permits for water exploitation for the two were obtained. (*See picture 2 from Appendix 1*)

### **Concessions Act**

Art 2, par.4 of the CA has been breached as the concession for the Bansko Ski Zone poses a danger to the environment and the protected territory of Pirin National Park. <sup>70</sup>

The National Concession Register is not publicly available and access to it is not being provided. This is in breach of art 29, par 4 from the CA.

The concession contract for the ski zone is practically inaccessible and access to it following the legal procedures has been denied on several occasions. <sup>71</sup>

The concession contract must be terminated on the basis of the investor's major infringements of the contract clauses, including the expansion of the ski zone by over 50 ha beyond the permitted territory. <sup>72</sup>

## **3.3. Violations of legal enactments**

### **Pirin National Park Management Project from 1994**

The Park Management Project was in force from 1994 until the adoption of a new Management Plan for the National Park. With the exception of the Bansko - Ikrishte cable-way, no ski slopes and facilities construction was stipulated in the Park-Management Project for Pirin National Park, which was in force until 2004.

In the EIA of the Territorial and Management Plan of the Bansko Ski Zone, the holding capacity of the ecosystems was calculated on the basis of higher norms than the numbers provided in the Park Management Project, thus exceeding the recreational capacity of the park. The Territorial Management Plan and respective EIA of the ski zone overruling of the Park-Management Project breach par 5 from the Annex of the Law for the Protection of the Environment.

The concession contract for the ski zone is practically inaccessible and access to it following the legal procedures has been denied on several occasions. <sup>73</sup>

The concession contract must be terminated on the basis of the investor's major infringements of the contract clauses, including the expansion of the ski zone by over 50 ha beyond the permitted territory. <sup>74</sup>

## **4. Notification about future legal violations**

The investor plans further expansion and respectively, legal violations. These intentions have been publicly revealed in two documents: "Project for Transformation of the Territorial and Management Plan of the Ski Zone" and "Yearly Investment Program of Yulen Shareholding for 2005," and on the investor's web-page. From the listed documents, it is evident that preparation for the actions below is in

<sup>67</sup> See Appendix 8 - Law Citations, p. 38

<sup>68</sup> See Appendix 8 - Law Citations, p. 39

<sup>69</sup> See Appendix 8 - Law Citations, p. 40

<sup>70</sup> See Appendix 8 - Law Citations, p. 41

<sup>71</sup> See Appendix 8 - Law Citations, p. 42

<sup>72</sup> See Appendix 4- - Map of expansion of ski-zone by over 50 ha beyond the permitted territory

<sup>73</sup> See Appendix 8 - Law Citations, p. 42

<sup>74</sup> See Appendix 4- - Map of expansion of ski-zone by over 50 ha beyond the permitted territory

progress. No EIA (consistent with the Law for the Protection of Environment) has been prepared for the planned expansion.

Considering the park's legal statute, the planned activities breach Bulgarian and international legislation.

The “Project for Transformation of the Territorial and Management Plan of Bansko Ski Zone” includes the following plans:

- Construction of ski slopes and facilities encroaching deep into the Yulen Strict Reserve. A number of experts claim that the final goal of the investor is connecting the Bansko and the Bezbog Ski Zones. The expansion of Plato Iug (crossing the Yulen reserve), is a proof of the stated above.
- Taking the hiking routes “Shiligarnika–Bunderitsa and Vihren huts” and transforming them into ski roads. The plans will thus create conflict between skiers and hikers and pose health and life dangers to both. There are serious concerns among hikers and hut-holders in the area that the actual intention of the ski-zone investors is to purchase the Bunderitsa and Vihren huts. That will entirely monopolize the region discouraging and limiting the access of hikers.

The “Yearly Investment Program of Yulen Shareholding for 2005” provides information that preparations for the following legal violations are being made:

- Extension of the Bunderishka Polyana–Bansko ski road (point 3 from the program)
- Construction of temporary buildings at Bunderishka meadow (point 5 from the program)
- Corrections of ski slopes for biathlon and construction of a shooting ground at Bunderishka meadow (point 5 from the program)
- Construction of temporary buildings in the area of Shiligarnika (point 6 from the program)
- Construction of canteens in the Children Ski Slope area (point 7 from the program)
- Additional works at the Zhelezni Most–Platoto ski slope (point 9 from the program)
- Creation of road connection between lower and upper station of the Bansko–Bunderishka Polyana cabin cable-way (point 10 from the program)

The responsible bodies from the executive power and the prosecutors should undertake measures for the prevention of the listed future violations.

## **5. Conclusions and Recommendations**

No liability has thus far been demanded from the responsible individuals despite the obviously (via commercial web-sites<sup>75</sup>) manifested legal violations. With the only exception of a few sanctions issued by MEW<sup>76</sup>, there are no checks on the investor’s actions. Considering the significance of the legal violations we cannot accept that these measures are adequate. Urgent legal measures for the prevention of new violations and amenability for the ones committed are needed.

On the basis of the aforementioned facts, the following conclusions and recommendation have been made:

1. The issued EIA decisions and constructed ski slopes and facilities within Bansko Ski Zone breach Bulgarian and International legislation. The EIA permissions given are thus unlawful.
2. The investor is in breach of almost every provision of the EIA decisions. Thus, if not declared void, the EIA decisions must be reversed by the institution which issued them
3. Considering the significant legal violations, the concession contract is void.

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<sup>75</sup> See [www.banskoski.com](http://www.banskoski.com)

<sup>76</sup> See Appendix 2 -Reference, granted by the Ministry of Environment and Waters

4. The concession contract must be terminated on the basis of the investor's major infringements of the contract clauses, including the expansion of the ski zone by over 150 ha beyond the permitted territory and non-adherence to EIA decisions.

5. Bansko Ski Zone operation must be discontinued on the basis of its illegal construction and exploitation and the dangers it poses to the environment, biodiversity and human health.

6. The Bansko City Council's decision No 482/22.03.05 envisaging for two-fold expansion of the ski zone is void. It was issued by an incompetent institution and breaches the Bulgarian constitution, the Protected Areas Act, the Pirin National Park Management Plan and the Bulgarian legal system.

7. The Bulgarian state is unwilling to implement the environmental legislation it had adopted, including the National Park Management Plan.

8. The successful appealing of public decisions and adequate addressing of environmental complaints with public prosecutor for revealing environmental violations and crimes is still difficult and seriously obstructed for Bulgarian citizens and NGOs.

Thus the civil society coalition, which initiated this report demand the following from the Bulgarian Government and Ministry of Environment and Waters:

- all EIA acts and the concession contract are declared unlawful
- the responsible individuals receive administrative, criminal and disciplinary penalties
- the exploitation of the illegal (constructed with and without EIA) ski slopes is discontinued
- urgent recultivation and anti-erosion measures are undertaken
- citizens and NGOs' rights to court justice is guaranteed
- national and European environmental legislation is more strictly adhered to by Bulgarian authorities
- institutions become more forthcoming in supplying access to public information
- Bansko Ski Zone should be excluded from the application of Bulgaria to host the 2014 Winter Olympic Games
- Bansko Ski Zone should not be excluded from the UNESCO World Heritage Site being an integral part of Pirin National Park.

## Part II

### Impact Assessment of the Bansko Ski Zone Extension on the Biodiversity in Pirin

Information for the report was gathered from the following sources:

- Pirin National Park Management Plan
- Civil society observations of the Ski Zone construction and exploitation
- Pirin National Park Directorate
- Analysis of Bulgarian Environmental NGOs

#### Preamble

This report is prepared to:

Recall that Bulgaria is a party in the Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention);

Recall the aim of the World Heritage Convention to establish an effective system of collective protection of the cultural and natural heritage of outstanding and universal value;

Recall that under Article 4 of the World Heritage Convention each Contracting Party shall take the duty to ensure the identification, protection, conservation, presentation and transmission of the cultural and natural heritage to future generations;

Recall that under Article 5 of the World Heritage Convention each Contracting Party shall take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of cultural and natural heritage;

Recall that Bulgaria is a party in the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention);

Recall the aim of the Bern Convention to conserve wild flora and fauna and their natural habitats;

Recall that under Article 4 of the Bern Convention each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats;

Recall that Article 4 of the Bern Convention stipulates that the Contracting Parties, in their planning and development policies, shall regard the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas;

Recall that Resolution No. 4 (1996) of the Bern Convention stipulates a list of endangered natural habitats requiring specific conservation measures;

Recall that Resolution No. 6 (1998) of the Bern Convention stipulates a list of species requiring specific habitat conservation measures;

Recall that Bulgaria is an Accession Country to the European Community;

Recall the duty undertaken by Bulgaria as an Accession Country to propose and protect sites of community importance, aiming at the conservation of natural habitats and species listed in Appendices I

and 2 of the Directive 92/43/EC, as well as species of birds listed in Annex 1 of the Directive 79/409/EC;

Recognize the role of Pirin National Park on international level as a site of the World Natural Heritage;

Consider the role of Pirin National Park on European level, as a site preserving important natural habitats and habitats of species protected by the Bern Convention and European Directives and therefore to consider it as a future Emerald and NATURA 2000 site;

Bear in mind the work carried out under the Pan-European Biological and Landscape Diversity Strategy, notably the obligations undertaken by Bulgaria to stop biodiversity loss by 2010.

## **1. Introduction**

This assessment aims at describing the impacts of the Bansko ski resort extension on biodiversity.

The following key sources of information for the study were needed but are not available:

- Impact predictions of the Environmental Impact Assessment (EIA) reports produced before the implementation of the project. The EIA reports are lacking any serious assessment of the potential impacts of the Ski Zone on the biodiversity of the National Park.
- Information from systematic monitoring on biodiversity – neither the authorities, nor the concessionaire of the area have conducted biodiversity monitoring of the project implementation and of the first years of the new facilities' operation.

Some of the direct impacts are evident and thus were easily identified by the NGO experts. For many others, mainly secondary impacts, there is no data because no official monitoring program has been implemented. Therefore, secondary impacts were identified on the basis of prediction models or expert judgements. No reliable reference data allowing real assessment of such impacts exist.

## **2. Description of the types of impacts.**

### **2.1. Direct destruction of habitats, caused by the following activities:**

- Logging of forests and shrubs for ski slopes and forest roads, cable-ways and buildings.
- Large-scale excavation works.

The ski zone penetrates deep into the core areas of the National Park and between two large strict reserves. Its role in the destruction of habitats is continuous and permanent. It is further increasing during the construction period of the project. Only partial mitigation is possible by creating semi-natural grasslands during the operational period. In 2003 and 2004, NGOs monitored the affected areas, and all of the destroyed lands were fully described with GPS technology. The EIA reports and Management Plan do not provide reliable information about the intensity of this impact because the actual works exceed several times the officially permitted scope.

### **2.2. Wildlife avoidance**

This impact is a result of the landscape modification caused by human activity and presence in the natural areas. Additional factor related to human presence is the appearance of feral dogs and cats. It is an impact occurring at both the construction and the operation stages of the project. The construction period had the most detrimental effect as a wide range of human activities, including continuous excavation and building works of heavy machinery, were conducted. It can be expected that this impact will decrease during the operational period. However, for many species the increased human presence

and noise from maintenance works on the facilities will lead to a continuous and permanent impact, its strength depending on the species' ecology and seasonal behaviour. There is no monitoring program launched by authorities or investors to study this impact. The only way to treat this type of impact, therefore, is by using expert judgements based on the existing knowledge of the ecology of species in Bulgaria and in the Pirin Mountains.

### **2.3. Habitat quality deterioration**

#### **Erosion**

The initial occurrence of eroded surfaces is a direct result of the excavation works carried out during the construction periods. Most of the lands at the bottom of the new ski slopes and the ski slopes' levelled top and bottom clearings (such as Bunderishka Polyana) were intensively ploughed. The production of large amounts of artificial snow and the snow cover compaction on the ski slopes, the continuous trampling of the ground and its mechanical destruction, the induction of ice layers in the ground and the delayed vegetation will create difficulties in coping with erosion in the ploughed lands. These factors can cause erosion in non-ploughed areas as well.

Due to the numerous steep sections in the ski slopes, erosion can be only partially mitigated with the planting of artificial grass and heaths. In practice, erosion cannot be deterred without rigorous engineering measures. Taking into account the conservation importance of the area and its status, the use of style nets and artificial walls, and the planting of non-indigenous genetic material are not acceptable erosion protection measures.

#### **Pollution with nitrogen and other ions**

There are several reasons for the occurrence of this impact.

The first one is the use of snow additives for the maintenance of artificial snow. The addition of excessive ions (nitrogen, salts) in the environment and the habitats situated on and near the ski slopes causes significant fertilising effect. The pollution from the traffic can also contribute to such a fertilising effect in the areas along the roads.

### **2.4. Non-indigenous species invasion and change in the habitats' natural flora and fauna composition**

A continuous and permanent impact is expected from the facility operation and human usage of the territory. The year-long existence of the ski slopes and the resort in the area can be used as a model to study and predict these impacts. However, no monitoring has been done and therefore, only expert judgments, based on the precautionary principle, are possible. Two main groups of species are expected to contribute to this impact: plants and animals.

#### **Invasion of alien plants**

Those are synantropic and nitrophilous species, not natural for the area's forests and grasslands. Changes in the floristic composition can be caused by several cumulative direct and secondary impacts. No studies on the impacts listed below have been carried out either before, or after the construction works.

The eroded surfaces developed during the construction and operation period are a free ecological niche and a suitable habitat for many synantropic species and for species typical for the initial stages of plant communities succession. Such species can be alien to the local flora. Thus, recovering the grassland communities typical for the area in the lands affected by erosion will be hard and even impossible for large areas. The ski slopes will create a vast bio-corridor with an environment suitable for spreading synantropic and alien species in the heart of the national park. Contamination of the grasslands with such species can occur in the vicinity of the ski resort.

### **Pollution with nitrogen and other ions**

Due to the promotion of the faster growing nitrophilous species and the suppression of the species typical for the natural low-nutrient mountain, that is alpine and sub-alpine grasslands species, changes in the floristic compositions of the grasslands and heaths will occur. Significant decrease of the species diversity is expected. It will be impossible to recover the sites where the natural grasslands were destroyed by excavation work. This impact is expected to take place in habitats situated on ski slopes and in adjacent areas. In these areas, the impact will take place jointly with the erosion effects.

### **Pollution from traffic and road banks vegetation**

The traffic-related pollution has fertilising effect mainly for habitats situated along the roads. Thus, the roads penetrating the forest zone are also typical for their communities of synantropic, nitrophilous and alien species. They can act as a bio-corridor for spreading such species in the heart of the park.

### **Dispersion of germination structures from alien plants**

The increased human traffic from outside territories into the national park raise the risk of alien species dispersal. Often, such species can be planted deliberately.

### **Invasion of synantropic animal species**

#### **Spreading of feral cats and dogs**

Both species are widely spread throughout Bulgaria, especially in areas with human settlements. The plentiful food resources, including waste and feeding by people, contribute to their large numbers. The animals use the settlements as nuclei and spread deeply into the surrounding natural areas. This, together with the increased human presence, is contributing to wildlife avoidance, especially by large herbivores and many bird species, and to increased predator's pressure in these areas.

Another species, which can cause artificial predator pressure on birds, is the Magpie (*Pica pica*), whose population usually increases when in proximity to human settlements. As a result, the predation of small bird species' eggs can increase significantly and thus, impact their population.

## **2.5. Poaching and illegal logging**

This secondary impact is directly related to the increased human presence in and access to the particular area.

There is no adequate control from authorities on the illegal poaching and logging activities on the territory of the National Park and in adjacent areas. The park officers often are the poachers themselves. The illegal hunting of bears, chamois, capercaillies, Saker Falcons and Peregrine Falcons is widely popular amongst the well-off and the locals. In both cases, the park guards are worse equipped than the poachers and take a huge risk by undertaking actions against them. They do not have policemen rights and are not allowed to use weapons. The poachers can directly harm them in the field. In addition, many of the poachers have the possibility to harm the diligent park guards through their relations with powerful political or governmental personas. For non-Bulgarians, it is difficult to realise to what extent the mafia has penetrated Bulgarian society but all of the circumstances mentioned above represent the reality.

The same circumstances apply to illegal cutting. One of the most notorious Bulgarian mafia groups in the timber sector was the one in the town of Razlog, situated in at the foot of the Pirin National Park. For several years, the forests in the areas neighbouring the National Park, and the park territory in the region of the Baiuvi dupki - Dzhindzhiritsa Reserve, were subjected to large-scale illegal logging. The forest officers covered up that activity. They caught a few gypsies who were illegally collecting mainly dead wood for heating, and at the same time overlooked the big trucks with illegally cut good-quality timber. After several years of such practice, and after the death of two firemen during a fire induced on a site with illegally logged trees, the only measure taken by the authorities was the temporary closing of small wood-processing facilities in the town of Razlog. There were no legal proceedings instituted and no penalties imposed.

In the area of the Bansko ski zone, a similar situation developed. The ski-slope construction was accompanied by intensive illegal cutting in the surroundings in 2002 and 2003. There was no state control of the process. The park officers, the guards and the police in Bansko did not act against the illegal logging done by the project investors. The ski-slope area became a territory ruled by the mafia.

The only effective protection against poaching and illegal logging in the Pirin Mountains is the area's remoteness and bad accessibility. It is difficult to give a quantitative assessment of the impacts induced by the Bansko Ski Zone. Nevertheless, the increased human presence, the improved accessibility to the ski zone and the lack of institutional control will seriously impact the forest habitats and species.

### 3. Review of the affected species and habitats

The tables below describe the natural habitats and species of international conservation importance that existed in the area of the ski zone before the new facilities construction. Only species and habitats likely to be affected by the ski zone construction and operation are included. The species and habitats conservation importance assessment is based on the Bern Convention and the EU Directives appendices. The information is extracted from the management plan of Pirin National Park. The area covered by the natural habitats inside the park is also included. <b>Habitat name</b>	<b>Code in Code in Code in Bern Convention, Resolution 4 (ha)</b>	<b>Code in Directive 92/43 Appendix 1 (priority habitats are indicated with *)</b>	<b>Code in Bern Convention, Resolution 4 (priority habitats are indicated with !)</b>	<b>Area covered (ha)</b>
Alpine and Boreal heaths -High mountain dwarf bilberry heaths Vaccinium-dominated dwarf heaths of the sub-alpine belt of southern mountains with Vaccinium myrtillus, Vaccinium uliginosum s.l., Vaccinium vitis-idaea and, locally, Empetrum nigrum; Bruckenthalia heaths; High mountain greenweed heaths Low Genista spp. or Chamaecytisus spp. heaths of the sub-alpine, low alpine or mountain belts of high southern nemoral mountains; Mountain dwarf juniper scrub. Juniperion nanae, Pino-Juniperion sabinæ p., Pino-Cytision purgantis p. Usually dense formations of prostrate junipers of the higher levels of southern Palearctic mountains.	31,4 (31,4A; 31,461; 31,4B2; 31,43; 31,4917)	4060	! 31.46	4090
Bushes with Pinus mugo and Rhododendron hirsutum (Mugo-Rhododendretum hirsuti)	31,58	*4070	-	6231.9
Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and sub-mountain areas, in Continental Europe) and Oro-Moesian acidophilous grasslands	35.1, 36.31	*6230 62D0 (new habitat)	-	5873.6



Rhodope spruce forest (Acidophilous Picea forests of the mountain to alpine levels (Vaccinio-Piceetea))	42.241	9410	! 42.241	1654.4
[Pinus peuce] woods (High oro-Mediterranean pine forests)	42.72	95A0 (new habitat)	! 42.7	5346.9

Species	English name	Dir 92/43/EEC, Appendix 2 or Dir 76/409/EEC (for birds), Appendix 1 (priority species are indicated with *)	Bern Convention (priority species included in the list of Resolution 4))
Ursus arctos	Brown bear	*	+
Rupicapra rupicapra balcanica	Balkan chamois	+	+
Pernis apivorus	Honey Buzzard	+	+
Aquila chrysaetos	Golden Eagle	+	+
Aquila pomarina	Lesser Spotted Eagle	+	+
Falco peregrinus	Peregrine Falcon	+	+
Bonasa bonasia	Hazel Grouse	+	+
Tetrao urogallus	Capercaillie	+	+
Aegolius funereus	Boreal Owl / Tengmalm's Owl	+	+
Dryocopus martius	Black Woodpecker	+	+
Dendrocopos leucotos	White-backed Woodpecker	+	+
Picoides tridactylus	Three-toed Woodpecker	+	+

#### 4. Assessment of the ski zone's impact on the habitats and species

This article describes the compensation and mitigation measures which should be implemented. For any illegal work or further construction work, the main principle should be the avoidance of possible significant impacts, as demanded for conservation of sites within the European Ecological Networks NATURA 2000. The impact's magnitude thresholds here (of 1% and 5%) were adopted after a consultation between environmental NGOs and scientists.

##### 4.1. Alpine and Boreal heaths and Species-rich Nardus grasslands, on siliceous substrates in mountain areas, and Oro-Moesian acidophilus grasslands.

###### Description of the impacts

Both habitat types are spread in the sub-alpine and alpine zone and appear in the old openings of the upper forest zone. They can be natural or semi-natural secondary habitats developed in the places of sub-alpine forests and shrubs. The two types of habitats are included in Appendix 1 of the Habitat Directive. (Oro-Moesian grasslands are adopted as a new habitat code, common with Greece, and proposed by

Bulgaria. Species-rich *Nardus* grasslands are another priority habitat.) Both habitat types are crucial to the conservation of the plant biodiversity of the Pirin Mountain.

According to the management plan of the National Park, the following plant species with conservation importance (included in red lists, endemic and/or protected according to the national Biodiversity Act) are typical for these habitats: *Alchemilla bandericensis* Pawl., *Alchemilla bulgarica* Rothm., *Alchemilla erythropoda* Juz., *Alchemilla heterophylla* Rothm., *Alchemilla pirinica* Pawl., *Anemone narcissiflora* L., *Aquilegia aurea* Janka., *Arctostaphylos uva-ursi* (L.) Spreng., *Barbarea bracteosa* (Guss.) Berchtold., *Campanula transsilvanica* Schut., *Dactylorhiza saccifera* (Brongn.) Soo, *Dactylorhiza sambucina* (L.) Soo, *Euphrasia drosocalyx* Freyn., *Festuca pirinica* Horvat. ex Markgr.-Dannenb., *Gentiana frigida* Haenke., *Gentiana lutea* L., *Gentiana punctata* L., *Geranium bohemicum* L., *Geranium coeruleatum* Schur., *Nigritella nigra* (L.) Rhb. f., *Primula hallerei* G. F. Gmel., *Silene velenovskiana* D. Jord. et P. Pan.

The alpine heaths and mountain grasslands were directly affected on a relatively small-scale. The effects were observed mainly in the upper part of the ski zone where building construction took place. The investor illegally conducted large-scale excavation works and used explosives and heavy machinery to reshape the territory of Bunderishka meadow. The natural habitats were completely destroyed. The meadow, however, was not described in the management plan or the EIA report in terms of habitats. Therefore, we possess no data about the type of the grassland habitats on Bunderishka meadow disrupted by the construction works.

Both habitats, which are located immediately on the ski slopes, are expected to be seriously affected by the erosion, the fertilizing with nitrogen, and the invasion of synantropic, nitrophilous and alien species. As a result, a decrease in the species diversity and changes in their composition are likely to occur.

It is expected that the lands adjacent to the ski zone will be subjected to the spreading of alien species which use the ski slopes as corridors. There is no reliable data from which to judge the likelihood and intensity of such an impact. There are ski slopes which have operated in the same area for years, yet effective monitoring was never conducted. The impacted areas can exceed 1% of the total spread for both habitats. Therefore, the precautionary principle should be applied.

**Avoiding the impacts** – The construction of new ski slopes that affect new pristine areas hosting both habitats should be strictly prohibited by the Protected Areas Act. The use of fertilizers should be prohibited, as stipulated in the Protected Areas Act. Regular monitoring of the operating ski slopes and adjacent habitats should be organized and controlled by independent scientists and NGOs.

**Compensation** – Compensation by the creation of habitats with the typical diversity of species is practically impossible for the short and long terms.

**Mitigation** – The operation of the illegal ski slopes should be terminated. The Ministry of Environment and Waters should impose an immediate end to all excavation work in the ski zone. A long-term program for planting prostrate junipers (*Juniperus sibirica*) and other alpine heaths (*Vaccinium* sp., *Arctostaphylos* sp. etc) and grasses (*Nardus stricta*) should be instantly started. Only plants produced from seeds or cuttings collected in the same area should be used. The program should cover all eroded and ploughed areas.

## 4.2. Bushes with *Pinus mugo*

### Description of the impacts

Over one percent of the whole old-growth pine bushes population in Pirin was destroyed by heavy machinery during the construction works. The logging of these bushes was not allowed by the EIA permission. (The EIA reports stated that the ski slopes should be used after the accumulation of sufficient snow cover and without cutting the bushes.) The investor broke this precondition without being sanctioned by the Ministry of Environment.

The directly destroyed area of this habitat exceeds 1% of its total area in the National Park and therefore its magnitude is considered to be significant.<sup>77</sup> Considering the areas of this habitat already destroyed by existing buildings and ski slopes, the total area of destroyed areas exceeds 5% of the total population. Thus further logging should be strictly prohibited.

This habitat also contains plant species with high conservation importance: *Gentiana lutea* L.; *Gentiana punctata* L.; *Geranium bohemicum* L.; *Geranium coeruleatum* Schur.; *Pseudorchis albida* (L.) A. et D. Love; *Alchemilla bandericensis* Pawl.; *Anemone narcissiflora* L.; *Aquilegia aurea* Janka. The composition of habitats situated in the vicinity of the ski slopes can be subjected to certain deterioration due to the nitrification and penetration of sinatropic and nitrophyllous species. The close canopy of the shrub layer and heath understore of these plant communities are not likely to allow spreading of alien species inside this habitat type.

**Avoiding impacts** – the 5% threshold of the cumulative impact should be officially adopted as a maximum acceptable level of destroyed areas of this and other types of protected habitats on the territory of the National Park. This threshold should be considered as a deviation from the natural conditions before the start of construction work. This threshold was already exceeded. Thus, any new constructions and logging in this habitat leading to its continuous and significant direct destruction should be prohibited.

**Compensation** – The creation of new habitats of this type within the National Park is impossible. The areas where this can be done also contain protected habitats, such as Boreal heaths and mountain grasslands. Habitats of this type are very rare in Bulgaria and almost all of them are included in protected areas.

**Mitigation** – A replanting program on the ski-slope territory should be launched. The operation of the ski slopes should be terminated. All logged territories should undergo replanting and restoration programs.

### 4.3. Rhodope spruce forest

#### Description of the impacts

The project lead to the complete logging of tens of hectares of natural old-growth Rhodope spruce forests mainly for the opening of new ski slopes and facilities. The area of logged spruce forests exceeds 1% of its population in the national park<sup>78</sup>. This impact should therefore be considered significant. The cumulative impact of forests of this type, destroyed due to overall tourist infrastructure development in the past decades, already exceeds 5 %.

The forests adjacent to the ski slopes were subjected to intensive illegal logging during the construction works. The authorities in charge undertook no measures.

The Pirin Mountains are the south border of the Rhodope spruce forests population. The habitat is highly vulnerable to climate changes and should therefore be adequately protected. The habitat is important for the conservation of a number of protected birds (see below).

The following plant species with conservation importance are encountered in the habitat of the Rhodope spruce forests: *Cephalanthera damasonium* (Mill.) Druce; *Cephalanthera longifolia* (L.) Fritsch.; *Cephalanthera rubra* (L.) L.C.Rich.; *Limodorum abortivum* (L.) Sw.; *Listera ovata* (L.) R. Br.; *Listera cordata* (L.) R. Br; *Neottia nidus-avis* (L.) C. C. Rich; *Plantanthera bifolia* (L.) L. C. Rich; *Silene heuffelii* Soo.

**Avoiding the impacts** – Any new constructions and logging in this habitat leading to its continuous and significant direct destruction, such as new ski facilities, should be prohibited. The operation of the illegally constructed ski facilities should be terminated. Illegal timber harvesting should be prohibited in the forests situated among the ski slopes.

<sup>77</sup> Management Plan of Pirin National Park, Ecosystems and Biotopes, section 1.12, table 18

<sup>78</sup> Management Plan of Pirin National Park, Ecosystems and Biotopes, section 1.12, table 18

**Compensation** – The extension of the National Park towards the area known as South Pirin can encompass large areas of old spruce forests which are now outside the National Park. The illegally cut ski slopes should be recovered.

**Mitigation** – No mitigation measures exist

#### **4.4. Macedonian pine [*Pinus peuce*]**

##### **Description of the impacts**

This habitat type is spread in the upper forest areas penetrating the sub-alpine zone. It is included in the list of priority habitats protected by resolution 4 of the Bern Convention as oro-Mediterranean pine forests and is adopted as a new code<sup>79</sup> in Appendix 1 of the Habitat Directive. The magnitude of the impact is similar to that of the spruce forests. Illegal logging is observed for *Pinus peuce* habitats as well. Pirin Mountain is the south border for the *Pinus peuce* forest population. The Macedonian pine shares the same fauna species as the Rhodope spruce forests. Plant species with conservation status associated with *Pinus peuce* forests are: *Centaurea managettae* Podp. ssp. *pirinica* (D. Jord) Kosch; *Polygala amarella* Crantz.; *Potentilla regis-borisii* Stoj.; *Rhinanthus javorkae* Soo.

**Avoiding the impacts** – Any new construction and logging in this habitat leading to its continuous or significant direct destruction should be prohibited.

**Compensation** – The extension of the National Park towards the area known as South Pirin can encompass large areas of *Pinus peuce* forests, which are currently outside of the National Park. The illegally logged ski slopes should be recovered. Strict control to stop illegal logging is necessary.

**Mitigation** – No mitigation measures for this impact exist.

#### **4.5. Brown bear**

##### **Description of the impacts**

Forty bears live on the territory of the national park. The existence of large un-fragmented forest areas is crucial for the conservation of the species. In Bulgaria the species is subject to strong poaching pressure and it escapes creating burrows in areas regularly visited by people. In Vitosha Nature Park and Pirin National Park the burrows closest to large tourist centres are located at two kilometres distance. Tracking trails have much smaller impact and some burrows are placed at about 500 meters from them. Bears are much more tolerant to traditional human activities such as live stock grazing, shepherd shelters and mowing.

Poachers have a serious cumulative impact on the brown bear population. Only the remoteness of many areas in the mountain facilitates their survival. For many years the brown bear's population has had relatively stable numbers. Hunting bears is officially prohibited. Bears are not limited in their food resources, which means that all of the annual population growth is 'harvested' by poachers.

Enlarging the ski zone will have a direct effect on the diminishing of bears' habitats. This impact directly destroys the areas suitable for building bear burrows, consequently decreasing the capacity of the territory to hold the same number of bears with their home ranges. The whole valley of the Bunderitsa River is practically already too highly built-up to allow regular inhabitancy by bears. The ski zone is expanding towards the Demianitsa river valley and Yulen reserves. This valley contains several bears and burrows. Thus, in case of further enlargement of the ski zone, the bears will be only 1-2 kilometres away from the park's outer limits. Prior to the construction works, bear tracks were regularly encountered in the area of Ikrishcha, an area situated at about 500 meters from the new ski slopes. Currently bears avoid this area.

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<sup>79</sup> Common for Bulgaria and Greece

The enlarged ski zone exceeds 1% of the non-fragmented habitats in the National Park. The total percentage of the areas in the park affected by tourist infrastructure is beyond 5%. This and any further loss of bear habitats should be regarded as a significant impact.

To this date, the ski zone cannot be regarded as a serious obstacle for bear migrations. When human presence is lower in the area, bears can appear for feeding or other activities. Yet, further build up inside the ski zone or construction of new ski slopes can create migration obstacles for the brown bear and should not be allowed. Such migration can lead to a partial isolation of the bear population in the western and eastern parts of the national park, which, together with the fragmentation effect described below, can have detrimental impact on the bear populations.

The fragmentation effect can appear at the places where intensive land use leads to fragmentation of the areas suitable for bear burrows. The creation of small patches of non-fragmented forest areas can result in the loss of more bears than from the direct loss of habitats. This is important consideration especially for bears, which have big, generally not overlapping, home ranges of tens of square kilometres. The Bansko ski zone is completely fragmenting the forest, sub-alpine and alpine zone in the central part of the Northern Pirin Mountain. The other ski zone, which is fragmenting all altitude ranges, is that in the area of Bezbog, situated eastward of the Bansko zone. Yulen reserve and the Demianitsa valley are situated between them, fragmented in this way from the other parts of the National Park. Enlargements of both ski areas will inevitably lead to logging of significant parts of these areas and thus increase the fragmentation effect. This can result in complete disappearing of bears from the central north and north-eastern parts of the Pirin National Park.

**Avoiding of the impacts** – Neither new ski slopes, nor other ski facilities should be constructed. Serious measures against poaching involving special police forces, consisting of non-local people should be undertaken.

**Compensation** – Not possible. Strictly protected remote areas in the National Parks and big natural reserves are nuclei for the bear population and without them the species will drastically decrease in numbers.

**Mitigation** – The illegally constructed ski slopes should be closed. The fragmented habitats must be restored.

#### **4.6. Balkan chamois**

##### **Description of the impacts**

The species population in the Pirin National Park is isolated from other populations. This species is particularly vulnerable to the presence of people, because chamois are a common subject to poaching. The animals are afraid of people and this results in wildlife avoidance of all areas frequented by tourists. The enlargement of the ski zone will obviously have such impact. The chamois are already avoiding the territory of the ski zone. The accumulation of this impact is not large-scale as the largest deal of the extended ski zone is inside forests. The species occupies mainly sub-alpine and alpine meadows and steep rocky slopes in the forest zone. Probably the impacted areas are less than 1%, but if new enlargements take place this threshold will be exceeded.

**Avoiding of the impacts** – No new ski slopes or other facilities should be allowed. Serious measures against poaching involving special police forces, consisting of non-local people should be undertaken.

**Compensation** – Not possible. Chamois inhabit only high parts of the mountain, which are already included in the National Park territory.

#### 4.7. Honey Buzzard

##### **Description of the impacts**

The species occupies all types of forests existing in the national park. Logging of the forests for ski slopes and facilities, together with the illegal timber harvesting in the whole area directly resulted in the habitat loss of this species. Vulnerability to human presence (wildlife avoidance) causes an additional cumulative impact on the species habitats. According to the experts, who developed the Management plan of the National Park, the species is not tolerant to high levels of human presence below a distance of about 500 meters. Nests situated close to ski zones are exceptions. Thus, enlarged ski zones and related facilities in the previously wild, free of human presence and covered with old growth forests places, will definitely lead to the species fleeing the area. The impacted territories are larger than 1% of the existing suitable habitats and the cumulative alteration of the natural values is more than 5%.

**Avoiding the impacts** – No new ski slopes or other large developments should be allowed.

**Compensation** – Protection of old-growth forests in South Pirin or on the southern, western or eastern slopes of the mountain situated outside the Park territory, via inclusion in the National Park or designation of new protected areas, can be envisaged.

**Mitigation** – Illegally constructed ski slopes should be closed as soon as possible and restoration actions should be undertaken.

#### 4.8. Golden Eagle

##### **Description of the impacts**

Two pairs of Golden eagles are nesting in the National Park and 3 more in its vicinity. One of the nests is situated in the Yulen Natural Reserve. The enlargement of the ski zone towards the strict reserve, with their borders already touching each other, will cause direct destruction of this nest.

**Avoiding the impacts** – Any enlargements of the ski zones should be prohibited. The exploitation of the illegally constructed ski slopes and facilities should be terminated and their territories restored.

**Compensation** – Enlargement of the territory of the National Park and inclusion of the areas containing the rest of the eagle's nests.

**Mitigation** – The illegally constructed ski slopes towards the valley of Demianitsa River and Yulen reserve should be closed as soon as possible and their restoration should be undertaken.

#### 4.9. Lesser Spotted Eagle

##### **Description of the impacts**

There is only one pair of Lesser Spotted Eagle. Their nest is situated in the Valley of Demianitsa River and most probably in the reserve Yulen. The species is highly vulnerable to human presence and avoids areas with regular visitors. The tolerance distance from crowded areas is 1 km (judgement from the Management plan). It is highly probable that the present enlargement of the ski zone threatens the existence of this species in Pirin National Park. Measures to find and monitor the nests should be immediately undertaken by the Park.

**Avoiding the impacts** – Any enlargements of the ski zones should be prohibited. Assessment of the status of the single nest must be undertaken. In case the zone impacts the habitat negatively, closure of the ski slopes should be envisaged.

**Compensation** – Not possible. The species is very rare and any existing nest should be a subject of strong conservation action.

**Mitigation** – All illegally constructed ski slopes should be closed as soon as possible and restoration measures should be undertaken.

#### 4.10. Peregrine Falcon

##### **Description of the impacts**

Three pairs of Peregrine Falcon are nesting in the National Park. The species is vulnerable to human presence due to the high and uncontrolled poaching of the species. A number of criminal groups regularly destroy the nests of the species whenever information about their location becomes public. Human invasion in the pristine areas of the National Park should be prevented in order to leave such locations far from the human sight.

**Avoiding the impacts** – Any further enlargements of the ski zones should be prohibited. The State should undertake real measures to stop illegal trade with falcons. Strict control of the illegal activities in the National Park, by specialized police groups consisting of non-local people should take place.

**Compensation** – Not possible.

**Mitigation** – Illegally constructed ski slopes should be closed as soon as possible and restoration measures are undertaken.

#### 4.11. Hazel Grouse

##### **Description of the impacts**

In Pirin the species inhabits mixed coniferous and mountain beech forests, which have shrub layer and are thus free of regular human presence. The disturbance distance from crowded areas is about 500 m (judgement of the experts, who created the Park's' Management plan). Logging of old-growth forests resulted in wildlife avoidance and loss of habitats (being the main impact of the ski zone enlargement on the Hazel Grouse species). The percentage of affected areas is about (or less than) 1 % of the whole existing suitable habitats of this species in the National Park. The overall destruction of its habitats already encompasses more than 5% of the naturally existing habitats. Thus this impact should be considered significant.

The species is subjected to intensive poaching.

**Avoiding the impacts** – Any further enlargement of the ski zones should be prohibited. Strict control of the illegal activities in the National Park, by specialized police groups consisting of non-local people should take place.

**Compensation** – Protection of old-growth beech and coniferous forests in South Pirin, situated outside the Park, via inclusion in the National Park or creation of a new protected area, can be envisaged.

**Mitigation** – All illegally constructed ski slopes should be closed as soon as possible and restoration measures should be undertaken.

#### 4.12. Capercaillie

##### **Description of the impacts**

The species is typical for old mixed and coniferous forests free of regular human presence. The disturbance distance from crowded areas is more than 1 km (judgement of the experts who created the Management Plan). Logging of old-growth forests resulted in wildlife avoidance and loss of habitats (this being the main impact of the ski zone enlargement on the Capercaillie). The ski slopes near the Yulen reserve in the area of Ikrishcha directly destroyed one of the few lek sites of the species in the National Park. The percentage of the affected areas is more than 1 % of the whole existing suitable habitats of this species in the National Park. The overall destruction of its habitats already reaches more

than 5% of naturally existing habitats. Taking into account the circumstances, this impact should be considered as significant.

The species is also subject to intensive poaching. The species population in the Pirin National Park is isolated from other populations.

**Avoiding the impacts** – Any further enlargements of the ski zones should be prohibited. Strict control of the illegal activities in the National Park by specialized police groups consisting of non-local people should take place.

**Compensation** – Protection of old mixed and coniferous forests in South Pirin Mountain situated outside the Park territory, via their inclusion in the National Park or the creation of a new protected area, can be envisaged. Illegally constructed ski slopes should be closed as soon as possible and their restoration should be undertaken.

**Mitigation** – enforcement of the visitors' regime of the national park is required.

#### 4.13. Boreal Owl

##### **Description of the impacts**

The species inhabits mainly old spruce, beech-spruce, beech-fir forests and pine or pure beech forests with not very dense populations. The construction of the ski facilities leads to direct destruction of the species habitats. For example, 6 pairs of owls lived in the area of Bunderishka meadow before the construction work. Now, after the complete destruction of the meadow, there is not a single pair left. Generally, the species is tolerant to human presence close to its nest. However, the active ski season coincides with the mating period and most probably owls will not recover their population in the immediate vicinity of the ski slopes. Based on the precautionary principle, thus far, the impact on this species, induced by the development of the ski resort, could be regarded as close to significant. Any further construction work will exceed the significance thresholds. Therefore, any ski facilities construction in the park should be avoided.

**Avoiding the impacts** – Any further enlargement of the ski zone should be prohibited.

**Compensation** – Protection of old mixed and coniferous forests in South Pirin Mountain situated outside the Park territory, via their inclusion in the National Park or the creation of a new protected area, can be envisaged.

**Mitigation** – All illegally constructed ski slopes should be closed as soon as possible and their restoration should be undertaken.

#### 4.14. Black Woodpecker

##### **Description of the impacts**

In Pirin Mountain the species inhabits old beech, mixed and coniferous forests. The logging of old-growth forests is the main impact from the enlargement of the ski zone. Wildlife avoidance cannot be expected. The percentage of the affected areas is less than 1 % of the whole existing suitable habitats of this species in the National Park. The overall destruction of its habitats is also less than 5%. The enlargement of the ski zones, however, could cause the exceeding of the 5% thresholds and should be prohibited.

**Avoiding the impacts** – Any further enlargements of the ski zones should be prohibited.

**Compensation** – Protection of old beech, mixed and coniferous forests in South Pirin Mountain situated outside the Park territory, via their inclusion in the National Park or the creation of a new protected area, can be envisaged.



**Mitigation** – Any logging of old trees in the ski zone area should be prohibited. All illegally constructed ski slopes should be closed as soon as possible and their restoration should be undertaken.

#### **4.15. White-backed Woodpecker**

##### **Description of the impacts**

In the Pirin mountains, the species inhabits old coniferous forests. Logging old-growth forests is the main impact caused by the enlargement of the ski zone. Wildlife avoidance cannot be expected. The percentage of the affected areas is more than 1 % of the whole existing suitable habitats and the overall destruction of its habitats is also more than 5%.

**Avoiding the impacts** – Any further enlargements of the ski zones should be prohibited.

**Compensation** – Protection of old coniferous forests in South Pirin Mountain situated outside the Park territory, via their inclusion in the National Park or the creation of a new protected area, can be envisaged.

**Mitigation** – All illegally constructed ski slopes should be closed as soon as possible and their restoration should be undertaken.

#### **4.16. Three-toed Woodpecker**

##### **Description of the impacts**

The species is very rare in the Pirin Mountains. It requires large non-fragmented areas of old coniferous forests. In addition to the destruction of coniferous forests, avoidance of areas with regular visitors can be expected. The percentage of the affected areas is more than 1 % of the whole existing suitable habitats and the overall destruction of its habitats is more than 5%.

**Avoiding the impacts** – Any further enlargements of the ski zone should be prohibited.

**Compensation** – Protection of old coniferous forests in South Pirin Mountain situated outside the Park territory, via their inclusion in the National Park or the creation of a new protected area, can be envisaged.

**Mitigation** – All illegally constructed ski slopes should be closed as soon as possible and their restoration should be undertaken.

### **5. Assessment of alternatives**

The ski zone above the town of Bansko is a private project limited to the development of winter tourism. Up until now, 51% of the investing company (YULEN) is owned by Alpenwald Turistik Bulgaria whose financial capital has unknown sources.

The extension of the ski zone takes place in the richest and most developed municipality at the foothill of Pirin National Park. Therefore, NGOs regard the Bansko Ski Zone as a project enhancing private interest and not holding any public importance. The protection of Pirin National Park, considering its national and international conservation status, should be regarded as an issue of national and international public importance.

There is a significant negative impact of the project as implemented by the investors, including the impact on endangered species and habitats. The territory of construction and logging work exceeded 2,5 times the area officially permitted and this significantly increased the negative impacts.

It is perplexing that Bulgarian authorities never assessed alternatives to the construction of the ski zone, such as the development of sustainable tourism. The building of the ski zone was the only development option proposed. This was an instance of obvious disregard for Article 4 of the Bern Convention. It was

also a failure to implement Articles 6 of the Directive 92/43<sup>80</sup>. The assessment of alternatives is a main instrument for achieving development aims, allowing the avoidance of potential negative impacts. In this case, such an alternative was the development of sustainable tourism in Pirin.

## **6. Recommendations**

6.1. The operation of the illegally constructed ski slopes in 2003-2004 should be terminated. Natural vegetation should be restored to the extent possible. In case all construction work and ski-slope operation is legalized, mitigation of the impacts will be in most cases impossible. The only possible mitigation is the intensive restoration of the impacted lands.

6.2. In order to avoid additional significant negative impacts, further enlargement of the territory of the ski zone inside the Pirin National Park should not be allowed.

6.3. Further construction work and logging inside the ski zone should be prohibited.

These can deteriorate the habitats inside the ski zone in a way that would not allow even partial mitigation and recovering of some species – Alpine and Boreal heaths, Species-rich *Nardus* grasslands and Oro-Moesian acidophilus grasslands; Boreal Owl, Black Woodpecker, White-backed Woodpecker, Three-toed Woodpecker.

In addition, further fragmentation of the habitats inside the ski zone can potentially create real obstacles for the migration of large mammals. This impact must be avoided, due to the deep penetration of the ski zone into the core areas of the National Park and between the two large strict reserves.

6.4. The initially planned restoration of forest vegetation in old unused ski slopes should be conducted as partial compensation for the impacts.

6.5. A program for planting grasslands and heaths onto eroded and destroyed lands should be started as a mitigation measure. All restoration programs should use genetic material from the Park's territory.

6.6. A program for stopping illegal logging and poaching should be implemented based on police rangers recruiting non-local people.

6.7. The strictly protected areas and zones inside the National Park should be enlarged as an important compensation measure.

6.8. The Ski zones should be managed in close relation to other Park territories, as they all constitute an integral natural continuum.

6.9. Enlarging the National Park can be envisaged in order to include valuable natural areas directly linked to the Park.

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<sup>80</sup> See Appendix 8 - Law Citations, p. 3 and p.4

## Part III

### Estimation of the Erosion Processes in the Landscape of Bansko Ski Zone

The landscape of a territory with an area of more than 1000 hectares has been altered because of clearings for ski slopes and facilities. The area of the clearings is more than 250 ha, which have been altered from a purely forest to a rock-soil landscape. The climatic factors and the high altitude facilitate the wind and rain erosion of the soil to its complete washing out at the high places of the ski zone. This is further accelerated by the frequent machine maintenance of the ski slopes.

During field observation in Bansko Ski Zone, significant erosion damage of the landscape was observed. The nature of the anthropogenic activity (a 250 ha logging), its intensity (the use of heavy machinery and excavation done), as well as the lack of adequate anti-erosion and draining facilities, have lead to the development of different erosion processes in substantial areas of the ski-zone territory.

The most common erosion processes are planar, linear, as well as slope erosion in the ski road sections or in parts of the ski slopes with significant excavation.

The following ski slopes and ski roads are named after the concessionaire's headlines and numeration<sup>81</sup>.

#### 1. Ski slope 9 and 9A (Tomba or Bunderishka Polyana – Todorka Peak)

The site is characterized by a steep slope, as much as 45-50 degrees in the lowest parts of the track. Due to the soil characteristics, the excavation undertaken and the slope steepness, necessary preconditions for intensive development of erosion processes (planar and linear) are present.

Substantial violations of the EIA provisions are found<sup>82</sup>: “58,2 % from the excavation works on the main track are cosmetic, with excavation heights or depth not exceeding 30 cm. For 38,1% it is necessary to have excavation carried out with up to 60 cm intervention height, and for 3,7% - above 60 cm. It is expected that all corrections are manually executed and using appropriate small equipment without significant excavations being undertaken”. The prescribed proportions are not observed with the exception of a 150-meter section below the cable-way station in which the soil stratum and certain low vegetation are preserved.

In the remaining part of the ski slope bed the stratum of Cambisols humic (CMu, FAO, 1988) has been interrupted and completely removed. In certain places, areas of Lithosols (shallow, only horizon A, situated directly on cracked or condensed solid matter) have been revealed.

On 100 % of the area of the site (9 and 9A), strong planar erosion has developed in which the soil stratum has been removed as the weathered part of the main rock has been exposed to direct erosion. (See picture 15 from Appendix 1)

For this site, special attention needs to be paid to the linear erosion, which is in a very advanced stage. In the sector between 1603m and 1800m altitude, a system of different sizes ditches was observed. The area of the ditch system is about 50 – 55%. In terms of size, the most significant of the ditches is 6-7 m wide, 5-6 m deep and almost 100 m long. The average parameters for the sector are 2,5-3 m wide, 3,5-4 m deep and 50-70 m long. (See picture 16 and 17 from Appendix 1)

#### 2. Ski slope 2 (Bunderishka Polyana – Todorka peak)

The shallowness of the soil strata and vulnerability of the ecosystems is the primary problem at this altitude (up to 2536 m above sea level). The Cambisols humic stratum has been completely removed in the larger part of the track (about 70%). Significant planar erosion is observed.

<sup>81</sup> See Appendix 5 - map at [www.banskoski.com](http://www.banskoski.com)

<sup>82</sup>EIA report for project „Ski track and ski lift Bunderishka Polyana - Shiligarnik” - page 38

At the highest sector of the track (about 150 m before the lift terminal) Umbrosols orthic (Ubh, WRBSR, 1994) soil was found, which is suitable for erosion prevention. Yet erosion developed on roads that were often in use showing that even small excavators can cause and stimulate disruptions. (See picture 18 from Appendix 1)

### **3. Ski slope 11 (Platoto)**

This site is exceptionally wide (from 60 to 100 m). (See pictures 19 and 20 from Appendix 1)

Although in the EIA report<sup>83</sup> it is given that “and earth piling work is not necessary for the construction of the ski slope”, such was observed at certain places. (See pictures 21, 22 and 23 from Appendix 1)

As a result of the largeness of the site's area and the lack of re-cultivation measures, we can expect the emergence of planar and even linear erosion in the more intensively visited sectors. As a result of temporary water streaming, ditches up to 0.5 m deep, 1 m wide and 50-60 m long have formed. (See picture 24 from Appendix 1)

### **4. Ski slope 10 (Shiligarnik 1)**

The state of this site is extremely aggravated due to the steepness of the slope, the large amount of excavation and piling work undertaken and the lack of adequate measures for terrain recultivation.

The excavation and piling executed in the top part of the site has caused an overall removal of the top soil strata. On 80 – 90 % of the area only the soil-forming stratum of crushed rock can be seen. Intensively developing planar erosion is the expected result. During the excavation work the slopes up to 6 – 8 m high have been destroyed. (See picture 25 from Appendix 1)

In the lower sections of the ski slope linear erosion in the form of single ditches 0.7 -1 m deep, 1.5 m and 50 – 60 m long has started forming. (See pictures 26 and 27 from Appendix 1)

The erosion processes worsen as the steepness increases (to 45 – 55°) at intersection of this ski slope with ski slope 12. At ski slopes 10 and 12 the erosion structures transforms into a system of deep ditches which amount to 80% of the ski slope area.

At ski slope 10 some of the ditches reach a depth of 1.8 – 2 m, a width of 1.5 – 2 m and a length of 60 – 80 m. (See pictures 28, 29 and 30 from Appendix 1)

Pictures 31 and 32 from Appendix 1 from clearly show that the foundation rock has been reached. In spite of the extremely aggravated state of the terrain the investor and the construction firm continue expanding the site.

### **5. Ski slope 12 (Strazhite or Zhelezni most– Platoto)**

The upper section of the site is affected by a system of 0.8 – 1.2 m deep, 1-1.2 m wide and 35 – 50 m long ditches. At the lower less-steep sections of the ski slope the primary reason for the erosion processes is the significant excavations undertaken.

The ski track is constructed in 2004-2005. (See pictures 27 and 29 from Appendix 1)

### **6. Ski roads 1 and 2**

The problems observed at these sites are expected to aggravate in the future. Their origin is slope erosion and its processes: land collapses, landslides and taluses, caused mainly by the removal of the earth masses supporting the steep slope and the rain water activity. Given the steepness of the slope and the intensive water dynamics fortifying measures will be required more frequently. (See pictures 33, 34 and 35 from Appendix 1)

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<sup>83</sup> EIA report for project “Ski track and ski lift The Plateau” - page 25

## 7. Bunderishka Meadow Construction Centre

The landscape typology of the Bunderishka meadow has been completely changed due to:

- A 30-40 m high hill with a total area of more than 10 ha was cleared. For the purpose within a month during the summer season explosives were used. (See picture 36 from Appendix 1)
- An artificial lake with a total area of more than 0.1 ha has been constructed. (See picture 4 from Appendix 1)
- Multiple service buildings for the ski equipment storage, as well as restaurants, have been constructed. (See picture 37 from Appendix 1)

### Conclusion:

1. The observed erosion problems were foreseen in EIA “As a result of the removal of a part of the existing vegetation, and the significant slopes in the bottom part, a possibility for the development of erosion processes will be created. The surface flow will be activated and will wash away the humus stratum, the soil thickness will gradually decrease, and it is possible that at certain places the foundation rock will be exposed and ditches will be formed. The features of the climate condition will also significantly influence the development of erosion.” Despite this, the investor and developer have not taken into consideration the EIA reports.

2. The recultivation measures recommended above have not been executed “is necessary that a terrain recultivation be planned to include:

- execution of excavation and earth piling aiming at the modelling of the terrain in the most critical sections,
- formation of draining ditches, soil piling and soil distribution in layers of certain thickness and density,
- distribution of a minimal humus layer on the vegetation areas so that the necessary growth conditions be provided for,
- rehabilitation of the top soil stratum through vegetation mass – appropriate grass mix of varieties forming compact grass surface or surface-covering low bush plants.”

The anti-erosion measures observed on the terrain are not adequate and do not correspond to the dynamic erosion environment.

The single anti-erosion measures applied to some ski slopes (the wattles) cannot satisfactorily fulfil their purpose because:

- they are constructed with a small height – usually up to 0,5m;
- such an installation is meaningful only in the absence of large rocks;
- the measure's aim is that the installation roots in and develops into a life-plant-barrier. In this case the necessary soil stratum has already been removed;
- they can be used for the prevention of planar erosion and torrential streams, and in many of the cases, systems of ditches have already developed;
- they are efficient when used on terrains with a significantly less steep slope.

In the case of selecting such installations, specific varieties should be used – longitudinal-beam wattle and wattle and daub. (See pictures 38 and 39 from Appendix 1)

3. The use of large excavators should be immediately stopped – Komatsu, helicopters, trucks, concrete mixers, bulldozers and others, as stipulated in EIA and the clauses of EIA – “is expected that all corrections be executed manually and with the appropriate small equipment without significant excavation work.”

4. One of the mandatory stipulations not to uproot the tree trunks was violated at the very beginning, and this resulted in regular erosion processes on all subsequently built ski slopes. Since the grass cover in the evergreen belt is negligent, and the ski slopes were additionally formed and modelled according to the investor's requirements, the erosion processes did not wait and the topsoil is being washed away at every instance of rain and, even torrential.

5. The destroyed landscape is irreversibly lost. The integrity of monolithic forest massifs has been violated. Traditional tourist routes have been destroyed too.

6. Because of its ski-zone functions, the whole concession area will be urbanized and altered.

### **Recommendations:**

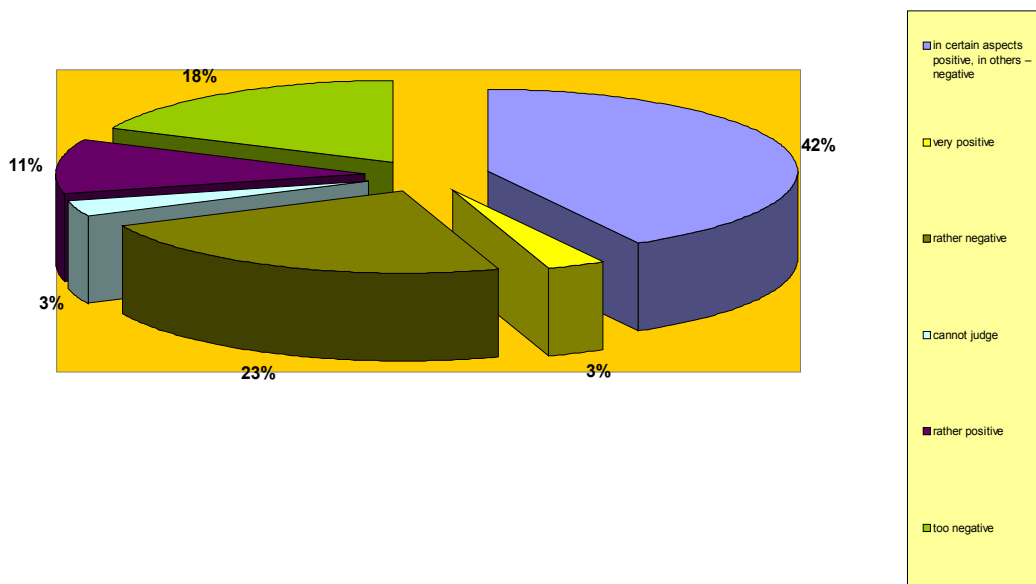
The observed multiple violations necessitate the inspection of the whole concession area, the assessment of the degree of ecological catastrophe for landscape and biodiversity, and the preparation of a plan for urgent terrain recultivation. That should be executed with the active participation of the institutions: MEW, RIEW, the Management of Pirin National Park, as well as experts from the non-governmental sector. The inspection results and required measures should be brought to the attention of the local community and taken into consideration for analogous projects in the country.

## Part IV

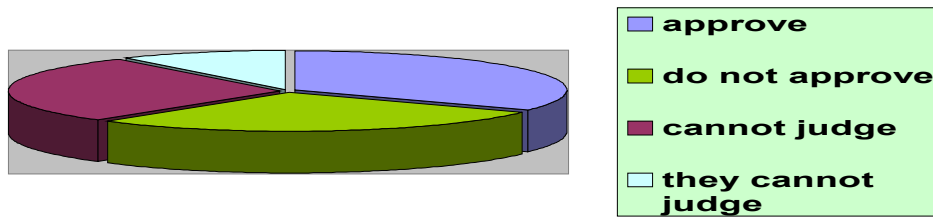
### Public Opinion Poll in Bansko Investigating the Social, Economic, Environmental and Infrastructural Transformations in the City Related to the Bansko Ski Zone Project

The public opinion poll in Bansko investigating the transformations in the city was carried out in April 2005, among 48 citizens, representing the main social segments in town. The sample does not claim to be representative. Yet the fact does not undermine the poll's importance as a valuable information source for the public attitude toward the urban and social developments, caused by the transformation of the city into ski resort, the illegal constructions, water pollution, prostitution and drugs. For the poll the direct questionnaire method was used.

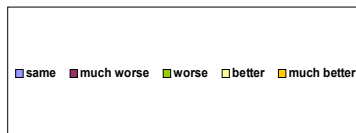
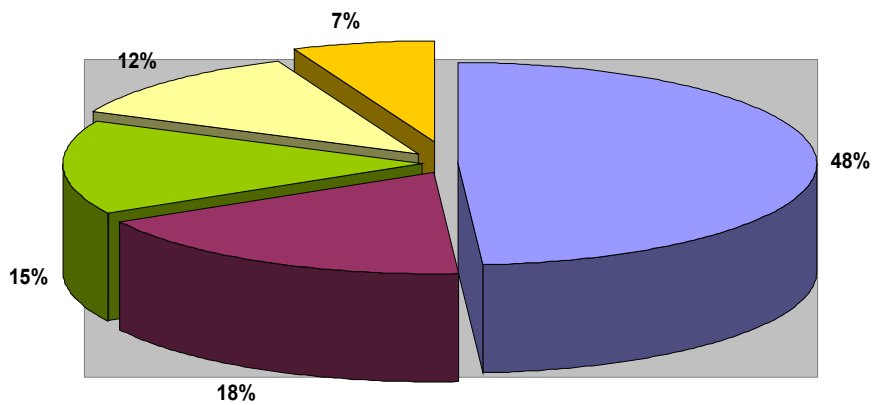
**How can you classify the last three – four years after the construction the Bansko Ski Zone immensed?**



What is the attitude of the majority of the citizens towards the expansion of the resort and the construction of the new ski slopes, facilities and hotels? (See picture 12)

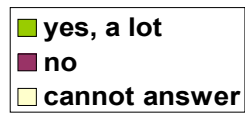
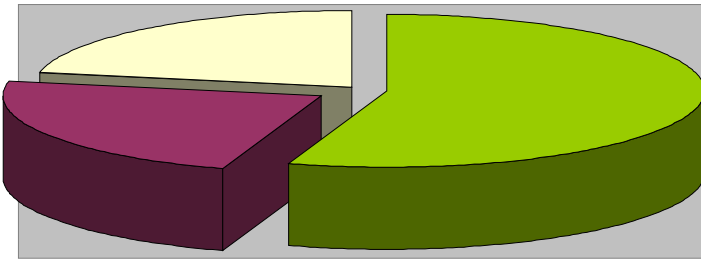


How can you classify the quality of your life today in comparison with your life 3-4 years ago?

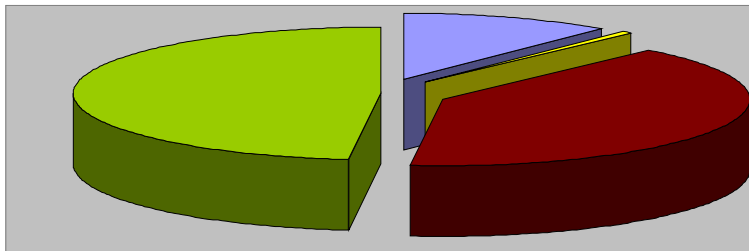




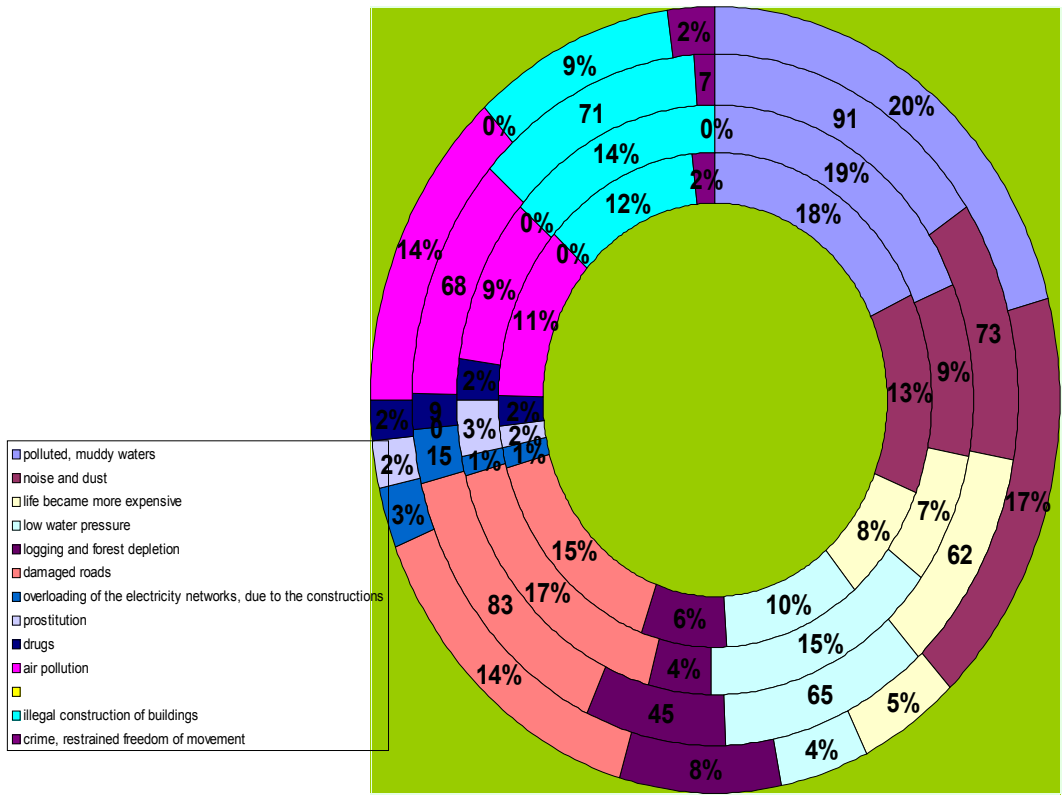
**Do you think that your life is influenced by the ski-zone expansion?**



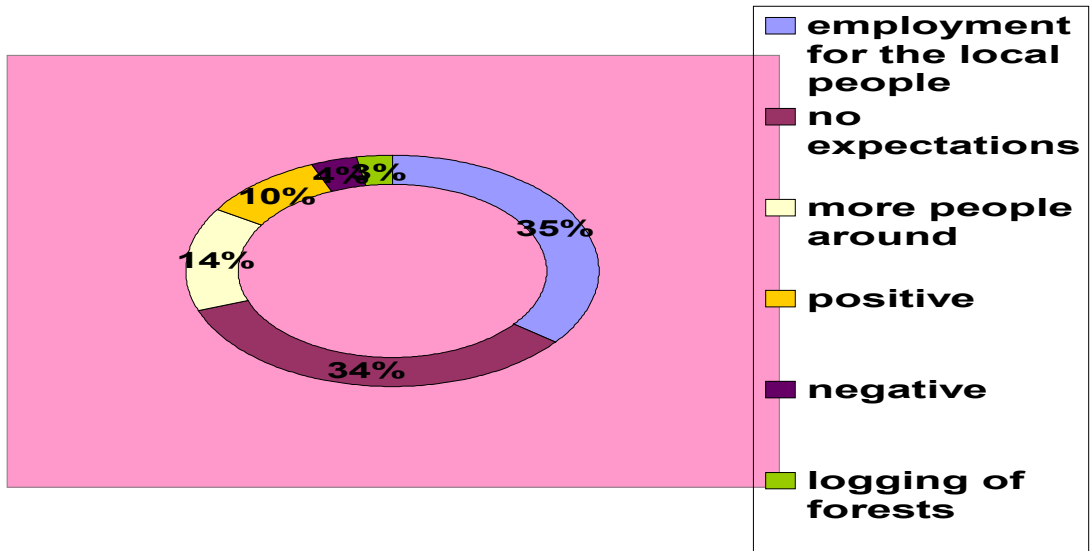
**How can you classify your welfare state today?**



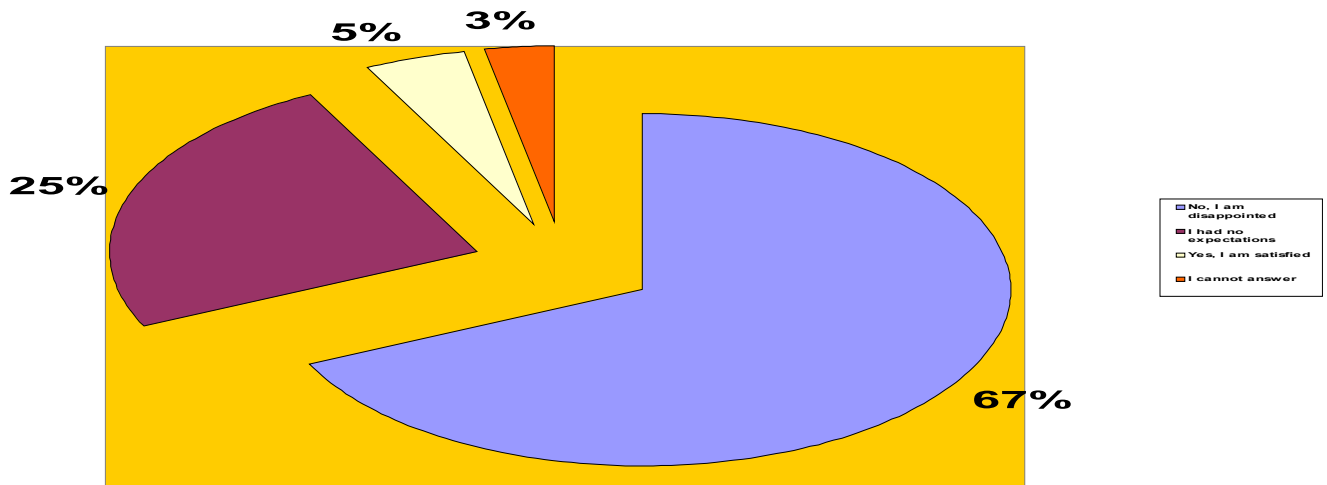
**What do you think changed in the infrastructure and environment of Bansko during the last 4 years? (See Pictures 13 and 14)**



**What were your expectations from the expansion of the ski resort and zone? \***  
 /the sum adds-up to more than 100, as the respondents gave more than one answer/

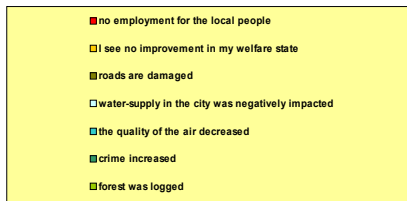
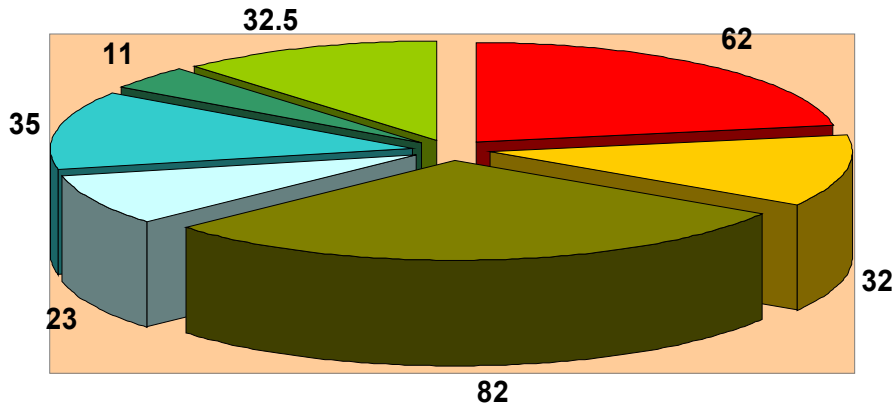


**Were your expectations met?**



### What reason can you give for your dissatisfaction?

*/the sum adds-up to more than 100, as the respondents gave more than one answer/*



## Part V

### The Bansko Spill-Over Effect

More projects for Ski zones in other parts of Bulgaria have been recently developed. The Super Borovets project in Rila National Park, involving the construction of new ski slopes and facilities spreading over larger areas than the Bansko Ski Zone received an Environmental Approval. “However, the Bansko ski-zone is not the only ski zone within the boundaries of the WHS. Since inscription in 1983, ski-zones have been developed in the municipalities of Dobrinisthe and Razlog. ...The ski-zone of Dobrinisthe now provides a ski lift of about 3 km in length. Three quarters of this ski run is within the WHS. ... The designated WHS appears to be within the jurisdictions of four other municipalities. If increasing income for the local people by development of skizones is one of the primary management objectives of the Pirin National Park and the WHS respectively, it seems likely that municipalities with no or minor ski-zone at present will seek approval for additional ski development in the future. Clearly this would directly cause the continued erosion of World Heritage values.”<sup>84</sup>

Similar projects (more than 11) for large-scale ski resort construction exist for Chepelare, Smolyan, Siutka, Kom and Uzana, located in the Rhodopes and Stara Planina mountains.<sup>85</sup> Their construction will eventually affect a territory of more than 3000 ha mountain and forest areas.

Thus, the Bansko Ski Zone tends to have a significant ‘spill over’ effect. Tempted by the high economic returns of YULEN, projects in all of Bulgaria’s other high mountainous regions are springing up.

The weak enforcement of environmental legislation and the position of MEW, the ‘legal’ accessory tool used by investors in the Bansko Ski Zone project, will be utilized by others, speeding up the logging and nature destruction processes and creating the biggest environmental catastrophe in Bulgarian history.

#### Alternative development paths

Environmental NGOs, together with firms from the private sector, consider that the development of sustainable tourism should be a priority for the Bulgarian government. Bulgaria has rich and well-documented wild nature resources, which offer potentials for high returns if sustainable tourism is developed. Therefore, a focus on expanding tourist practices which do not damage wild nature is a much more economically efficient path in the long run than the development of numerous industrial short-lived ski resorts.<sup>86</sup>

Thus, crucial for Bulgarian and European nature at this moment is the stricter adherence to the strategy for the development of eco-tourism.

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<sup>84</sup>See Appendix 13 - Report of the Mission to Pirin National Park, Bulgaria, February 2004

<sup>85</sup>See Appendix 10 - Tables with data on new ski resorts

<sup>86</sup> See Appendix 11 - Conclusions of Alternative Economic Valuation of Pirin National Park, Bulgaria from Boyan Rashev

## Part VI

### The Role of EBRD in the Process

The main investor in the Bansko Ski Zone project is the Bulgarian company “YULEN Shareholding”. The Bulgarian First Investment Bank (FIB), in which the international public financial institution European Bank for Reconstruction and Development until recently had a 20% stake, is the main shareholder in Yulen and main financial assistant to the project. During the research, funding, environmental approval and implementation phases of the ski zone development EBRD was the second largest shareholder in the Bulgarian project sponsor FIB. The Bulgarian bank received in total 8,043 million euros in loans from EBRD.

At EBRD's annual meetings in 2002 and 2004, Bulgarian NGO members introduced EBRD with the legal, social and environmental issues regarding the Bansko Ski Zone project and FIB involvement. The NGO coalition demanded that EBRD acknowledges the problem with legal violations and national biodiversity destruction and therefore step out of FIB, announcing publicly their decision.

At EBRD's annual meeting in 2005 the Bulgarian NGO coalition presented the Bank with a case study on the latest problems with the Bansko Ski Zone case. That included description of the committed crimes, biodiversity loss and landscape deterioration.

They asked EBRD again to:

- Critically evaluate their involvement in FIB and publicly step out of the Bulgarian bank, as was disclosed to NGOs in April 2004.
- Activate the Compliance Officer at EBRD to investigate the violations of EBRD's environmental procedures and the extent to which the project fits the sustainability mandate of EBRD.

In the period between April 2004 and September 2005, EBRD was provided with a large number of letters, case studies, films, documents, updates, photos and maps on the case. In July 2005 two representatives of the bank's Environmental Department visited the site, accompanied by representatives of the NGO coalition, working on the Pirin case. The EBRD representatives were repelled by the eroded ski slopes and freshly destroyed natural landscape, describing the developments as “the bottom line”.

In December 2006, the Bulgarian newspaper “Dnevnik” published the news that EBRD sold its share in First Investment Bank. No justification for the act was given by EBRD. Yet, we are confident that the involvement of FIB in Bansko Ski Zone did have an impact on the divestment decision.

Yet, it must be acknowledged that though EBRD demonstrated interest in the case no action on their side to sanction the Bulgarian Bank for its clear lack of due diligence was taken.

FIB comes to say that EBRD's monitoring and control over the legal, environmental and social practices of its Financial Intermediaries is negligible. That leads to question the bank's claim that its loans can (and will) potentially enhance and improve the performance and practices of the beneficent companies or banks.

### Violations of the EBRD Environmental Procedures

Serious violations of EBRD's Environmental Procedures, as of 1996 (when EBRD stepped in FIB), in the Bansko Ski Zone case were found.

On page 29 of “Environmental Procedures, European Bank for Reconstruction and Development” (as of September 1996) it is stated that “The Bank will adopt the same principles of environmental appraisal on its intermediated financing as it adopts when it directly funds operations. It will ensure that its

financial intermediaries have the capability and commitment to ... monitor the environmental components of their activities.”<sup>87</sup>

In the reference provided by MoEW (See appendices), it is stated that no additional EIAs have been issued. This implies that the ski slope and facilities “Zhelezni Most – Platoto”, the artificial lake on Bunderishka meadow, together with the two water-catchments in the area, were illegally built. The reference describes only part of the violations made during the implementation of the project. Thus, poor monitoring took place not only on the side of MEW. There was no effective enforcement of the Environmental Impact Assessment’ Approval and the concession contract conditions for the ski-facilities development on the side of FIB. FIB, although obliged, according to EBRD's Environmental Procedures, to monitor the environmental components of the project development, did not prevent the violations from taking place, despite being a main project sponsor.

Although “all necessary permits and approvals for the project were in place”, as EBRD’s environmental specialists state, the actual implementation of the project was in violation with most of these and all of the Environmental Approvals overruled existing environmental laws in Bulgaria.

The controversies and negative implications of the Bansko Ski Zone project and the key role of FIB in the process show that EBRD's investment in the Bulgarian bank was a wrong decision. Not only did EBRD violate their environmental procedures, but also, through their support for institutions such as FIB, they contradict their mission statement for enhancing respect for the environment and nurturing a new private sector in a democratic environment.

On the contrary, the case with FIB and Bansko Ski Zone demonstrates that EBRD pays little regard to the fact that its support is used for projects that destroy nature and violate national and international legislation. Thus, the democratic mandate of the EBRD is challenged by the Bank’s own practices.

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<sup>87</sup>[www.ebrd.org](http://www.ebrd.org)

## Part VII

### Conclusions and Recommendations

The major findings of the report examining the impact of Bansko Ski Zone have a number of important implications for decision and policy-makers in Bulgaria and the EU.

1. The Bansko Ski Zone case demonstrates poor implementation of and regard for national and European environmental legislation in Bulgaria. As the evidence from earlier chapters demonstrates, access and right to environmental justice is also seriously obstructed.

Based on the analysis of the legal violations performed during the Bansko Ski Zone construction the civil society coalition, which initiated this report demand the following from the Bulgarian Government and Ministry of Environment and Waters:

- all EIA approvals and the concession contract are declared unlawful
- the responsible individuals receive administrative, criminal and disciplinary penalties
- discontinuation of the exploitation of the illegal (or constructed with and without EIA) ski-slopes.
- urgent re-cultivation and anti-erosion measures are undertaken
- citizens and NGOs' rights to court justice is guaranteed
- national and European environmental legislation is more strictly adhered to by Bulgarian authorities
- public institutions become more forthcoming in supplying access to public information

2. In terms of biodiversity loss, the authors of the report consider that in order to avoid additional significant negative impacts on the biodiversity further enlargement of the ski zone, logging and construction within the National Park should not be allowed.

- The further fragmentation of the habitats inside the ski zone can potentially create a real obstacle to the migration of large mammals. This impact must be avoided, taking into account the deep penetration of the ski zone into the core areas of the National Park and between the two big strict reserves.
- The initially planned restoration of forest vegetation in old unused ski runs should be conducted.
- A program for planting grasslands and heaths onto eroded and destroyed lands should be started as a mitigation measure.
- A program for stopping illegal logging and poaching should be implemented based on police rangers recruiting non-local people, including introduction of a new system for recruitment of forestry police staff from outside Bansko region.
- The strictly protected areas and zones inside the National Park should be enlarged as an important compensation measure.
- The Ski zones should be managed in close relation to other Park territories, as they all constitute an integral natural continuum.
- The enlargement of the National Park can should be envisaged and implemented in order to include valuable natural areas directly linked to the Park.

3. The erosion review demonstrated that significant erosion damage to the landscape in the ski zone was done. The multiple violations in the landscape management necessitate immediate inspection of the whole concession area, assessment of the degree of ecological catastrophe and preparation and implementation of an urgent terrain re-cultivation plan.

4. The results from the socio-economic pall in Bansko demonstrate that the quality of life of 48% of Bansko citizens did not improve and 32% of the population it worse off as a result of the project. A number of negative factors, associated with the ski resort expansion, among which pollution and poor



and deteriorating state of public infrastructure emerged. The expected economic returns for the biggest part of the population did not turn out as high on average as expected.

5. The involvement of the European Bank for Reconstruction and Development in the Bulgarian First Investment Bank did not improve the project performance of the latter. On the contrary, it gave financial backing to the Bulgarian Financial Intermediary during the preparation, approval and implementation stage of the Bansko Ski Zone. First Investment Bank did not demonstrate meaningful environmental monitoring efforts and did not prevent the legal violations in the National Park from taking place.

### **Conclusions and recommendations for the European Parliament, DG Environment and the Bern Convention**

Considering Bulgaria's pre-accession to the European Union, the Bern Convention, DG Environment and EU institutions are currently in the unique position to demand accountability, transparency and good governance from the Bulgarian state, especially in terms of environmental management. Thus, we recommend that:

- Special attention is paid to the implementation of environmental legislation and the access to court justice in Bulgaria, especially in regard to problematic environmental cases such as the Bansko Ski Zone approval and construction.
- The Bulgarian government must demonstrate real efforts in the implementation of internal and international environmental legislation and therefore pay due attention to the recommendations and demands of the civil society analysis above.

### **Conclusions and recommendations for UNESCO**

The Bulgarian state, and particularly the Ministry of Environment and Waters failed to fulfill its mission obligation to protect and sustainably manage the National Park and UNESCO World Heritage Site of Pirin.

The aforementioned substantial violations of the old and newly adopted Park Management Plans and disregard for the serious violations of the EIA decisions confirm the State Party's disinterestedness and unwillingness to adhere to the legal acts it has adopted.

Pirin National Park's value, as a result of MEW's mismanagement continues deteriorating at a fast speed. The authors of the report and NGO coalition working on case consider that an inclusion of the Park in the list of World Heritage Sites in Danger is the most adequate (for Pirin nature protection) measure taken at the moment. Such an act could be adjoined by a warning for total exclusion if ski-resort expansion continues and illegally constructed ski-slopes are not re-cultivated. UNESCO's warning sign is of crucial importance for the preservation of Pirin National Park at this very moment.

## List of Contacts

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Pictures from Bansko Ski Zone



1. An artificial lake at Bunderishka meadow



2. An illegal water catchment



3. Illegal excavation work with heavy-chained machines



4. The consequences of excavation works



4. The consequences of excavation works



5. Construction and earth piling on the river beds





6. Use of explosives



8. Insufficient anti-erosion measures



9. No technical solution for the crossing of the ski slope the Bansko–Vihren road



10. Increase of the tourist accommodation capacity



11. Clear cuttings of endangered species and endemics



12. Buildings in Banskó



13. Buildings in Bansko



14. Buildings in Bansko



15. Strong planar erosion on Bunderishka Polyana–Todorka Peak ski slopes



16. Linear erosion on Bunderishka Polyana–Todorka Peak ski slopes



17. Linear erosion on Bunderishka Polyana–Todorka Peak ski slopes



18. Erosion



19. Platoto ski slope is from 60 to 100 m wide



20. Platoto ski slope is from 60 to 100 m wide



21. Fill work for the construction of the ski slope



22. Fill work for the construction of the ski slope





23. Fill work for the construction of the ski slope



24. Planar erosion



25. Planar erosion



26. Ditches with depth of 0,7 – 1m, width up to 1,5m and length of 50 – 60m



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29. Ditches with depth of 1,8 – 2m, width up to 1,5 – 2m and length of 60 – 80m



30. Ditches with depth of 1,8 – 2m, width up to 1,5 – 2m and length of 60 – 80m



31. Soil-forming rock reached



32. Soil-forming rock reached



33. Excavation work



34. Excavation work



35. Excavation work



36. A hill with a total area of more than 10 ha was cleared on Bunderishka meadow



37. Ski equipment storage and restaurants on Bunderishka meadow



38. Insufficient anti-erosion measures





39. Insufficient anti-erosion measures

**REPUBLIC OF BULGARIA**

**MINISTRY OF ENVIRONMENT AND WATERS**

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**Reference, granted by the Ministry of Environment and Waters in response to For The Earth's request for access to public information /FOA request/ № 2468/09.12.04 and MEW's decision to grant access to the required public information № 89/03.01.05**

On the grounds of art 26, par 1 from the Law for the Protection of the Environment and in relation to art 27 from the Access to Public Information Law, regarding your request for access to information we **provide you with the following reference:**

***Regarding point II from your request: entrance number: FOA request – 2081/28.10.2004z.:***

*No decisions for assessment of the necessity for conducting EIA<sup>88</sup> on the Bansko Ski Zone Territory have been issued;*

**Regarding point III from your request:**

*No decisions for assessment of the necessity for conducting EIA, nor decisions on EIA for: "Water catchment – Bunderishka Polyana", "Dam in the Bunderishka Polyana area", and "Water catchment along the road to Bunderitsa Hut" have been issued.*

***Regarding points IV, V, VII from your request:***

The subject of the concession is maintenance, construction and utilization of the existing and newly-built tracks and facilities for ski-sport within the boundaries of the concession territory.

Construction of objects and facilities was implemented according to the current "Detailed Territorial Development Plan" of "Ski Zone with a Centre Bansko", included in the concession contract and the yearly investment programmes approved by the Minister of environment and waters.

During the daily controls conducted by Pirin National Park, a number of violations, related to the construction of the ski tracks and related facilities were found.

On September 2<sup>nd</sup> and 6<sup>th</sup> 2002, deviations from the preliminary approved and concurred activities were identified, which resulted in giving two charges for administrative violations. During the construction of the objects: Cabin Cableway "Bansko – Bunderishka Polyana" and "Children ski-track" fines of two and six thousand levs were imposed on the concessionaire, which are paid.

On June 9<sup>th</sup> 2003, two violations, made by the firm executing the construction of "Saddle Cableway Bunderishka Polyana – Todorka Peak" were found. The issued penalties were respectively for five thousand and two and a half thousand levs. The sums have been transferred to the bank account of Pirin National Park.

On July 17<sup>th</sup> 2003, two charges for violations in the object: ski-track "Bunderitsa" were given. The penalties were fines for four thousand levs each.

On August 7<sup>th</sup> 2003, a charge for conducting a violation was given to a contracted from the concessionaire construction firm. The imposed administrative punishment - "a fine" - was for five thousand levs. The Agency for State Receipts was authorized to collect the fine.

On October 6<sup>th</sup> 2003, two violations on different spots along the "Skiing road Shiligarnika – Chalin Valog" were found. Two charges for respectively five thousand and eight thousand levs were given to the two contracted by the concessionaire persons. The charge was sent to the Agency for State Receipts.

Due to the fact that for the third time a violation had been noted, made by one and the same firm, the director of Pirin National Park has demanded its ousting.

In 2004 until the current moment three violations were found, representing implementation of unauthorized activities (untimely coordination of the working process with the park administration). On July 29<sup>th</sup> and 30<sup>th</sup> and August 3<sup>rd</sup> 2004, charges for administrative violations were given, on the basis of

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<sup>88</sup> Environmental Impact Assessment

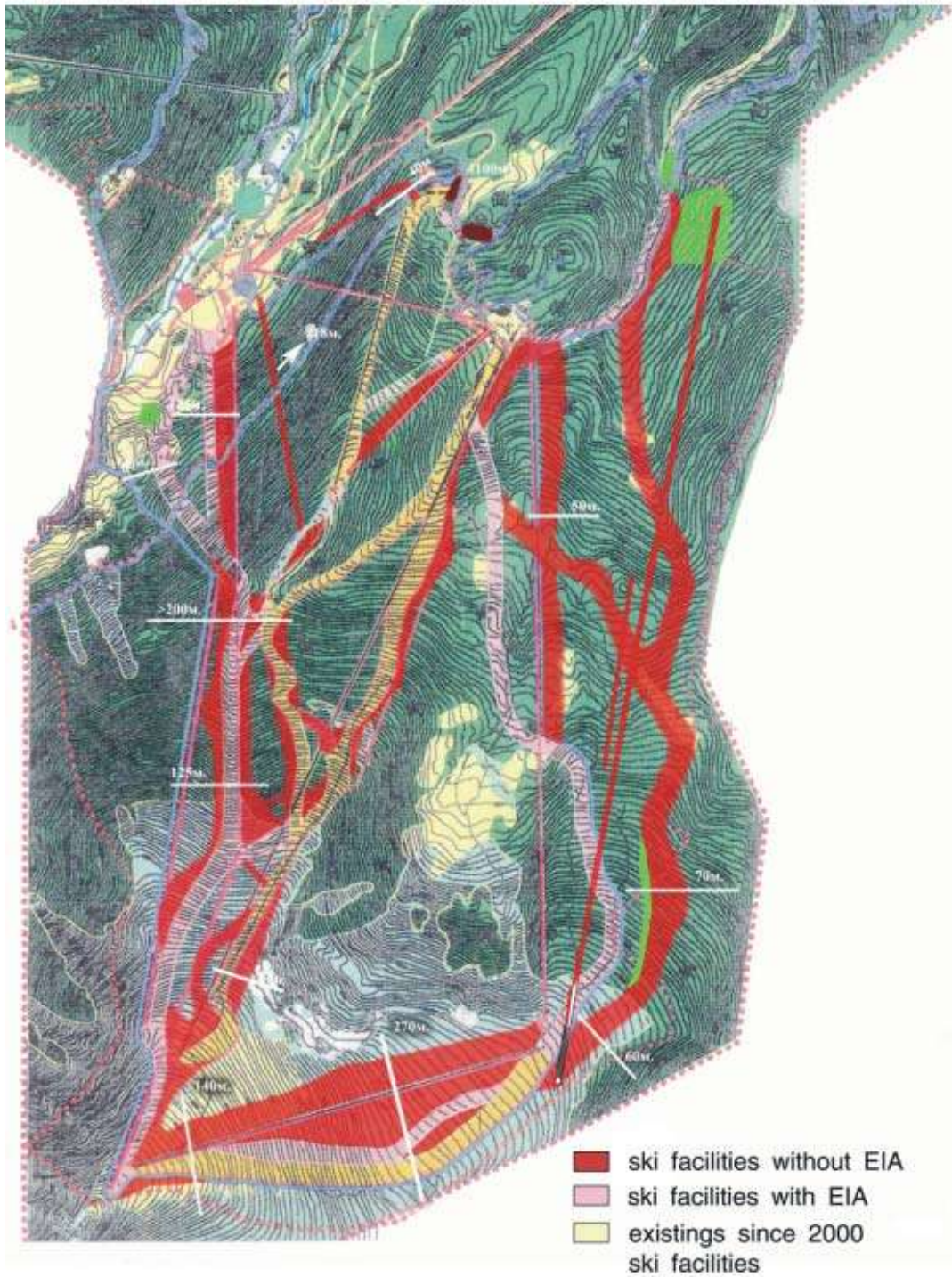
which three fine penalties for 9 000, 7 000 and 5 000 levs were issued. The sums were transferred to the account of Pirin National Park. The contracted firm was dismissed from works and their contact - ceased due to the violations made.

As a result of all authorized penalties, fines for 49 500 levs were gathered. According to the Tax Procedures Index the Agency for State Receipts was authorized to gather fine penalties for 21 000 levs. 325 cubic meters of timber were confiscated, which with decree № 54 from March 29<sup>th</sup> 2004 and with the help of the Agency for State Receipt was sold at an auction. The logged trees were on random spots along the respective objects. Thus there are no significant changes in the areas of the logged-tree corridors.

Up to now no violation on the borders of the concession territory has been found on our side.

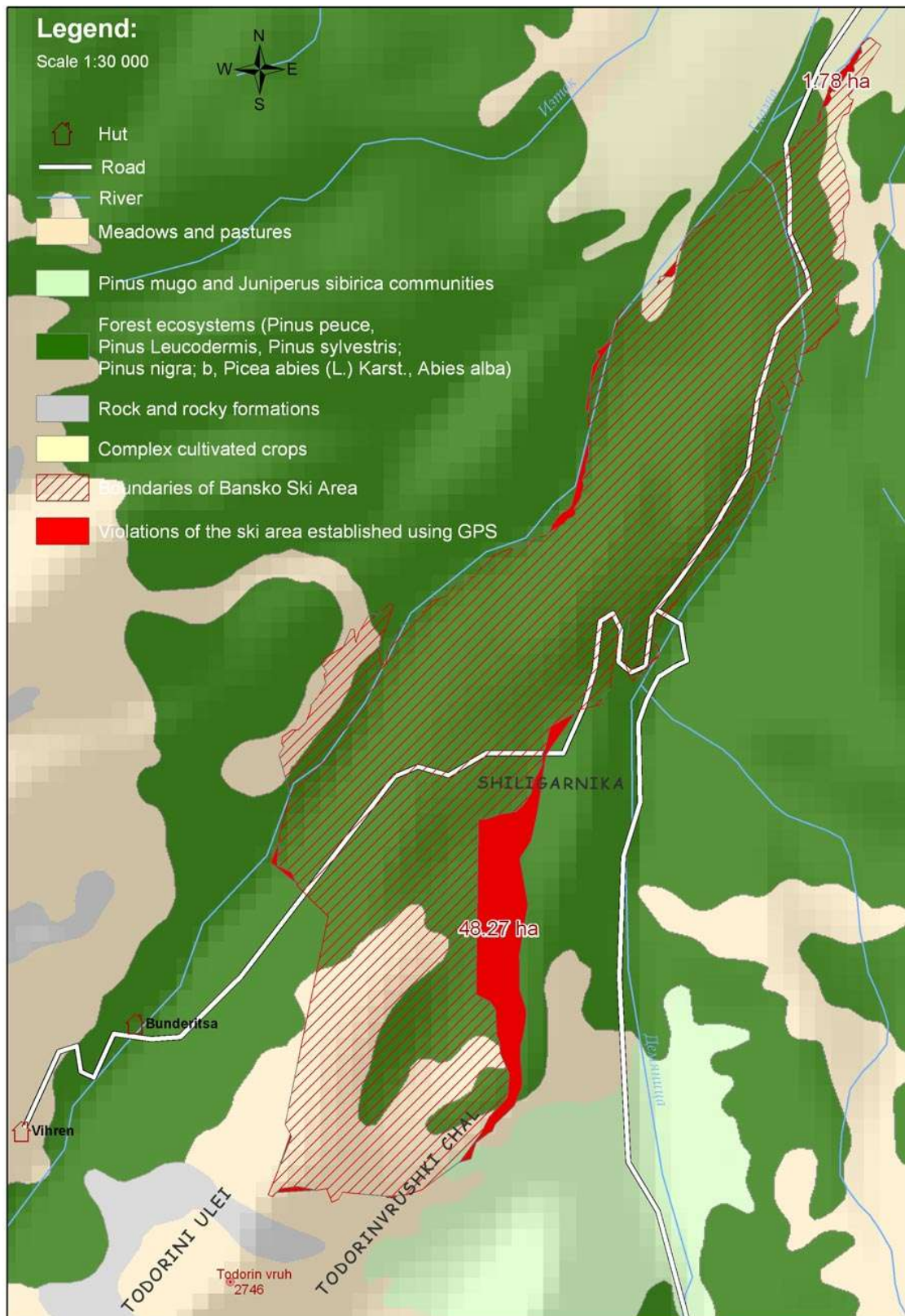
Map of allowed and not allowed ski slopes and facilities

# BANSKO SKI ZONE



Map of expansion of ski zone by over 50 ha beyond permitted territory

Ascertained violations of the boundaries of Bansko Ski Area



The map is produced by comparing GPS field measurements done by experts of Green Balkans and Za Zemiata with the boundaries of the ski-area provided by the MOEW. Season 2005. 'Green Balkans' Federation of Nature Conservation NGOs and Environmental Association 'Za Zemiata' (For the Earth) ©

Map at investor's web site ([www.banskoski.com](http://www.banskoski.com))



**Tables with data on violations of EIA Decisions**

Violation of EIA Decisions:

List with the issued Environmental Impact Assessment decisions and the corresponding violations:

- EIA decision 57 – 13/2000 of Territorial and Management Plan of Bansko Ski Zone
- EIA decision 35-11/2001 for project “Children Ski Slope and Cable-Way”
- EIA Decision 36-11/2001 for project “Cable-Way and Ski Slope”
- EIA Decision 37-11/2001 for project “Shiligarnika–Platoto Chair Cable-Way and Platoto–Shiligarnika Ski Slope”
- EIA Decision 38-11/2001 for project: “Balkaniada Cable-Way”
- EIA Decision 39-11/2001 for project “Extension of Stara Pista Ski Slope”
- EIA Decision X – 7/2002 for project “Bunderishka Polyana–Shiligarnika Ski Slope and Cable-Way ”
- EIA Decision XI – 7/2002 for project “Bansko–Bunderishka Polyana Cabin Cable-Way ”
- EIA Decision for project “Bunderishka Polyana–Todorka Peak”

Description of the violations on the Environmental Impact Assessment Decision 57-13/2000 for harmonization of the Territorial and Management Plan for Bansko Ski Zone

No	Criteria	Violation of the EIA provisions	EIA provisions
p. 1	<p><b>Adherence to the specified boundaries</b></p>	<p>A. The expansion boundaries given in the appendix of the cited decision, have not been adhered to:</p> <p>p.1 Ski slopes “Bunderitsa 1” and “Bunderitsa 2” were NOT dismissed and were constructed without an EIA decision.</p> <p>p.4 Ski slope “Shiligarnik 2” was not dismissed and was constructed without an EIA decision.</p> <p>p. 5 Ski slope “Tsarna Mogila” was not dismissed and was proposed for construction with modification of the Territorial and Management Plan from 2004.</p> <p>p. 8 The existing diagonal forest opening, connecting the ski slopes of “Todorka” and “Balkaniada” has not been reforested.</p> <p>B. The following cable-way connections have not been dismissed:</p> <ul style="list-style-type: none"> <li>• “Bunderishka Polyana” ground station - “Tsarna Mogila” (suggested with modification of the Territorial and Management Plan)</li> <li>• “Zhelezen most – Platoto” (constructed without an EIA decision)</li> </ul>	<p>p. 1 The final project of the Territorial and Management Plan should be prepared within the defined boundaries for the development of the activities, type of events and objects in the zone, (provided in the appendix of the current decision), being inseparable part of it when approving them as being the maximum allowed for this territory.</p> <p>A. For ski slopes and ski tracks</p> <p>p.1 ski slopes “Bunderitsa 1” and “Bunderitsa 2” should be dismissed</p> <p>p. 4 ski slope “Shiligarnik” should be dismissed.</p> <p>p.5 ski slope “Tsarna Mogila” should be dismissed, or its length should be corrected.</p> <p>p. 8 the existing diagonal forest opening, connecting the ski slopes of “Todorka” and “Balkaniada” should be reforested.</p> <p>B. For chair and ski cable-ways</p> <p>1.The following proposed connection to be dismissed:</p> <ul style="list-style-type: none"> <li>• “Bunderishka Polyana” ground station - “Tsarna Mogila”</li> <li>• “Zhelezen most – Platoto.”</li> </ul>



p. 2	<b>Compatibility with the Management Plan</b>	The proposed amendment of the Territorial and Management Plan seriously violates the Pirin National Park Management Plan (after its entering into force). The Ski Zone Territorial and Management Plan proposes new ski slopes and facilities construction, which is prohibited by the Park Management Plan.	p. 2 After Pirin NP Management Plan's entering into force in accordance with its provisions actions should be undertaken for partial amendment of the Territorial Management Plan of the Ski Zone.
p. 3	<b>Under stage</b>	The Territorial Management Plan implementation has not been conducted in stages. Serious violations in the time scheme for the implementation of the projects have been done. This is a significant violation of the explicit condition under p. 3.	p. 3 The application of the Territorial Management Plan should be undertaken in stages, with priority given for the development of infrastructure sites, including water supply and sewage system, electricity supply; no other construction should be undertaken before those have been completed”
p. 6	<b>Expanding the bed capacity</b>	According to information provided by the local authorities of the town of Bansko, up to March 2004, more than 270 permits for new hotels construction have been issued, 70 of which to be constructed during the period 2004 – 2005. This is a significant violation of the explicit condition under p. 6 that the tourist accommodation base of Bansko should not be expanded.	p. 6 The development and management of the ski-zone to be understood as inseparably connected to the development perspectives of the town of Bansko. The Municipality of Bansko does not allow an expansion of the tourist accommodation base in town which can potentially result <b>in duplication of the conflict between the holding capacity of the town accommodation base and that of the ski zone.</b> Expansion of the range of the Territorial and Management Plan, with possible inclusion of the town of Bansko as a base settlement, should be considered if necessary.
p. 7	<b>Prohibition for modelling of the terrain</b>	For terrain modelling large-scale excavation has been implemented For the ski slope “Bunderishka Polyana – Todorka peak” only over 100, 000 sq. m and 35, 000 cub. m have been excavated. Numerous violations of the Protected Areas Act and sub-normative acts have been conducted. The data shows significant violation of p. 7.	p. 7 No large-scale excavation for terrain-modelling, use of chemicals for ski slopes and facilities treatment, neither implementation of activities, forbidden by the Protected Areas Act and the Bulgarian legal system is allowed.
p. 10	<b>Giving of the territory under concession</b>	The territory has been given under concession despite the explicit prohibition under p. 10.	The decision defining the boundaries of the conceded territory and permitting management of the ski zone under a concession is illegitimate as this falls under the competence of another of another specialized legislation.

EIA Decision 35-11/2001 for project „Children Ski Slope and Cable-way”

No	Criteria	Violation of the EIA provisions	EIA provisions
p.1	Cross-cut profile	The cross-cut profile of the ski slope is more than 25 m.	The cross-cut profile of the ski slope, including the existing and extended part should be <b>no more than 20 m.</b>
p.2	Excavation and terrain modelling	The terrain of the ski slope has repeatedly been modelled with heavy-chained machines used for excavation and construction /e.g. Komatsu/. Significant excavation has been conducted.	Excavation for ski slope and cable-way terrain is prohibited, with the exception of the sites for cable-way pillars construction.
p.3	Recultivation	The terrain observations demonstrate the no recultivation measures have been undertaken. Anti-erosion and drainage systems are not present.	Within three-months after the decision has taken into force, a project for recultivation with local vegetation, drainage and anti-erosion activities for the “Children Ski Slope and Cable-way” should be submitted to the Ministry of Environment and Waters.
p.4	Use of explosives and heavy-chained machines	The terrain of the ski slope has a large number of times been modelled by heavy-chained excavation and construction machines /e.g. Kamatsu/. There is also substantial evidence that explosives were used.	The construction of the ski slope should be conducted mostly manually, and when impossible and necessity is proved, special light machinery can be used. Use of explosives is prohibited.
p.7	Use of chemicals and fertilizers	There is evidence that chemicals and artificial fertilizers have been used. Along the terrain, a significant area of pine-scrub communities has been logged which is in violation of the Protected Areas Act, Biological Diversity Act and Forest Act.	The use of chemicals and artificial fertilizers for cable-way route treatment and maintenance as well as other activities on terrain banned under the Protected Areas Act and the Bulgarian legal system is prohibited.
p.8	Monitoring	The monitoring done by NGOs shows that there are significant impacts on the vegetation and serious erosion processes within a longer than 20 meters distance from on sides of the ski slope.	Within three-months after the decision is enforced a “Plan for Monitoring” of the vegetation, erosion processes and pollution of the ski-slope and cable-way should be submitted to the MEW, after consultation with the Pirin NP Directorate. The Plan should include territories spreading up to 20 meters away from both sides of the ski slope and cable-way.
	Failure to meet the provisions	Despite the Investor's failure to fulfil the EIA requirements the decision has not been declared invalid or revoked.	When a failure to fulfil the conditions under the EIA decision is detected, on the basis of art. 25, par. 3 from Decree No 4/98, the competent environmental authorities have the right to revoke the EIA decision with all its consequences.

EIA Decision 36-11/2001 on “Platoto Cable-way and Ski Slope” project

No	Criteria	Violation of the EIA provisions	EIA provisions
p.1.	Width and area	The total area of “Platoto” ski slope exceeds 25 ha, and more than 24 ha pine-scrub formations have been logged.	The total area of the “Platoto” ski slope should not exceed 11.52 ha (7.76 ha for the existing ski slope and 3.76 ha for its expansion), and the planned widening should be conducted next to the existing route along its whole length without logging of pine-scrub formations.
p.2.	Excavation & modelling of the terrain	The terrain of the ski slope has been repeatedly modelled with heavy-chained machines used for excavation and construction /e.g. Komatsu/. Significant excavation has been conducted.	Excavation and earth piling for modelling of the ski slope and the cable-way terrain are prohibited, with the exception of the base station.
p.3.	Recultivation and anti-erosion activities	Recultivation and construction of drainage and anti-erosion activities have not been implemented.	Within three-months after the decision enters into force a project for recultivation of the “Platoto” ski slope and the cable-ways with local vegetation species, including drainage and anti-erosion activities should be presented at the MEW.
p.4.	Use of explosives and heavy-chained machines	The terrain of the ski slope has been repeatedly modelled with heavy-chained machines used for excavation and construction. There is evidence that explosives have been used.	The construction of the ski slope should be conducted mostly manually, and when impossible or when necessity is proved, special light machinery can be used. Use of explosives is prohibited.
p.8.	Use of chemicals and fertilizers	There is evidence that chemicals and artificial fertilizers have been used. Along the terrain, an area of 24 ha pine-scrub communities have been logged which is in violation of the Protected Areas Law, Biodiversity Law and Forest Law.	The use of chemicals and artificial fertilizers for cable-way route treatment and maintenance as well as other activities on terrain banned under the Protected Areas Law and the Bulgarian legal system is prohibited.
	Failure to meet the provisions	Despite the Investor's failure to fulfil the EIA requirements the decision has not been declared invalid or revoked.	When a failure to fulfil the conditions under the EIA decision is detected, on the basis of art. 25, par. 3 from Decree No 4/98, the competent environmental authorities have the right to revoke the EIA decision with all consequences attached to it.

EIA Decision 37-11/2001 for project “Shiligarnika– Platoto Chair Cable-way” and „Platoto- Shiligarnika” Ski Slope

NO	Criteria	Violation of the EIA provisions	EIA provisions
p. 2	Width	The width of the ski slope varies from 60 to 100 m, and the width of the cable-way – from 15 to 30 m.	The ski slope width should not exceed 30 m, and the cable-way corridor width - 6 m.
p. 6	Recultivation	The terrain observations show that recultivation and construction of drainage and anti-erosion activities have not been implemented.	Within three-months after decision is enforced a project for recultivation of the “Shiligarnika– Platoto Chair Cable-way” and „Platoto- Shiligarnika” Ski Slope with local vegetation species, including drainage and anti-erosion activities should be presented at the MEW.
p. 7	Use of explosives and heavy-chained machines	The terrain of the ski slope has been repeatedly modelled with heavy-chained machines used for excavation and construction. There is evidence that explosives have been used.	The construction of the ski slope should be conducted mostly manually, and when impossible or when necessity is proved, special light machinery can be used. Use of explosives is prohibited.
p. 8	Excavation and terrain modelling	Excavation and terrain modelling was undertaken on the entire territory of the ski slope.	Excavation and earth piling for terrain modelling is prohibited, with the exception of the base and top stations and the sites for the cable-way pillars.
p.12	Monitoring	Within a longer than 20-meter-distance from both sides of the ski slope, significant impacts on the vegetation and serious erosion processes can be observed.	Within three-months after the decision is enforced a “Plan for Monitoring” of the vegetation, erosion processes and pollution of the ski-slope and cable-way should be submitted to the MEW, after consultation with the Pirin NP Directorate. The Plan should include territories spreading up to 20 meters away from both sides of the ski slope and cable-way.

EIA Decision 38-11/2001 for project: “Ski-cable-way “Balkaniada”

<b>NO</b>	<b>Criteria</b>	<b>Violation of the EIA provisions</b>	<b>EIA provisions</b>
p. 1.	Width and area	The width of the corridor is more than 12 m, and the total area is over 0.9 ha.	The width of the corridor should not exceed 6 m for the “Balkaniada” ski cable-way and 0,47 ha for the total required area.
p. 2.	Excavation and terrain modelling	The terrain observations show that recultivation and construction of drainage and anti-erosion activities have not been implemented.	Excavation and earth piling for terrain modelling is prohibited, with the exception of the base and top stations and the foundation sites for the cable-way pillars.
p. 4.	Manual method and explosion works	Heavy-chained machines and explosives were used during the construction.	The construction of the ski slope should be conducted mostly manually, and when impossible or when necessity is proved, special light machinery can be used. Use of explosives is prohibited.
p. 5.	Temporary roads	Temporary roads were created during the construction.	The construction of temporary roads for the construction of “Balkaniada” Ski Cable-Way is prohibited.
p. 9.	Use of chemicals and fertilizers	There is evidence that chemicals and artificial fertilizers have been used. Along the terrain, a significant area of pine-scrub communities have been logged which is in violation of the Protected Areas Law, Biodiversity Law and Forest Law.	The use of chemicals and artificial fertilizers for cable-way route treatment and maintenance as well as other activities on terrain banned under the Protected Areas Law and the Bulgarian legal system is prohibited.
	Failure to meet the provisions	Despite the Investor's failure to fulfil the EIA requirements the decision has not been declared invalid or revoked.	When a failure to fulfil the conditions under the EIA decision is detected, on the basis of art. 25, par. 3 from Decree No 4/98, the competent environmental authorities have the right to revoke the EIA decision with all consequences attached to it.

EIA Decision 39-11/2001 for project “Extension of Stara Pista Ski Slope”

No	Criteria	Violation of the EIA provisions	EIA provisions
p. 1.	Recultivation	To tree-planting activities has been undertaken.	Within three-months after the decision is enforced a “Reforestation Plan” of the unused part of “Starata Pista” ski slope should be submitted to the MEW, after consultation with the Pirin NP Directorate. The plan should be implemented within 1 year after its approval.
p. 2.	Area	The total area exceeds 1 ha.	The total area of the extension of the Old ski slope should not exceed 0.57 ha.
p. 3	Excavation and terrain modelling	The terrain observations show that recultivation and construction of drainage and anti-erosion activities have not been implemented.	Excavation and earth piling for terrain modelling is prohibited, with the exception of the top part of the ski slope.
p. 4	Recultivation	The terrain observations show that recultivation and construction of drainage and anti-erosion activities have not been implemented.	Within three-months after the decision is enforced, a project for recultivation with local vegetation species of the “Stara Pista” ski slope should be submitted to the MEW, including drainage and anti-erosion facilities.
p. 5	Manual method and explosion works	Heavy-chained machines and explosives were used during the construction.	The construction of the ski slope should be conducted mostly manually, and when impossible or when necessity is proved, special light machinery can be used. Use of explosives is prohibited.
p. 9	Catering facilities	Catering facilities have been placed close to the ski slope.	No placement of catering facilities close to the ski slope is allowed.
p.11	Use of chemicals and fertilizers	There is evidence that chemicals and artificial fertilizers have been used. Along the terrain, a significant area of pine-scrub communities have been logged which is in violation of the Protected Areas Law, Biodiversity Law and Forest Law.	The use of chemicals and artificial fertilizers for ski-slope and cable-way route treatment and maintenance as well as other activities on terrain banned under the Protected Areas Law and the Bulgarian legal system is prohibited.
	Failure to meet the provisions	Despite the Investor's failure to fulfil the EIA requirements the decision has not been declared invalid or revoked.	When a failure to fulfil the conditions under the EIA decision is detected, on the basis of art. 25, par. 3 from Decree No 4/98, the competent environmental authorities have the right to revoke the EIA decision with all consequences attached to that act.

EIA Decision X – 7/2002 for project “Bunderishka Polyana – Shiligarnika Ski Slope and Cable-way”

<b>NO</b>	<b>Criteria</b>	<b>Violation of the EIA provisions</b>	<b>EIA provisions</b>
p. 1	Width	The width of the corridor is more than 18 m, and the total area is more then two times more than allowed	The width of the ski slope should not exceed 30 m, and the width of the cable-way - 4 m for the base to the middle station section, and 9 m for middle to top stations.
p. 2	Traversing the road at different levels	The technical requirement for crossing the ski slope at different levels has not been fulfilled. The ski slope crosses the Bansko – Vihren road, which creates conflict between hikers walking along the road and the skiers on the ski slope, endangering the life and health of both groups.	A technical solution for the crossing of the ski slope's branch with the road should be found.
p. 6	Uprooting of tree trunks	The tree trunks along the route of the ski slope have been uprooted. Excavation has repeatedly been carried out along the ski slope route.	The uprooting of tree trunks along the route of the ski slope is prohibited with the exception of the places where excavation is necessary.
p. 7	Construction in the river-beds	Construction (water catchment and earth piling) was done in the bed of Bunderitsa river.	Constriction activities in the river and stream beds are prohibited.
p. 8	Excavation and terrain modelling	The terrain observations show that recultivation, drainage and anti-erosion activities have not been implemented. Excavation of over 35 000 cubic meters, modelling a 100 000 sq. m area has been conducted.	Excavation and earth piling for terrain modelling is prohibited, with the exception of base, middle and top stations of the cable-way and the foundations of the cable-way pillars.
p. 9	Use of explosives	When constructing the branch of “Bunderitsa 2 Ski Slope” a hill on Bunderishka Polyana has been demolished with explosives.	Use of explosives is prohibited.
p. 10	Use of heavy-chained machinery	The terrain of the ski slope has been repeatedly modelled with heavy-chained machines.	The construction of the ski slope should be conducted mostly manually, and when impossible or necessary special light machinery can be used.
p. 11	Temporary roads	During the construction of the “Bunderishka Polyana – Shiligarnika Ski Slope and Cable-way” a large number of temporary roads have been built.	The construction of temporary roads for the building of “Bunderishka Polyana – Shiligarnika Ski Slope and Cable-way” is not permitted.

p. 18	Recultivation	The terrain observations show that recultivation and construction of drainage and anti-erosion activities have not been implemented.	Within three-months after the decision is enforced a project for recultivation of the “Bunderishka Polyana – Shiligarnika Ski Slope and Cable-way” with local vegetation species, including drainage and anti-erosion activities should be developed (following the recommendations of the EIA experts) and presented to the MEW.
p. 19	Monitoring	Within longer than 20-meter-distance from both sides of the ski slope, significant impacts on the vegetation and serious erosion processes can be observed.	Within three-months after the decision is enforced a “Plan for Monitoring” of the vegetation, erosion processes and pollution of the ski-slope and cable-way should be submitted to the MEW, after consultation with the Pirin NP Directorate. The Plan should include territories spreading up to 20 meters away from both sides of the ski slope and cable-way.
p. 20	Use of chemicals and fertilizers	There is evidence that chemicals and artificial fertilizers have been used. Along the terrain, a significant area of pine-scrub communities have been logged which is in violation of the Protected Areas Law, Biodiversity Law and Forest Law.	The use of chemicals and artificial fertilizers for ski slope and cable-way route treatment and maintenance as well as other activities on terrain banned under the Protected Areas Law and the Bulgarian legal system is prohibited.
	Failure to meet the provisions	Despite the Investor's failure to fulfil the EIA requirements the decision has not been declared invalid or revoked.	When a failure to fulfil the conditions under the EIA decision is detected, on the basis of art. 25, par. 3 from Decree No 4/98, the competent environmental authorities have the right to revoke the EIA decision with all consequences attached to that act.



EIA Decision XI – 7/2002 for project “Bansko – Bunderishka Polyana Cabin Cable-way”

<b>NO</b>	<b>Criteria</b>	<b>Violation of the EIA provisions</b>	<b>EIA provisions</b>
	Width	The width more than 18 m - two times than the allowed.	The width of the corridor should not exceed 9 m for the track between the base and middle station, and 14 m for the track between middle and top station. The corridor should utilize the existing dirt roads, hiking paths and areas with low vegetation.
	Uprooting of tree trunks	The tree trunks along the route of the ski slope have been uprooted. Excavation has repeatedly been carried out along the ski slope route.	The uprooting of tree trunks along the route of the cable-way is prohibited, with the exception of places, where excavation is necessary.
	Temporary roads	During the construction of the “Bansko - Bunderishka Polyana Cabin Cable-way” a large number of temporary roads have been constructed.	No construction of temporary roads for the building of “Bansko - Bunderishka Polyana Cabin Cable-way” is permitted.
	Monitoring	Within longer than 20-meter-distance from both sides of the ski slope, significant impacts on the vegetation and serious erosion processes can be observed.	Within three-months after the decision is enforced a “Plan for Monitoring” of the vegetation, erosion processes and pollution of the cable-way should be submitted to the MEW, after consultation with the Pirin NP Directorate. The Plan should include territories spreading up to 20 meters away from both sides of the ski slope and cable-way.
	Failure to meet the provisions	Despite the Investor's failure to fulfil the EIA requirements the decision has not been declared invalid or revoked.	When a failure to fulfil the conditions under the EIA decision is detected, on the basis of art. 25, par. 3 from Decree No 4/98, the competent environmental authorities have the right to revoke the EIA decision with all consequences attached to that act.

EIA Decision for project “Bunderishka Polyana – Todorka peak Ski Slope and Cable-way”

point No	Criteria	Violation of the EIA provisions	EIA provisions
1.	Width	The width of the ski slope varies between 60 and 150 m. The width of the opening for the cable-way is 15 m on average.	The width of the opening for the ski slope should not be more than 30 m, for the cable-way – no more than 4 m from the base to middle stations. The uprooting of tree trunks along the route of the cable-way is prohibited, with the exception of places, where excavation is necessary. and no more than 9 m from middle to top station, maximizing the usage of the timber road, the hiking paths and areas with low vegetation.
2.	Traversing the road	The technical requirement for traversing the ski slope at different levels has not been fulfilled. The ski slope crosses the Bansko – Vihren road, which creates conflict between hikers walking along the road and the skiers on the ski slope, endangering the life and health of both groups.	A technical solution for the crossing of the ski slope branch with the road should be found.
6.	Uprooting of tree trunks	The tree trunks along the route of the ski slope have been uprooted. Significant excavation works have been repeatedly conducted.	The uprooting of tree trunks along the route of the ski slope is prohibited with the exception of the places where excavation is necessary.
7.	Construction in the river beds	Water catchment and earth piling in the bed of Bunderitsa river was done.	Constriction in the riverbeds is prohibited.
8.	Excavation and terrain modelling	The terrain observations show that recultivation, drainage and anti-erosion activities have not been implemented. Excavation of over 35 000 cubic meters, modelling a 100 000 sq. m area has been conducted.	Excavation and earth piling for terrain modelling is prohibited, with the exception of base, middle and top stations of the cable-way and the foundations of the cable-way pillars.
9.	Use of explosives	For the construction of an arm of the “Bunderitsa 2 (Tomba – 9) Ski Slope” a hill on “Bunderishka Polyana” has been demolished with explosives.	Use of explosives is prohibited.

10.	Use of heavy-chained machinery	The terrain of the ski slope has been repeatedly modelled with heavy-chained machines.	The construction of the ski slope should be conducted mostly manually, and when impossible or necessary special light machinery can be used.
11.	Temporary roads	During the construction of the “Bunderishka Polyana – Todorka peak Ski Slope and Cable-way” a large number of temporary roads have been built.	The construction of temporary roads for the building of “Bunderishka Polyana – Todorka peak Ski Slope and Cable-way” is not permitted.
13.	Water supply	Evidence that this provision has been violated has been found and we recommended that a water-quality test is done.	The provision of adequate quality water for middle and top cable-way stations should be done only with appropriate containers. Water supply from springs is allowed only if permit for water use is obtained in compliance with the Waters Law/Act.
14	Chemical toilets	Evidence that this provision has been violated has been found and we recommended an inspection of its implementation.	Delivery and guaranteed constant maintenance of chemical toilets should be provided for the middle and top cable-way stations, and their number and specific maintenance requirements, including transportation and installation, should be consulted with the Pirin NP Directory.
18.	Recultivation	The terrain observations show that recultivation and construction of drainage and anti-erosion activities have not been implemented.	Within three-months after the decision is enforced a project for recultivation of the “Bunderishka Polyana – Todorka peak Ski Slope and Cable-way” with local vegetation species, including drainage and anti-erosion activities should be developed (following the recommendations of the EIA experts) and presented to the MEW.
19.	Monitoring	Within longer than 20-meter-distance from both sides of the ski slope, significant impacts on the vegetation and serious erosion processes can be observed.	Within three-months after the decision is enforced a “Plan for Monitoring” of the vegetation, erosion processes and pollution of the cable-way should be submitted to the MEW, after consultation with the Pirin NP Directorate. The Plan should include territories spreading up to 20 meters away from both sides of the ski slope and cable-way.

20	Use of chemicals and fertilizers	<p>There is evidence that chemicals and artificial fertilizers have been used.</p> <p>Along the terrain, a significant area of pine-scrub communities have been logged which is in violation of the Protected Areas Law, Biodiversity Law and Forest Law.</p>	<p>The use of chemicals and artificial fertilizers for ski slope and cable-way route treatment and maintenance as well as other activities on terrain banned under the Protected Areas Law and the Bulgarian legal system is prohibited.</p>
	Failure to meet the provisions	<p>Despite the Investor's failure to fulfil the EIA requirements the decision has not been declared invalid or revoked.</p>	<p>When a failure to fulfil the conditions under the EIA decision is detected, on the basis of art. 25, par. 3 from Decree No 4/98, the competent environmental authorities have the right to revoke the EIA decision with all consequences attached to that act.</p>

**Bansko ski slopes consume nature**

**Article from Alexander H. Alexandrov, - Director of the Forest Institute at the Bulgarian Academy of Science, published in Duma Newspaper on 22 March 2005**

The Bansko case is a little bit more peculiar and deserves special attention. In the Forest Institute at the Bulgarian Academy of Science conducted research on virgin forests in the Pirin National Park on expedition basis. The working group identified flagrant environmental violations. The construction of indecently large number of ski slopes and facilities, inconsistent with landscape, have caused felling of valuable populations of spruce (*Picea excelsa* Link), white fir (*Pinus peuce*), Bosnian pine (*Pinus heldraichii*) and pine-scrub (*Pinus mugo*), and have destroyed the natural environment at many sites. Ski slopes cut through the forests in long distances and high upland – from mountaintops down to Bansko. This felling has destroyed Pirin nature and even the large timber production performed 3-4 decades ago appears insignificant compared to what have happened recently and will happen in near future. The existing ski slopes are km long starting from m above the sea level to 600 m above the sea level, and the ski facilities are 8 km long. But those built under the project go twice over their total, which results in clear cuts and urbanization, destroyed nature and large profits for some in the business. Ski slopes cut through forest vegetation to an extent, which have strongly reduced their resistance to winds.

Upon snow melt or after continuous rainfalls, the earth of spruce forests, which have generally shallow root system, diminishes its clutching capacity making trees vulnerable to wind throw, and the substrate – to landslide. The stripes of spruce forests, extremely prone to snow falls and wind throws, are rather threatened standing in between close openings. Erosion processes along the ski slopes in the vicinity of Bansko are progressing and gullies are already appearing. Forest plantations on large slopes and long distances were cut in service of the elite ski sport, and in order to acquire the desired slant, gullies were dug into some sections of the traces, thus favouring erosion and torrents. Torrents flooding and pouring over Bansko or part of it are just a matter of time. Such nature disaster could be a catastrophe and then losses will be counted in death toll, destroyed buildings, communication and other damages. Some partial attempts to tame erosion on ski slopes using biological methods in the mid-mountain parts have insignificant effect, being almost inapplicable and unfruitful in the highlands. Besides, the steep ski slopes in some parts create favourable conditions for avalanches and their destructive action will inevitably be proved. The combination of irrational anthropogenic intervention in North-east Pirin will cause local ecological disaster, leading to waste of landscape and dissipation of numerous nature resources. The destruction of Pirin National Park nature in the area of Bansko is a result of cupidity, absurdity and incompetence, and the striking fact here is that exactly the authority responsible for nature protection (MOEW) destroys it systematically and in large scales. And who is to bear the responsibility for this crime – those permitting the cuts and construction of so many ski slopes and facilities, or the assigners and assignees? This is subject to the Prosecutor's Office and the Court, assisted by civil society structures if there are any. The research of the Forest Institute coincides to great extent with the results of the project work on "Civil society acting against violations and poaching in forests" implemented by Green Balkans NGO. Violations in protected areas and around them are dangerous precedent. Bulgaria will benefit if it conserves its residues of preserved wild life, and will lose if it urbanizes it unscrupulously.

## Law Citations

### 1. Article of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

### 2. Article 4 of the Convention on the Conservation of European Wildlife and Natural Habitats

i. Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats.

ii. The Contracting Parties in their planning and development policies shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas.

### 3. Article 5 of the European Landscape Convention

Each Party undertakes:

a. to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;

b. to establish and implement landscape policies aimed at landscape protection, management and planning through the adoption of the specific measures set out in Article 6;

c. to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned in paragraph b above;

d. to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.

### 4. Article 6 of the European Landscape Convention

Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them.

#### B. Training and education

Each Party undertakes to promote:

a. training for specialists in landscape appraisal and operations;

b. multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned;

c. school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.

#### C. Identification and assessment

1. With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:

a. i) to identify its own landscapes throughout its territory;

ii) to analyse their characteristics and the forces and pressures transforming them;

iii) to take note of changes;

b. to assess the landscapes thus identified, taking into account the particular values assigned

to them by the interested parties and the population concerned.

2. These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8.

**D. Landscape quality objectives**

Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.

**E. Implementation**

To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.

**5. Article 7 of the Convention on Biological Diversity:**

Article 7. Identification and Monitoring

(b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

(c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and

(d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

**6. Article 8 of the Convention on Biological Diversity**

Article 8. In-situ Conservation

Each Contracting Party shall, as far as possible and as appropriate:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

(b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;

(d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;

(e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;

(f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies;

(g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;

(h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;

(i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

(k) Develop or maintain necessary legislation and/or other regulatory provisions for the

protection of threatened species and populations;

(l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities; and

(m) Cooperate in providing financial and other support for in-situ conservation outlined in subparagraphs (a) to (l) above, particularly to developing countries.

#### **7. Article 10 of the Convention on Biological Diversity**

Article 10. Sustainable Use of Components of Biological Diversity

Each Contracting Party shall, as far as possible and as appropriate:

(a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;

(b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;

(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;

(d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and

(e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

#### **8. Article 11 of the Convention on Biological Diversity**

Article 11. Incentive Measures

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

#### **10. Article 2 and 3 of the Convention on the Conservation of Migratory Species of Wild Animals /Bonn Convention/**

Article 2

Fundamental Principles

1. The Parties acknowledge the importance of migratory species being conserved and of Range States agreeing to take action to this end whenever possible and appropriate, paying special attention to migratory species the conservation status of which is unfavourable, and taking individually or in co-operation appropriate and necessary steps to conserve such species and their habitat.

Article 3

Endangered Migratory Species: Appendix I

4. Parties that are Range States of a migratory species listed in Appendix I shall endeavour:

a) to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction;

b) to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and

c) to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species.

#### **11. Article 5 of the Constitution of the Republic of Bulgaria**

**Article 5, Par. (4)** Any international instruments which have been ratified by the constitutionally established procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise.

#### **12. Article 15 of the Constitution of the Republic of Bulgaria**



**Article 15.** The Republic of Bulgaria shall ensure the protection and reproduction of the environment, the conservation of living Nature in all its variety, and the sensible utilisation of the country's natural and other resources.

**13. Article 18, Paragraph 5 of the Constitution of the Republic of Bulgaria**

(5) The conditions and procedure by which the state shall grant concessions over units of property and licences for the activities enumerated in the preceding two paragraphs shall be established by law.

**14. Article 18, Paragraph 6 of the Constitution of the Republic of Bulgaria**

(6) The state shall utilise and manage all the state's assets to the benefit of citizens and society.

**15. Article 42 of the Constitution of the Republic of Bulgaria**

**Article 42.** (1) Everyone shall be entitled to seek, obtain and disseminate information. This right shall not be exercised to the detriment of the rights and reputation of others, or to the detriment of national security, public order, public health and morality.

(2) Citizens shall be entitled to obtain information from state bodies and agencies on any matter of legitimate interest to them which is not a state or official secret and does not affect the rights of others.

**16. Article 127 of the Constitution of the Republic of Bulgaria**

**Article 127.** The Prosecutor's Office shall ensure that legality is observed:

1. by bringing charges against criminal suspects and supporting the charges in common criminal trials;
2. by overseeing the enforcement of penalties and other measures of compulsion;
3. by acting for the rescission of all illegitimate acts;
4. by taking part in civil and administrative suits whenever required to do so by law.

**17. Article 14 of the Nature Protection Act**

**Article 14.** (Amend., SG 133/98) For protected are declared distinct wild flora and fauna species which are rare or in danger of extinction, which are objects of scientific interest or objects of international conventions or contracts of which the Republic of Bulgaria is a party.

**Article 14a** (New, SG 29/00.) The conservation of the protected medicinal plants is stipulated by a separate law.

**Article 15** (1) (Amend., SG 133/98.) The following shall be prohibited:

1. the collecting, picking up, felling or uprooting of protected plants, their sale and export.
  2. the chasing, catching or killing of protected animals, the destruction of their lairs, nests or eggs, as well as their sale and export.
- (2) The exceptions to the stipulations in sec. 1 are determined by the order of **Article 19**

**18. Article.2, Protected Areas Act**

- (1) The purpose of this Act is to conserve and preserve protected areas as a national and universal human wealth and asset and as a special form of conservation of Bulgarian nature, conducive to the advancement of culture and science and to public welfare.
- (2) Nature conservation within protected areas shall take precedence over the other activities therein.

**19. Article 18, par.2 Protected Areas Act**

- (1) Areas which have no nucleated and dispersed settlements falling within the boundaries thereof and which host natural ecosystems of high diversity of plant and animal species and habitats,

with typical and remarkable landscapes and non-living natural features, shall be designated national parks.

(2) National parks shall be managed for the purpose of:

1. maintenance of the diversity of the ecosystems and protection of wildlife;
2. conservation and maintenance of the biological diversity within the ecosystems;
3. provision of opportunities for pursuit of scientific research, education and recreation;

#### **20. Article 21, par.1, point 1 and 2 Protected Areas Act**

The following activities shall be prohibited in national parks:

1. (Amended, SG No. 48/2000) any construction, with the exception of hikers' shelters and chalets, water catchments for drinking purposes, treatment facilities, park management and visitor service buildings and facilities, underground communications, repair of existing buildings and roads, and sports and other facilities;
2. any manufacturing activities, with the exception of maintaining and restorative activities in the forests, land tracts and aquatic areas;

#### **21. Article 21, par.1, point 3 Protected Areas Act**

The following activities shall be prohibited in national parks:

3. clear-cutting;

#### **22. Article 21, par. 1, point 4, Protected Areas Act**

The following activities shall be prohibited in national parks:

4. applying artificial fertilizers and other chemicals;

#### **23. Article 21, par.1, point 9, Protected Areas Act**

The following activities shall be prohibited in national parks:

9. disturbing the natural state of aquatic areas, watercourses, the banks thereof and the riparian lands and littoral zones;

#### **24. Article 21, par. 1, point 15, Protected Areas Act**

The following activities shall be prohibited in national parks:

- (Supplemented, SG No. 28/2000) collecting rare, endemic, relict and protected species, except for the purposes of scientific research;

#### **Article 21, par.14, Protected Areas Act**

The following activities shall be prohibited in national parks:

14. interfering with biological diversity;

#### **25. Article 81, par. 1 Protected Areas Act**

- (1) A fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000 will be imposed on any natural person who:

1. shall perform any activities within a protected area in violation of the regime determined by this Act, the designation order or any endorsed management plans and designs under Chapter Four herein;

**26. Article 82, Protected Areas Act**

A fine of BGN 500 or exceeding this amount but not exceeding BGN 10,000 will be imposed on any official who:

1. shall allow or order, or fail to penalize, any activities or construction within a protected area in violation of the regime established by this Act, by the designation order or by the endorsed management plans and designs under Chapter Four herein;

**27. Article 83, Protected Areas Act**

(1) A fine or a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 will be imposed on any sole trader or juristic person who or which:

1. shall perform any activities within a protected area in violation of the regime established by this Act, by the designation order or by endorsed plans and designs under Chapter Four herein;
2. shall perform any activities within a protected area without a permission or clearance provided for in this Act.

**28. Article 84, par.1 Protected Areas Act**

(1) Any corporeal movables subject to a violation and any corporeal movables which have served for commission of any such violation within any protected area constituting exclusive state property shall be confiscated.

**29. Article 23 a of the Environmental Protection Act from 1991**

**Article 23a** (New – SG 100/92) (1) (Amend. – SG 26/01) The competent body organizes discussion of the presented Environmental Impact Assessment report, in which local administration bodies, public organisations representatives, media and interested physical and juridical persons participate.

(2) (New – Add. SG 26/01) In the cases in which **Article 22** stipulates the preparation of a preliminary and a final Environmental Impact Assessment report, the body competent for decision making organizes a meeting with the interested bodies for the public discussion of the preliminary report of the Environmental Impact Assessment.

(3) (Previous Sect. (2) – Amend. SG 26/01) The persons from section 1 shall be informed by the competent body through mass media or another appropriate method not later than 1 month before the discussion.

(3) (New – Add. SG 26/00 and Canc. 26/01)

**30. Article 3, points 1, 2, 3, 4, 5, 6, 7, 8 and 11 of the Environmental Protection Act**

**Article 3** Environmental protection shall be based on the following principles:

1. sustainable development;
2. prevention and reduction of risk to human health;
3. priority of pollution prevention over subsequent elimination of pollution damage;
4. public participation in and transparency of the decision making process regarding environmental protection;
5. public awareness regarding the state of the environment;
6. polluter pays for damage caused to the environment;

7. conservation, development and protection of ecosystems and the biological diversity inherent therein;
8. restoration and improvement of environmental quality in polluted and disturbed areas;
11. access to justice in environmental matters.

### **31. Article 39, Environmental Protection Act**

- (1) Soil conservation shall guarantee effective protection of human health and of the natural soil functions.
- (2) The soil and ground water shall be protected against contamination with manure, fertilizer and pesticides by implementation of good agricultural practices.

### **Article 40, Environmental Protection Act**

Juristic and natural persons using the soil as a productive asset or impacting the soil in any other manner shall be obliged not to cause any harmful soil modification both in the land properties cultivated thereby and in the neighbouring land properties.

### **Article 41, Environmental Protection Act**

The owners and users of land properties shall be obliged to take measures for the prevention of any harmful modification endangering the soil.

### **Article 42, Environmental Protection Act**

- (1) Any person, who or which shall cause any harmful soil modification, shall be obliged to restore, at their own expense, the natural properties and functions of the soil to a degree at which no risk and harm whatsoever to human health and safety arises permanently and continuously.
- (2) The owners and users of underground and overhead physical infrastructure networks and installations shall be obliged to maintain the said networks and facilities in serviceable condition and not to suffer contamination or other harmful modification of the surrounding soil.

### **Article 43, Environmental Protection Act**

- (1) The humus layer of the soil shall be placed under special protection.
- (2) Prior to commencement of construction or prospecting, exploration and extraction of subsoil resources, the humus layer of the soil shall be removed, deposited and utilized as intended under terms and according to a procedure established by a regulation issued by the Minister of Agriculture and Forestry, the Minister of Environment and Water, and the Minister of Regional Development and Public Works.
- (3) The activities covered under Paragraph (2) shall be carried out without contamination of or damage to the soil in the neighbouring land properties.
- (4) After finishing the activities covered under Paragraph (2), the project client or the project initiator shall be obliged to reclaim the disturbed ground.

### **Article 44, Environmental Protection Act**

The owners and operators of waste landfills, including tailings ponds, slime ponds etc., as well as of installations for storage of waste and/or dangerous chemical substances, preparations and products,

shall organize and operate the said installations in a manner precluding contamination of, and damage to, the soil and other environmental media.

**32. Article 51 – 53, Environmental Protection Act:**

**Article 51**

- (1) The species, the natural habitats of species with the biological diversity inherent therein shall be subject to conservation and protection.
- (2) Conservation of the diversity of natural habitats and of species of wild flora and fauna shall follow the terms and a procedure established by a special law.

**Article 52**

Wild plant and animal species shall be used in a manner and by means guaranteeing the sustainable development of the populations therein in the natural surroundings therein.

**Article 53**

- (1) Long-term and annual plans and programmes shall be elaborated for conservation and use of forests, game, fish, herbs, mushrooms and other renewable wildlife resources.
- (2) The plans and programmes referred to in Paragraph (1) shall be prepared under terms and according to a procedure established by the relevant special laws.

**33. Article 148, Environmental Protection Act**

- (1) The Ministry of Environment and Water shall exercise control over the environmental media and the factors impacting the said media.
- (2) The said control shall be preventive, current and follow-up.
- (3) At the national level, the said control shall be implemented by the Minister of Environment and Water or by officials authorized thereby, and at the regional level by the RIEW directors, the Basin Directorate directors, the National Park directors, the municipality mayors or by persons authorized thereby.

**34. §1, point 5, Environmental Protection Act**

§1. Within the meaning of this Act:

"Environmental pollution" shall be the change in environmental quality as a result of the occurrence and introduction of physical, chemical or biological factors from a natural or anthropogenic source inside or outside Bulgaria, irrespective of whether the effective national limit values are exceeded.

**35. § 1, 16, c Supplementary Provisions, Environmental Protection Act**

"Harmful soil modifications" shall be the disturbance of the soil functions causing significant harm and damage to the individual and to the community in general:

- b) pollution with fresh fertilizer residues and concentrated mineral fertilizers, as well as with various types of waste;
- c) physical degradation, such as water and wind erosion with the anthropogenic aspects thereof, water-logging and swamping, consequences of burning of stubble and plant residue.

**36. Article 19, Biological Diversity Act**

In the event of risk of damage to any sites included in the list referred to in Article 10 (4) herein

prior to the designation thereof as special areas of conservation, the Minister of Environment and Water may issue an order, which shall be promulgated in the State Gazette, whereby the said Minister shall prohibit or restrict specific activities in the said sites for a period not exceeding two years, with the exception of sites allocated for national defence and to the armed forces.

**37. Article. 38, Biological Diversity Act**

(1) The following shall be prohibited in respect of the animal species listed in Annex 3 hereto:

1. all forms of deliberate capture or killing of specimens by whatever devices, means, or methods;
2. hunting and disturbance, particularly during the period of breeding, rearing, wintering and migration;
4. damage to, or destruction of, breeding, resting or staging places;

**38. Article 40, Biological Diversity Act**

(1) The following shall be prohibited in respect of any plant species listed in Annex 3 hereto:

1. picking, collecting, cutting, uprooting or any other manner of destruction of specimens in their natural range in the wild;

**39. Article. 46, Biological Diversity Act**

The following shall be prohibited in respect of the birds referred to in Article 45 herein:

3. destruction of, damage to, or removal of nests;
5. disturbance, particularly during the period of breeding and rearing.

**40. Waters Act**

**Article 46.** (1) Permit for use of water object shall be necessary for:

1. construction of new, reconstruction or modernisation of existing systems and facilities for:
- b) linear infrastructure crossing water objects - aqueducts, bridges, transfer networks and conduits;

**41. Article 2, par. 4 of Concessions Act**

**Article 2 (4)** (Previous Sec. 3 – SG 61/97) No concessions may be granted that jeopardize the national security and the defence of this country, the environment, the territories and objects protected by law, and the public order.

**42. Article 29, par.3 of Concessions Act**

**Article 29 (3)** The National Concession Register shall be public and an access to it shall be provided including through Internet.

**43. Part 3, Regimes of Management Plan of Pirin National Park**

According Part 3, Regimes

Activities, prohibited on the whole territory of Pirin NP:

1. Construction of new and extending the existing ski slopes and facilities

## Penal Code Citations

### Articles from The Penal Code

**Article 136. (1)** Who violates rules established for protection of the safety of labour, thus putting in jeopardy the life or the health of the workers, shall be punished by imprisonment of up to three years or corrective labour, as well as by public reprobation.

(2) (New, SG 28/82) When an act under the preceding par. puts by negligence in jeopardy the life or the health of the workers the punishment shall be imprisonment of up to one year or corrective labour.

**Article 201.** (Suppl., SG 28/82; amend., SG 10/93; suppl., SG 50/95: Decision No 19 of the Constitutional Court - SG 97/95) An official who misappropriates another's money, possessions or other valuables, delivered to him as such or entrusted him for keeping or managing, shall be punished for misappropriation in public office by imprisonment of up to eight years, whereas the court can rule confiscation of up to one second of the property of the culprit and deprive him of rights according to art. 37, item 6 and 7.

**Article 219. (1)** (Amend., SG 28/82; SG 62/97) An official who does not take enough care for the management, administration, handling or preservation of the entrusted property, as well as for the assigned job, thus causing a substantial damage, destruction or squandering of the property or other considerable damages to the enterprise or to the economy shall be punished by imprisonment of up to three years and a fine of up to five thousand levs.

(2) (Amend., SG 95/75; SG 28/82; SG 62/97) Who, despite of his obligations, have not exercised sufficient control over the work of persons to whom the management, the administration or the accounting of the public property is assigned, and this have caused substantial damages to the enterprise or to the economy, shall be punished by imprisonment of up to three years and a fine of up to five thousand levs.

**Article 235.** (amend., SG 26/04) (1) Who, without a valid written permit or with a valid permit, but outside the appointed places, terms, quantities and trees, cuts, collects, produces, takes or transports from the state forest fund trees of any kind whatsoever, or a part of them, including cut or fallen, thus causing significant damages, shall be punished by imprisonment of up to six years and by a fine of one thousand to twenty thousand levs.

(2) The punishment under par. 1 shall be imposed on those who receive, load, transport, unload, store or process wood illegally obtained by another, when this has caused significant damages.

(3) For a crime under par. 1 and 2 the punishment shall be imprisonment from one to eight years and a fine of five thousand to fifteen thousand levs if:

1. it has been committed by two or more persons, upon prior arrangement for it;
2. it has been committed by implication with a forest employee who has availed himself of his official status;
3. it has been committed by using untrue or forged document of a document with untrue contents;
4. has been repeated;
5. the subject of the crime is of large size.

(4) Where the crimes under par. 1 – 3 are committed by a person acting by

instructions or in fulfilment of a decision of an organized criminal group or represent a dangerous recidivism the punishment shall be imprisonment of three to ten years and a fine of ten thousand to one hundred thousand levs.

(5) When the subject of the crime is of a particularly large size and the case is particularly severe the punishment shall be imprisonment of five to fifteen years and a fine of fifty thousand to five hundred thousand levs.

(6) The subject of the crime shall be seized in favour of the state, and if it is missing or it has been alienated its equivalence shall be adjudged.

**Article 236.** (Amend., SG 28/82; SG 86/91; SG 85/97; amend., SG 92/02) Who destroys or damages in any way whatsoever forest trees, coppice, undergrowth, forest culture or forest nursery, thus causing significant damages, shall be punished by imprisonment of up to two years or by corrective labour, as well as by a fine of one hundred to three hundred levs, and in particularly serious cases - by imprisonment of up to five years.

**Article 278c.** (New, SG 28/82; amend. and suppl., SG 86/91; prev. art. 278a - amend., SG 10/93; SG 85/97; amend., SG 92/02) (1) (Amend., SG 133/98) Who destroys or damages a protected territory or a sample of a protected plant or animal kind shall be punished by imprisonment of up to two years or by corrective labour, as well as by a fine of one hundred to three hundred levs.

(2) For minor offences under the preceding par. the punishment shall be a fine of one hundred to three hundred levs imposed through administrative channels.

(3) (Amend., SG 133/98) Who destroys or damages exceptionally valuable single and irrecoverable earth and rock forms, caves, samples of European or world- wide endangered wild plants and animals declared protected shall be punished by imprisonment of up to three years or by a fine of two hundred to two thousand levs, as well as by public reprobation.

**Article 282.** (1) (Amend., SG 28/82) An official who violates or does not fulfil his official duties, or exceeds his authority or rights with the purpose of obtaining for himself or for another benefit or to cause somebody else damage which can cause major harmful damages, shall be punished by imprisonment of up to five years, whereas the court can also rule revoking of rights according to art. 37, item 6, or corrective labour.

(2) (Amend. and suppl., SG 89/86) If the act has caused substantial consequences or it has been committed by a person who occupies an important official position the punishment shall be imprisonment of one to eight years, whereas the court can also rule revoking of rights according to art. 37, item 6.

**Article 301.** (1) (Amend., SG 51/00; Amend., SG 92/02) An official who requests or accepts a gift or any other benefit whatsoever, which is not due, in order to perform or not an act on business or because he has or has not performed such an activity shall be punished for bribery by imprisonment of up to six years and a fine of up to five thousand levs.

(2) (Amend., SG 51/00; Amend., SG 92/02) If the official has committed some of the acts under par. 1 in order to offend or because he has offended his office, if this offence does not represent a crime, the punishment shall be imprisonment of up to eight years and a fine of up to ten thousand levs.

(3) (Amend., SG 95/75; SG 51/00; Amend., SG 92/02) If the official has committed some of the acts under par. 1 in order to commit or because he has committed another crime related to his office, the punishment shall be imprisonment of up to ten years and a fine of up to fifteen thousand levs.



(4) (Amend., SG 89/86) In the cases under the preceding paragraphs the court shall also rule revoking of right according to art. 37, item 6 and 7.

(5) (New, SG 92/02) The punishment under par. 1 shall also be imposed on a foreign official who requests or accepts bribery or accepts an offer or a promise for bribery.

**Article 302.** For a bribery made:

1. (Suppl., SG 92/02) by a person who occupies a responsible official position, including a judge, member of the jury, prosecutor or investigator;
2. through extortion through embezzlement;
3. (amend., SG 28/82) repeatedly and
4. in large size, the punishment shall be:
  - a) (suppl., SG 89/86; amend., SG 51/00; Suppl., SG 92/02) in the cases of art. 301, par. 1 and 2 - imprisonment of three to ten years, a fine of up to twenty thousand levs and revoking of rights according to art. 37, item 6 and 7;
  - b) (amend., SG 89/86; Suppl., SG 92/02) in the cases of art. 301, par. 3 - imprisonment of three to fifteen years, a fine of up to twenty five thousand levs and confiscation of up to one seconds of the property of the culprit, whereas the court shall also rule revoking of rights according to art. 37, item 6 and 7.

**Article 302a.** (New, SG 89/86; Suppl., SG 92/02) For a bribe of particularly large size, representing a particularly serious case, the punishment shall be imprisonment of ten to thirty years, a fine of up to thirty thousand levs, confiscation of the whole or a part of the property of the culprit and revoking of rights according to art. 37, item 6 and 7.

**Article 352. (1)** (Amend., SG 95/75; SG 86/91; SG 85/97; amend., SG 26/04)

Who pollutes or admits pollution of water streams, basins, underground waters or the territorial and internal sea waters, the soil and the air, thus rendering them dangerous for the people, the animals and the plants or unfit for using for cultural and household, health, agricultural and other economic needs shall be punished by imprisonment of up to five years and by a fine of one hundred levs to five thousand levs.

(2) (amend., SG 26/04) The same punishment shall be imposed to an official who has admitted in designing, construction or operation of draining or irrigation systems not to take the necessary precautions for preventing dangerous pollution of the water supply zones for drinking water supply or the raising of the level of the underground waters in the populated and resort areas.

(3) (Amend., SG 10/93; amend., SG 92/02) If the act under the preceding paragraphs has been committed by negligence the punishment shall be corrective labour or a fine of one hundred to three hundred levs.

**Article 353a.** (New, SG 86/91; amend., SG 85/97) An official who, within the scope of his official duties, conceals or announces untrue information about the condition of the environment and its components - air, water, soil, sea areas, thus causing significant damages to the environment, the life and the human health shall be punished by imprisonment of up to five years and a fine of one hundred to one thousand levs.

**Article 353d.** (new, SG 26/04) Who, in violation of a law, constructs a water intake facility or a facility for using surface or underground waters, shall be punished by imprisonment of up to two years and a fine of five thousand to fifteen thousand levs.

## Tables with data for new ski-resorts

## General aspects of the planned projects

	Name of the ski zone	Affected PA	Hectares affected	Stage of development
•	Enlargement of the existing “Ski Zone Centre Bansko”	Pirin National Park 100 % in UNESCO World Heritage site	The existing ski zone is already <b>more than 250 ha</b> , the resort is a plan to enlarge the ski reports for 7 more ski slopes and a ski rope.	A proposal for amendment of the Master Plan for the Ski zone is adopted from Municipal Council and RIEW Blagoevgrad. NGOs have submitted null and void request.
•	<b>Ski Zone Dobrinishte</b>	Pirin National Park 75 % in UNESCO World Heritage site	The existing ski zone is already more 5 ha and lift 3 km. The proposal is 3-three time enlargement and connection with Bansko ski zone.	The proposal is protected by the local authorities.
•	Ski resort locations “Samokov-Borovets-Beli Iskar” (shortly called Super Borovets)	Rila National Park	There are three options considered, affecting various areas of the park, the one recommended by the authors of the Ecological Assessment is Option III, affecting <b>36.11 ha</b> , next to the Large Rila Strict Reserve, the Master Plan is not very clear about the III option.	Ecological Assessment was developed, public hearing was organised. The decision of the Mew will have to be considered at a meeting of the High Expert Ecological Council at the Ministry.
•	Ski-resort “Panichishte – Ezerata-Kabul peak”	Rila National Park	No information for the second submission, the first plan was that the whole resort had to be within the park.	The first plans were refused officially by the Ministry on the grounds that the Master Plan for the resort enters the territory of the Park. Now a second set of documentation is submitted to the MEW, which is under processing and currently no information is available on what area of the park will be affected.
•	Ski-resort „Peak Vezhen”	Central Balkan National Park	No information about areas, information only from the media is for planned <b>infrastructure for 20 000 skiers</b> , and investment of 150 million Euros	Currently this is only a concept, no project is officially submitted to approval in the Ministry of the Environment.

•	Ski-resort near peak Kom	Proposed nature park “Northwestern Stara Planina”	<b>97 ha</b>	The Berkovitsa municipality is negotiating with investors. NO official submissions to the MEW.
•	Ski-resort <b>Perelik</b>	Proposed nature park “Western Rhodopes”	<b>2197 ha</b>	The EIA report is already approved by the MEW. The Smolyan municipality hope to start working on the project this summer.
•	<b>Syutka</b>	Proposed nature park “Western Rhodopes”	Not available at the moment	Refused by the MEW in 2003, but is strongly supported by the local administration and local people and might be submitted again after the elections.

## Alternative Economic Valuation of Pirin National Park, Bulgaria - Boyan Rashev

Brandenburg University of Technology Cottbus, Environmental and Resource Management,  
Master thesis

### Conclusions

#### VII.2 Pirin National Park

##### VII.2.1 Economic Valuation

The results of the CVM<sup>89</sup> study show that the product of the pristine nature of Pirin National Park creates annual average consumer surplus of 47.91 to 58.91 (Mean=53.45) levs per Bulgarian visitor. Aggregated over 50,000 to 100,000 visitors, the average consumer surplus converts into a total economic value of 2,672,500 to 5,345,000

levs/year. Unsurprisingly, only a relatively small part of the average consumer surplus can be attributed to use values (TCM results – 5.80 to 11.67 levs per visit). Non-visitors were poorly sampled. Besides they responded only through Internet. Hence, I cannot make a well-grounded estimate of their annual consumer surplus.

However, the results indicate that it could be in the order of about 60 million levs (based on 20.00 levs per household). Additional research is needed to determine a more precise estimate.

##### VII.2.2 Implications for Policy Making

**The annual budget of the Pirin National Park Directorate does not exceed 1 million levs (unconfirmed data). The total investment of the project for development of ski sport facilities (ski tracks, cable cars, etc.) is in the order of US\$ 20 million (about 35 million levs; unconfirmed data).** The benefits of the project are questionable taking into account the short ski season in Pirin and the lack of snow in recent years. The consequences not only for the pristine nature of the park but also for the cultural and historical value of Bansko might be disastrous, especially if similar projects appear also in the future. This opinion was expressed by many respondents of both surveys although I never touched the topic in the Internet survey and always tried to avoid it during the in-person interviews. The ratio between the estimated value of the park's product and the park's annual budget (in the order of 65 to 1) shows that Pirin National Park, in its natural conditions, brings very significant benefits to the Bulgarian society. It is important to add that the evaluated product does not include essential services provided for free by the nature of the park in favour of the whole society such as purification of air and water, maintenance of the genetic fund, timber and forest products, etc.

**The total economic value of Pirin's nature is certainly much higher and still to be determined. However, instead of trying to capture the natural value of the mountain, the local and state governments promote projects of doubtful benefits to society and obvious damage to nature. I believe it is time to reconsider our attitude towards Bulgaria's most precious mountain. Bansko is the main gate town to Pirin National Park. It is one of the most valuable sites of the Bulgarian cultural and historical heritage. At present it is being converted into a ski resort.**

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<sup>89</sup> Contingent Valuation Method

### **Report of the International Mission to Pirin National Park, Bulgaria, 11-16 February 2002**

The Committee is requested to take note of the report of the UNESCO-IUCN joint mission to Pirin National Park, Bulgaria, 11-16 February 2002, and to review the conclusions and recommendations of the mission contained in section II. F of this document under item 21 of the Provisional Agenda (State of conservation of properties inscribed on the World Heritage List, working document WHC-02/CONF.202/17).

Furthermore, the Committee may wish to review the recommendations by the 26<sup>th</sup> session of the World Heritage Bureau (working document WHC-02/CONF.202/2) concerning the site.

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#### **ACKNOWLEDGEMENTS**

The UNESCO World Heritage Centre organized the Mission on behalf of the World Heritage Committee at the invitation of Madame Dolores Arsenova, Minister of Environment and Water (MoEW), Sofia, Bulgaria (12 September 2001) and authorized by the twenty-fifth session of the World Heritage Committee, Helsinki December 2001.

This was done in conjunction with and assistance from the World Conservation Union–IUCN and MoEW Sofia, Bulgaria. The National Nature Protection Bureau (NNPS), MoEW arranged meetings and logistics necessary to complete the objectives of the Mission. The Director of the National Nature Protection Service, Hristo Bojinov, kindly accompanied the Mission Team and assigned MoEW personnel to assist the Mission Team as necessary.

IUCN recruited Ms. Boriana Mihova, (IUCN World Commission on Protected Areas Member) to further assist the Mission Team with translation and interpretation. The Mission Team met with

MoEW officials, members of the Pirin Ski Development Proposal team (“ULEN” Corporation), Pirin National Park Director and Staff and Ski area work force and concession operators, members of the Swiss Bulgarian Management Plan Project, the Mayor of Bansko, other elected Bansko officials and local community leaders, members of the Bulgarian Academy of Sciences, and representatives of numerous concerned Non-governmental Organizations, potential donors and private citizens. In each case, these individuals provided information and insight, which assisted the Mission Team to achieve its objectives.

## **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

Following repeated concerns expressed by Bulgarian NGOs for potential threats from a proposed new Ski Development Project in Pirin World Heritage site (WHS) and additional information provided by IUCN and Minister Dolores Arsenova, Environment and Water (MoEW) and at the invitation of the Minister (MoEW), with the authorization of the twenty-fifth session of the Committee, Helsinki, a UNESCO/WHC–IUCN Mission was sent to Bulgaria 11-16 February 2002. The Mission observed that the potential threats to World Heritage values preceded the current development proposal and began with inscription of the site (1983) with omission of key nomination documents including legal boundary maps and management plans. Subsequently, the development of a ski area within the WHS (1986) authorized prior to inscription, but constructed without the consideration or review of the Committee or Advisory Body further accentuated the situation. Recent procedures and precautions taken by MoEW required under Bulgarian Protected Area law for the proposed expanded ski development project including public hearings, Environmental Impact Assessment and review by the High Expert Ecological Council have been upheld through the appeals filed by local NGOs to the Supreme Administrative Court.

Gateway communities are in favor of the development project as a potential source of employment and income for an otherwise economically depressed region.

In perspective, the new ski development project footprint appears to include a relatively minor new forest disturbance (29.71 Ha) for ski runs and facilities within the existing ski development area (818.46 Ha). A new all-season cable lift to transport skiers and visitors to and from the nearby town Bansko is proposed with the desirable elimination of motor vehicle access to the area. Reforestation and other remediation measures with the removal of facilities and equipment is proposed by the project for the recovery of abandoned activity areas (21 Ha); natural reforestation is already taking place on abandoned ski runs with modest gradients. With effective management, controls and enforcement and without additional intensive use or development beyond that proposed, anticipated increases in visitor use should not exceed acceptable limits of change or further adversely impact World Heritage values.

However, remedial actions are required to further assure World Heritage values of Pirin WHS can be protected. Such remedial actions should include developing effective management controls as well as the reforestation efforts proposed in the new project. The ski development area in Pirin WHS is modest in comparison to existing ski development in World Heritage Sites in Canada, USA, New Zealand and elsewhere in Europe, but it should not be ignored that the area is valued for high endemism and speciation requiring cautious and best management practice standards. It is further noted that ski development expansion has not been permitted in other World Heritage Sites once the area has been inscribed on the World Heritage List. A variety of other adverse issues of management concern will be addressed in the new management plan being prepared under the Bulgarian-Swiss Management Plan project. Delays in completion of this management plan warrant the preparation of an “Interim Plan” to guide development and management through the new project development phase and to assure management controls are in place upon its completion.

The State Party has stated that it recognizes the immediate need to address the original nomination deficiencies and has agreed to take the necessary appropriate actions and provide additional

information. Pending and contingent upon the receipt of: (a) An accurate boundary map of Pirin WHS (1983) showing the existing and proposed ski development areas; (b) An “Interim” Management Plan indicating the intent of MoEW with respect to management objectives, development, management, staffing, visitor use and presentation compatible with best practice and protective of World Heritage values; and, (c) The creation of a Scientific Advisory Body for Pirin WHS as indicated in the nomination:

It is recommended that decisions regarding Pirin WHS be deferred until the anticipated material is received and reviewed.

Should this material not be received in a timely manner (prior to the 26th session of the Committee), it is recommended that the Committee consider Pirin WHS under Potential Threat in terms of the Operational Guidelines (para 83 (ii- a, b, d) and inscribe Pirin WHS on the World Heritage In Danger List.

It is recommended that due consideration and preparatory assistance be given to the State Party to nominate an extended and modified boundary of Pirin WHS to further protect and manage possible World Heritage values omitted in the original nomination should it be requested. Further, it is recommended that requests for training assistance be favorably considered to assure staff capability is adequate to effectively implement the forthcoming complete Bulgarian–Swiss Biodiversity Conservation Project Management Plan in accordance with World Heritage best practice standards.

## **I. Mission Background**

Although authorized in the Pirin Forest Management Plan (1983), the specific construction of a hotel and development of an 818.46 Ha winter sports zone in the Vihren Valley above the Municipality of Bansko and within Pirin WHS was first noted in the ninth session of the Committee, 1985. That development was completed in compliance with existing Bulgarian legal requirements (1986) without further comment by the Advisory Body or the Committee.

The Bulgarian authorities informed the Secretariat and the twenty-fourth session of the Committee of the decision to approve a modification of the existing ski development area in accordance with Bulgarian Protected Area Law (1999). The Committee requested further clarification of the situation and additional information. The Bulgarian authorities responded to this request 12 September 2001.

The twenty-fifth session of the Committee reviewed the concerns for Pirin National Park including the elaboration on the proposed ski development expansion project provided by the Ministry for Environment and Water (MoEW), the additional concerns expressed by a consortium of NGOs and the accompanying IUCN comments. Upon noting remaining concerns over the possibility of continued incremental development, and in response to the invitation of Minister Dolores Arsenova (12/9/01), the Committee authorized an UNESCO-IUCN Mission to review the situation as quickly as possible. The Mission Team of R.C. Milne (Chief of Mission) and Dr. Gerhard Heiss (IUCN) was organized to visit Bulgaria 11-16 February 2002.

## **II. Mission Report**

### **A. Ressource Description.**

**1. Management of Forests.** Pirin National Park is covered with 17,209 Ha of forest corresponding to 42.7% of its territory. The dominant tree species include Macedonian pine (31.5%), Scotch pine (30.1%), Norway spruce (13.8%), common silver fir (7.1%), common beech (6.7%), Austrian pine (5.3%), and Bosnian pine (5.2%). Approximately 2,000 Ha are old growth forests with stands over 140 years in age: 75% of old growth forests consist of Macedonian (1,100 Ha) and Bosnian pine (375 Ha). These old growth forests are mainly preserved within the former Strict Nature Reserves of Bayuvi Douпки-Dzhindzhiritsa (2,859 Ha) and Yulen (3,156 Ha). In the latter areas, minor variations of size are noted in various references. In particular in Bayuvi Douпки-Dzhindzhiritsa, Macedonian and Bosnian pine reach their maximum heights with individuals up to 45 m high (26 m

Bosnian pine) and 500 years in age (1,100 years Bosnian pine). While Bayuvi Douпки-Dzhindzhiritsa has already existed (combined into a single reserve in 1979 from three separated parts) at the date of the World Heritage nomination, establishment of Yulen Strict Nature Reserve took place in 1994. Bayuvi Douпки-Dzhindzhiritsa is completely enclosed within the boundaries of the WHS, whereas Yulen is only partly included (detailed area figures are not available).

Macedonian and Bosnian pine represent the most important and conspicuous tree species of the WHS. Both species are endemic for the Balkans, but can be found elsewhere in other reserves in the Balkans as well. Besides Pirin National Park, Macedonian pine is protected in the Central Balkan National Park (Bulgaria) and Pelister National Park (Macedonia). Bosnian pine is protected additionally in Olympos National Park (Greece) and Vicos Aaos National Park (Greece). However, Pirin WHS protects the largest Macedonian pine forest of all protected areas and Bayuvi Douпки-Dzhindzhiritsa contains the largest individual trees of this species. Also Bosnian pine reaches its largest dimensions within the Pirin WHS (26 m high, over 1,000 years old).

Natural forest dynamics without human interference (besides suppression of fires) are required for strict nature reserves Bayuvi Douпки-Dzhindzhiritsa and Yulen only (about one third of the forest area of the WHS). As a remnant of management under the Forest Board (park management was separated out from the Forest Board in 1999), human interference continues within the majority of forest stands. In particular extraction of snags and dead timber represent a serious impact on biodiversity of fauna (snagdependant bird species and saproxylic invertebrates) and flora (saprophytic fungi, mosses, lichens).

**2. Boundary.** The Pirin WHS boundary has been a persistent cause for uncertainty since inscription (1983). Without a clearly defined and accurate WHS boundary map in the nomination materials, or visible boundary demarcation on the ground, areas of particular sensitivity or possible encroachment and development have been problematic since inscription. The site inscribed (est. 26,479.8 Ha) appears to have been primarily a highly dissected cluster of two larger areas including the strict nature reserve of Bayuvi Dupќи-Dzindziritza (2900 Ha) and Vikheren Peoples Park (6736 Ha) and five smaller protected forest areas. The boundary was reviewed (1986) with minor measurement corrections resulting in an area of 27,442.9 Ha, which appears to be the corrected and actual area of the Pirin WHS.

The development of original 818.46 Ha ski zone (1986) as authorized in the operative Forest Management Plan, nearly divided the WHS in half with possible adverse impact on species exchange between the two areas and introduced a significantly higher and more complex level of management requirements. Within this ski zone, 99.55 Ha were highly disturbed with the placement of ski runs, facilities and equipment. The Pirin management and protected area (not the WHS) was expanded to 40,066.7 Ha in 1987 without further World Heritage consideration at that time. This appears to have been an oversight on the part of the State Party with a misunderstanding on Convention requirements for WHS expansion. The Committee was then informed (1992) by the Bulgarian authorities of possible extensive boundary expansions into a trans-boundary area with Greece, but again no such nomination was forthcoming. Subsequent boundary modifications and the promulgation of the Bulgarian Protected Area Law (1999) resulted in the current Pirin National Park with an area of 40,332.4 Ha under the direct authority of MoEW. The authorities did not pursue a concurrent WHS boundary expansion proposal at that time.

At the time of the nomination, the Forest Management Plan in effect for Pirin had been prepared for a larger forest utilization scheme under the direction of the Forestry Committee and included the ski zone and hotel development within the WHS. The plan was not re-adjusted in light of World Heritage inscription.



The new ski zone proposed in the approved Territorial Development Plan (TDP) is for an overall total area of 1474.62 Ha, but includes portions of the Municipality of Bansko outside the WHS for the terminus of the proposed all-season Cabin Lift. With this in mind, this development proposal does not appear to expand significantly on the existing development footprint, nor the zone of previous influence within the WHS.

New construction of ski runs, facilities or equipment in the WHS is restricted to 29.71 Ha of new forest clearing beyond the original 99.5 Ha ski development footprint. The new ski project proposal is additionally scheduled to reforest and reclaim 21 Ha of abandoned ski development area. Regardless of decisions concerning the legal boundary of the Pirin WHS, a clear and visible boundary demarcation both on maps and on the ground is required for effective resource protection and management.

## **B. Management and Integrity of Pirin World Heritage Site.**

1. **Staffing Capacity and Capabilities.** The nomination of Pirin WHS (1983) indicated that under pre-development conditions, the growth of management staff was expected to exceed 50 persons. During the 1992 IUCN assessment, it was noted that the staffing remained at the nomination level of 31. This has now been increased to the current level of 41 with five Chief Rangers to direct protection and enforcement activities and six science/technical specialists, but remains well below what was indicated in the nomination, or that estimated as required to effectively manage, protect and present World Heritage values. Increased winter and summer visitation can be anticipated in light of the proposed development. It appears desirable and necessary to increase both staffing capacity and capabilities with additional training to cope with increased visitation, the extended use seasons, resource management requirements and World Heritage Site responsibilities.

The creation of the Scientific Advisory Body for Pirin as called for in the WH nomination would assist authorities to provide significant and objective guidance to site management personnel. The effectiveness of such scientific collaboration and capability is well demonstrated in the Srebarna WHS. Members of the Bulgarian Academy of Sciences are best qualified to assume this role.

2. **Park Management.** Park management does not address specific WHS values of outstanding international significance, nor does it appear to address additional requirements of the World Heritage Convention. This may be underlined by:

- Boundaries of the National Park and the WHS do not coincide. Specific WHS indications are missing on maps and in the landscape, which define the difference between the park and the designated WHS.

- Staffing required to manage Pirin NP does not reflect additional specific staffing and funding considerations for the research, monitoring, protection and presentation of WHS within the park. Neither the staff level of 41 persons nor current budget (in 2001 about 375,000 Leva/\$166,000 USD for staff/operational costs and about 200,000 Leva/\$88,000 USD for investments) were designed to consider the international significance of Pirin National Park in relationship to other Bulgarian national parks and protected areas. Without strengthened management capability and capacity, the integrity of the WHS is at risk.

3. **MoEW Identified Management Issues.** Management for Pirin National Park in general and the WHS in particular is faced with many challenges. Contrary to the World Conservation Monitoring Centre's (WCMC) most recent Pirin data sheet (1992), the Mission did not consider current management structure and efforts as particularly effective. The Pirin WHS (and the National Park) lacks an appropriate Management Plan to establish management priorities, guide decisionmaking and to maintain the integrity of World Heritage values. The Director of the National Nature Protection Service (MoEW) identified the following unresolved management issues, which he defined as "threats". This list is not in order of priority and most if not all issues reflect deficiencies

in staffing capacity, lack of effective implementation of an appropriate Management Plan and ineffective enforcement of existing regulations.

The Mission accepts MoEW's list of "threats" as probable given the circumstances faced by MoEW in implementing a new regime of area reclassification and conversion from forest management to the relatively unfamiliar National Park status under the Protected Areas Law (1999) and related staffing capacity limitations:

**3.1. Uncontrolled Tourism and Camping.** With expected increases in both winter and summer use of Pirin, a variety of control measures are required to mitigate adverse visitor impacts. The establishment of standards for limits to acceptable change in areas of concentrated use (winter use areas, trails, shelters and huts and in areas of particularly sensitivity) is required. Information and signage programmes are necessary.

A visitor-use permit system is recommended for hikers and campers. The visible presence of a well-trained and distinctly uniformed ranger force would assist in the enforcement of related visitor-use regulations.

**3.2. Sewage and Waste Water Pollution.** Of particular concern was sewage water and waste disposal in areas of winter-use concentration. The focal point of skitourist attraction in the Bansko ski-zone provides at present only one toilet for as many as 2,000 people per day. Sewage seeps untreated into the ground and possibly water systems. The TDP calls for improvement of this present situation for those facilities and installations for which the Yulen Society (concessionaire of facilities and installations) will be responsible. However, there are other buildings in private hands (hotels and restaurants) and shelters scattered throughout the WHS where sewage water and waste problems exist. According to information provided by the Bulgarian Swiss Biodiversity Management Plan Project Team, treatment/disposal systems are entirely lacking.

**3.3. Unregulated grazing.** Domestic stock and illegal fires started by shepherds for enlargement of grazing grounds must be considered as serious impacts for the natural values of the WHS. Official publications of MoEW show photos of extensive summer grazing grounds around Vihren Mountain within the WHS.

However, most of the traditional pastoral grounds are located on the southern slopes of the range outside the existing WHS, but are part of the Pirin National Park. This should be closely taken into consideration if the State Party nominates an enlargement of the existing WHS.

**3.4. Illegal Tree Harvest, Fires and Poaching.** Threats of illegal tree cuttings occur in the Razlog municipality of the WHS (northwestern part) within the boundaries of the WHS. The Bayuvi Douпки-Dzhindzhiritsa strict nature reserve appears to extend down to the bottom of the valley in this municipality and offer easy access for potential offenders. Most cutting to date appears to have been carried out outside the WHS. Only a few single trees appear to have been cut within the estimated boundaries of the WHS. However, the threat for further illegal activity will increase in the near future due to the progression of alleged illegal overexploitation of stands outside the WHS. According to the park staff, inadequate equipment, enforcement and cooperation among local authorities (Forest Commission, Police) impede prosecution.

Apprehending offenders is difficult with current staffing. Offenders are not usually convicted unless they are caught in the act and the courts have been lenient with convicted violators.

Fire management in general poses a concern to the management staff. Illegal burning of meadows for expanded grazing, visitor started fires and spontaneous fires started by lightning all place demands on the management staff beyond current fire control capacities. Emergency response guidelines do not appear to be in place and fire fighting per se is dependant primarily on volunteer efforts with little or no equipment beyond hand tools.

Hunting and carrying firearms in the park are strictly forbidden. However, the poaching of “trophy” animals such as chamois allegedly takes place. Enforcement of such regulations is difficult in the mountainous terrain and requires additional special attention of park staff, law enforcement officials and the judicial system.

**3.5. Reforestation with inappropriate plant species.** Although under the control of the Park Management staff, the reforestation of disturbed areas with inappropriate plant species was identified by MoEW as a threat of concern. The Mission was informed that nursery grown tree species suitable for replanting in the WHS were available and would be used in the future. Clearly replanting efforts by the responsible parties should use only species typically found in the adjacent undisturbed forest.

**4. Additional Management and Integrity Issues.** The Mission identified the additional following management issues not specified by MoEW:

**4.1. Inappropriate Management Plans.** The Pirin Peoples Park was established in 1963 under the management authority of the Forest Committee. A succession of traditional forest management plans followed. Approved Forest Management Plans date from 1983 and 1993. Although the Mission was not able to read these Bulgarian multi-volume texts of previous plans, the figures and tables could be easily interpreted as addressing typical issues of commercial forest harvest: Forest cover was detailed in cubic meters and one volume consisted largely of the construction of feeding facilities for deer and equipment placement. After nearly forty years since establishment of the park and nearly twenty years since World Heritage nomination, the Bulgarian Swiss Biodiversity Management Plan Project will prepare the first management plan designed to conserve and present natural values in accordance with accepted national and international standards for National Parks. However, the management plan draft as now outlined appears to only superficially consider World Heritage Site status and criteria and is not scheduled for completion until after key management and development decisions will be taken by MoEW. After approval, it should be closely observed if the management plan is effectively implemented. The preparation and submission of an “interim” Management Plan to reflect the MoEW intent and direction for addressing World Heritage issues has been suggested and is under consideration.

**4.2. Development of Ski-zones in Other Municipalities.** The Bansko skizone within the Territorial Development Plan (TDP) was the primary focus of the UNESCO-IUCN Mission. However, the Bansko ski-zone is not the only ski zone within the boundaries of the WHS. Since inscription in 1983, ski-zones have been developed in the municipalities of Dobrinishte and Razlog. The construction of the latter (ski-zone Kulinoto) was approved in 1996 and boundaries of the Pirin Park and the WHS were changed at that time to accommodate that development. According to information of the park staff, that excised area covers about 50 ha. The ski-zone of Dobrinishte now provides a ski lift of about 3 km in length. Three quarters of this ski run is within the WHS. Limited time did not permit the Mission to inspect this development site. The designated WHS appears to be within the jurisdictions of four other municipalities. If increasing income for the local people by development of skizones is one of the primary management objectives of the Pirin National Park and the WHS respectively, it seems likely that municipalities with no or minor ski-zone at present will seek approval for additional ski development in the future. Clearly this would directly cause the continued erosion of World Heritage values.

The Bulgarian Academy of Science and NGOs expressed concerns that the proposed Bansko ski-zone plans will set a precedent on which ski-zone development plans of other municipalities will follow. Those fears can be well understood considering the creation of several ski-zones and their permanent intensification since the WH nomination in 1983. The arguments proposed by development supporters during the Mission (high bed capacity in Bansko needs adequate capacity of skiing facilities) justify this concern. A regional development plan integrating all participating municipalities of the national park and focused on protection and preservation of Pirin’s national

and international values does not exist. The evident consequence could be an uncontrolled and unregulated competition among municipalities for establishing the most attractive tourist facilities.

**4.3. Construction of buildings in the Banderitsa Valley** (Municipality of Bansko, TDP-area). The Mission was informed that allegedly “illegal” buildings were located on the road from Bansko to the Bansko ski-zone within the WHS. The Mission observed several buildings within the WHS, but was unable to determine the dates of construction, or if they are “illegal” or not.

**4.4. Uncontrolled Skiers.** Uncontrolled off-piste downhill skiers and snow boarders short cut through sensitive dwarf mountain pine stands at the higher elevations of the Bansko ski-zone up to Todorka peak. Designated pistes cut through stands of dwarf mountain pine as well. The Mission observed that skiers using the chair lift do not always run down on the piste, but short cut off-piste damaging the dwarf pines exposed above the receding snow levels. More clearly defined ski runs and controls are required to minimize adverse impacts on sensitive resources.

**4.5. Scientific Research, Data Collection and Monitoring.** As with many nature reserves in Bulgaria, a wealth of detailed scientific information and data is available for interpretation and application to management. However, on-going research, systematic data collection and monitoring in Pirin is sporadic at best and does not address the priority ecological issues required by management. The capacity to objectively interpret and apply existing scientific data to management situations does not appear to be present in the park staff. Although called for by the State Party in the nomination of Pirin, a Scientific Advisory Body to guide WHS management decisions is not yet established. Stronger collaboration with the Bulgarian Academy of Sciences for this purpose is urged. Assistance from this Scientific Advisory Body would be required to address both additional broader long term “threats” identified by MoEW involving global climate change, ozone depletion, transboundary air and water pollution and more localized changes in the ecosystem caused by visitor use (eg. wet meadows) and/or other anthropogenic disturbances.

**4.6. Presentation, Public Information and Environmental Education.** No identification of Pirin World Heritage Site inscription was observed on-site, or in the information brochures available in the town of Bansko. Public information available was focused on ski facilities, hotels and restaurants. Neither the presentation of World Heritage status nor values appear to be present. However, at least one schoolteacher was attempting to offer environmental education field trips into Pirin for her classes.

Sadly, continuation of this apparently valuable programme for nature study and volunteer activity is unlikely without additional minimal external funds (2000 Lv/year) required for lunches and the programme will be terminated. Collaboration with the local private sector (hotel operators) to support school visits and information materials was encouraged.

**4.7. Volunteers.** A variety of on-going activities are at least partially supported by local volunteers. The search and rescue requirements associated with winter use and ski patrol are a volunteer effort. Fire fighting is dependant on volunteer cooperation. And as noted above, teachers attempt to carry out environmental education programmes, but lack necessary support and materials.

### **C. Conservation Status of Pirin World Heritage Site.**

The inscription of Pirin on the World Heritage List (1983) under natural criteria (i),(ii) and (iii) appears to have occurred without support of clearly defined boundary map and in the absence of a management plan provided to the Advisory Body (IUCN) or the World Heritage Committee. The multi-volume 1982 Forest Management Plan for the area had the primary objective of forest harvest; it was in Bulgarian and not available for review. The property inscribed appears to have been an almost discontinuous series of woodlands and mountain topography including several relatively small strictly protected reserves divided by high mountain terrain within a designated forest management area. In the absence of appropriate support documents, the Committee would

have found it difficult to fully visualize the precise property, which was to have been managed at World Heritage standards and to grasp the inherent management difficulties to apply best practice to this property to maintain World Heritage values. Prior to inscription, the Committee was assured in the Pirin nomination (1982) that staffing would be increased to provide adequate management capacity and that management would be assisted by a Scientific Advisory Body. Neither has been accomplished. Since that time, the legal situation regarding protected natural areas in Bulgaria has evolved to change the status of the inscribed Site (Protected Area Law, 1999). The Pirin protected area was increased in size to 40,0066.7 Ha (1987), and the boundaries of the protected area (but not the World Heritage Site) were further adjusted to 40,332.4 Ha (1999). This larger protected natural area designated as Pirin National Park in 1999 and was placed under the new management mandates and requirements of the Protected Areas Law under the administration of MoEW at that time.

Scheduled development took place in Pirin WHS without a detailed review by the Committee (99.55 Ha of access roads, parking, ski runs, facilities and equipment) within an 818.46 Ha ski zone) in 1986. By international standards, this existing development is a modest ski area, which has never been fully operative due to recognized errors in planning and original placement of equipment and ski runs.

Through time, a somewhat random accumulation of ski-related facilities (shops, ski instruction, search and rescue, first aid, restaurants) is now tightly clustered at the termination of the primary slope and chair lift. Some select structures are attractive and appropriate, but others lack design appeal, out of scale and most are obviously a matter of individual and unplanned effort. One oversized structure was expanded for overnight accommodation. Portable toilets are currently used in lieu of any operable permanent sanitary facilities and refuse is disposed of in part in the forest behind the structures. Questions have been raised about possible ground water contamination from human waste. Water quality data was not available for Mission review. An intensive clutter of temporary and incongruous commercial advertising signs fail to enhance the atmosphere. No presentation of World Heritage status was visible, nor were Pirin National Park personnel observed. The area could rather quickly be enhanced with the establishment and enforcement of developed area management standards. Despite expressed concerns for congestion in this area, it was observed that lift lines did not delay the weekday skiers, nor were the slopes particularly crowded. Effective management controls and oversight could expand the visitor use capacity within limits of acceptable change.

The new ski development project within Pirin WHS proposal (1999) has undergone required Public Hearings, Public Environmental Impact Assessment (EIA) and High Expert Ecological Council (HEEC) review and been approved by the MoEW in accordance with Bulgarian law as determined through court adjudication. The MoEW resolution adopting an enhanced version of the proposed development plan was appealed to the Supreme Administrative Court of Bulgaria by a consortium of NGOs, but denied. Two separate additional appeals were made by NGOs against the resolution of MoEW based on the EIA, but denied by the three-member Supreme Administrative Court. The latter decision was then further appealed to the higher five-member Council of the Supreme Administrative Court of Justice where it was again rejected. As the Mission was informed by MoEW, the latter Justice Council decision is final in the courts of Bulgaria, and further appeals on the legitimacy of the project implementation on the grounds cited appear unlikely. However, World Heritage Convention requirements and obligations do not appear to have been considered by the NGOs or by the MoEW during project planning, review or adjudication. A copy of the development proposal resume (November 2001) prepared by the developer (ULEN Corporation) is included in the Appendix of the Mission Report.

#### **D. Considerations.**

The issue of ski development within Pirin WHS appears to be well after-the-fact. The primary impact and disturbance from ski development occurred with the original development of the area

(1986-7). The terms and conditions of the new proposal do not appear to create additional excessive impacts or to exceed tolerances of the area even with increased visitor use, if the development is well managed and if anticipated reforestation and site remediation is successful and auto traffic to the area is reduced.

However, the possibility of further additional significant development at other sites in Pirin building on the precedent of the new proposal would be of significant concern.

Additional substantive development involving land disturbance, substantial structures and/or overnight facilities would likely cause cumulative adverse impacts on World Heritage values and assurances against such additional development should be sought from MoEW.

Pirin gateway communities (primarily the Bansko Municipality and reportedly including Gotze Delchev, Sandanski, Kresna and Razlog) are in favour of the proposed enhancement of existing facilities as an anticipated expansion of income and employment opportunities in an otherwise economically depressed area. Additional tourist-related commercial infrastructure (hotels, restaurants etc) within the Municipality of Bansko is occurring in anticipation of increased Pirin visitation.

Marketing studies or a regional economic analysis to support this investment and expectation were not available to the Mission Team although reference was made to a regional UNDP Tourist Development Study advocating diversified low impact ecotourism. The ski development proposal contains an all-season aerial cabin lift to transport Pirin visitors and skiers to and from the Pirin WHS development area from Bansko. With the related planned elimination of both visitor auto traffic to the development site and related parking facilities, the proposed cabin lift could reduce the impact of visitation in general. It is noted that significantly larger well-managed ski development areas with proportionally higher visitation currently operate within World Heritage Sites in Canada, the United States, New Zealand and elsewhere in Europe.

Reforestation, equipment and facility removal and site-disturbance mitigation (21 Ha) is proposed for correcting previous development errors. Additional new forest disturbance included in the proposed development project appears to be relatively small (29.71Ha).

Selective tree cutting required to open two new ski runs; the construction of new facilities and new equipment installation is to be contained within this latter development footprint. Additional disturbance may occur on another 9.27 Ha of higher elevation scree slopes within the development footprint. If remediation and reforestation are successful, the net disturbance of forest would be a minimal 4.25 Ha according to MoEW.

Increased visitation anticipated with development will present increased MoEW management requirements necessary to assure the integrity of the WHS. In this regard, special attention to developing additional staff capacity and capability and management standards will be required. This may be partially achieved with new partnerships with the developer and nearby business establishments. There are ample opportunities to strengthen the protection of WHS values through increased collaboration with gateway communities and visitors with presentation materials, volunteer activities and specific projects.

If WHS boundaries continue to remain obscure and un-delineated and if management capability is not demonstrated, World Heritage values and resource integrity will be in potential jeopardy. Without an approved and effectively implemented Management Plan providing clear direction to resource protection, acceptable use and presentation, the protection and integrity of World Heritage values cannot be assured. Either proposals for additional significant development zones within and/or immediately adjacent to the WHS, or the excision of the Bansko ski development area from the Pirin WHS would set an undesirable precedent for possible future adverse and unacceptable impacts with the erosion of World Heritage values. Low impact and effectively managed ecotourism under controlled circumstances would provide compatible alternatives in lieu of

additional significant development. Further, as was noted by the fifteenth session of the Committee, the Bulgarian authorities were at that time considering a “major expansion” of the Pirin WHS, and the Committee “...encouraged the Bulgarian authorities to proceed with the extension of Pirin and submit a nomination for the extension of the site.” (1992).

**E. In summary**, many issues which constitute “Ascertained” or “Potential Threats” to Pirin WHS began with the inscription of the property without required support documents (boundary maps and management plan), continued with early development and have resurfaced with the expressed concerns of knowledgeable individuals and NGOs regarding the proposed additional ski development project.

MoEW officials assured the Mission Team that the basic nomination deficiencies would be immediately remedied and the required documentation would be provided to the Committee for consideration. The receipt of these materials would provide the Committee with a more satisfactory basis for review and decision making with regard to the conservation status of Pirin WHS. The MoEW Minister and Director of NNPS have been advised of these requirements and concur with the need for rapid remedial action.

**Therefore:**

1. Pending and contingent on MoEW clarification and updating of recent details on the approved Ski Development Proposal and notice of the conclusion of appeal adjudication;
2. Pending and contingent on receipt from MoEW of the precise WHS Boundary Map including details on the existing and proposed Ski Development Zone;
3. Pending and contingent upon the receipt of an “Interim Swiss/Bulgarian Management Plan” as a preliminary official statement of intent for future management and pending the creation of a Scientific Advisory Body; and,
4. Pending the possible receipt of the Pirin NP WHS Boundary Extension nomination indicated initially by Bulgarian authorities in 1992 and encouraged by the fifteenth session of the Committee together with elaborations to reflect the inclusion and management of possible World Heritage resources beyond the current Pirin National Park boundary:

**F. Recommendations.**

**It is recommended:**

1. That decisions regarding the status Pirin WHS be deferred until the twenty-sixth session of the Committee, pending receipt and satisfactory review of the MoEW submission of the remedial World Heritage nomination related materials and information. MoEW may request Preparatory Assistance for the preparation of Pirin WHS boundary expansion and adjustments. Such assistance is recommended as are additional World Heritage assistance requests for implementing the Management Plan (in preparation) and/or the Convention as may be required. This would be recommended as in the interests of strengthened conservation, management, protection and presentation of World Heritage Values in Bulgaria.
2. In the event that the MoEW does not provide the agreed upon remedial supplemental materials and take the necessary actions prior to the twenty-sixth session of the World Heritage Committee Meeting (Budapest, Hungary, June 2002), the Committee is advised that Pirin WHS unfortunately meets the conditions defined in the WHC/99/2 Operational Guidelines paragraph 83 (ii) (a) change in legal status, (b) planned ski development and (d) lack of management plan and boundary demarcation which constitute individually and collectively “Potential Threats” to World Heritage values as defined in the nomination and inscribed under criteria (i), (ii), and (iii) for Pirin World Heritage Site and appropriate constructive action is necessary.

The State Party should be urged to resolve a wide spectrum of existing management issues potentially reflecting a significant loss of integrity, as well as to demonstrate the ability to effectively implement the Bulgarian-Swiss Management Plan upon its completion in 2003-4.

3. Although a separate consideration, the twenty-fifth session of the Committee was advised that the Bulgarian Srebarna WHS remains under potential threat from a possible toxic spill during high water conditions of the Danube. The Committee favorably considered the recommended acquisition of a suitable portable electric generator to enable Park Staff to rapidly close the sluice gates to protect the site from possible catastrophic contamination and rapid destruction of World Heritage values. The authorities have taken no further action. This may be the single most cost-effective intervention to safeguard the World Heritage Site and requires further immediate attention. MoEW agrees this would be a highly desirable action and has requested the proper assistance request forms. The Committee may wish to encourage the State Party to the necessary corrective action.



**REPORT ON THE UNESCO-IUCN MISSION TO BULGARIA  
From 3 to 6 February 2004**

## **ACKNOWLEDGEMENTS**

The members of the mission sincerely thank the national authorities of Bulgaria for their support, availability and assistance provided to the mission during its work.

Special thanks go to the Vice Minister for Environment and Waters, Ms Fathme Illiaz, Mr Hristo Bojinov, Director of the National Nature Protection Service, and his staff, Mr Georgi Grancharov, Director of the Park, who supported the mission team in its fact-finding. We would also like to acknowledge the great interest of the different stakeholders at the World Heritage site, who provided valuable information on the situation, as well as the team of the Bulgarian-Swiss Biodiversity Conservation Programme project.

## **EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS**

The joint UNESCO-IUCN mission to Bulgaria took place from 3 to 6 February 2004. The mission was carried out at the request of the World Heritage Committee and at the invitation of the Bulgarian authorities.

### **PIRIN NATIONAL PARK**

The mission noted that a number of ascertained and potential threats exist, including the existing ski development and potential development proposals, which could threaten the values and the integrity of the World Heritage site of Pirin National Park. The mission further noted that the response from the Government to the requests of the Committee was not adequate and that no map of the World Heritage site was provided as requested repeatedly.

### **SREBARNA NATURE RESERVE**

The mission noted that the progress made with regard to reporting on the Srebarna Nature Reserve, which was removed from the List of World Heritage in Danger in 2003. The mission recommended to process the international assistance requests under way and to enhance the collaboration with Romania as requested by the World Heritage Committee.

## **1 BACKGROUND TO THE MISSION**

The site of Pirin National Park was inscribed on the UNESCO World Heritage List in 1983 under natural criteria N (i), (ii) and (iii). A ski development, including construction of a hotel and ski-runs was completed in compliance with existing Bulgarian legal requirements in 1986. The twenty-fourth

and twenty-fifth session of the Committee reviewed the decision to approve a modification of the existing ski development area in accordance with Bulgarian Protected Area Law and the concerns for Pirin National Park including the elaboration on the proposed ski development expansion project provided by the Ministry for Environment and Water (MoEW). The Committee requested a joint UNESCO-IUCN mission to review the situation, which was carried out from 11-16 February 2002 and its report was presented to the twenty-sixth session of the World Heritage Committee in June 2002. The Committee endorsed the recommendations of the 2002 mission (enclosed as Annex III) and the State Party provided no follow-up until May 2003.

The twenty-seventh session of the World Heritage Committee (June/July 2003) requested a rapid assessment mission to Sofia, Bulgaria, to address all the issues indicated in the Committee's decision (see TOR and mission schedule as Annex 6.1 and 6.2 respectively).

## **2 NATIONAL POLICY FOR THE PRESERVATION AND MANAGEMENT OF THE WORLD HERITAGE PROPERTY**

The area of the Pirin Mountains is legally protected since 1962. It was extended several times, in 1976 to 27,000 ha and again in 1987 to its present size, 40,356 ha and renamed as Pirin National Park. By the Order # 225/09.12.1982 of UNESCO, Pirin National Park was designated as a World Heritage site with an area of 26,423,80 ha.

No map with the borders of the World Heritage site was officially presented when it was inscribed in the World Heritage List in 1983. The State Party also never asked for the extension of the World Heritage site (to the present size of the Pirin National Park). The Save PIRIN Campaign, a coalition of NGOs, provided the mission team with an unofficially map with the borders of the Pirin National Park. From this map it is evident that the present skizones – Bansko and two smaller areas would be within the World Heritage site.

### **Management structure and response to the recognition of values under international treaties and programmes**

International conventions of which Bulgaria is a party (besides the Convention Concerning the Protection of the World Cultural and Natural Heritage and the European Directives) are: Convention on Biological Diversity; European Landscape Convention; Convention on International Trade in Endangered Species of Wild Fauna and Flora; Convention on the Conservation of European Wildlife and Natural Habitats /Bern/; Convention on the Conservation of Migratory Species of Wild Animals /Bonn/; Council Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora; Council Directive 79/409/EEC on the conservation of wild birds and Seville Strategy for Biosphere Reserves, March 1995 – Man and the Biosphere Programme of UNESCO. (The Bayuvi Dupki – Dzhindzhirtza Reserve was designated as a biosphere reserve in 1977, but it does not meet the international criteria for biosphere reserves).

## **3 IDENTIFICATION AND ASSESSMENT OF ISSUES**

### **3.1 Management & management plan**

The management of the Pirin National Park is carried out by the Ministry of Environment and Water (MoEW). The National Nature Protection Service (NNPS) with the Ministry plays a coordinating and controlling role related to the management of the protected areas. The Pirin National Park Directorate realizes the direct management and the implementation of the state policy.

With the adoption of the Protected Areas Act in 1998 the Pirin National Park acquired a management plan. The Memorandum of Understanding, signed by the governments of the Republic of Bulgaria and the Swiss Confederation in 1994 resulted in the origination of the Bulgarian-Swiss Biodiversity Conservation Programme (BSBCP) under which in 2001 an Amendment to the Memorandum was signed and the Pirin National Park Component was added to the Programme. The main element of this project is the elaboration of the Pirin National Park management plan. The terms of reference, prepared by the National Nature Protection Service (NNPS) and approved by the Minister of the Environment, defined the scope and contents of the management plan, which also should comply with the general European standards for planning protected areas. By the end of 2003 the Pirin National Park

Management Plan was drafted and is now under the procedure to be approved by the Bulgarian authorities.

The Pirin National Park draft management plan is a result of purposeful preliminary studies and planning. In the process of elaboration of the Plan 45 experts took part and a core team of consultants was constituted. Advisors from the Swiss Agency for Development and Cooperation (SDC) methodologically guided the integral process of its development as well as Swiss NGOs and

experts from the National Nature Protection Service in the MoEW. The participation of the concerned institutions and persons in the planning process was ensured: the District and Municipal Administrations as well as representatives of the different tourist, sports, nature conservation and other non-governmental organizations. The levels of impact of the constraints/ threats on the goals were defined by the experts and the evaluation is made, concerning their impact on the achieving of the main goals and their territorial scope in the park. The draft management plan has elaborated the social and economic evaluation of urbanization, socio – economic conditions, ownership and management with the assessments and with proposed measures/ recommendations as well as formulating the main and the specific problems of the area and analysis of the reasons, leading to the arising of the established problems.

The Pirin National Park draft management plan addresses all questions of the management and integrity of Pirin World Heritage Site, also those referred by the Report of the International Mission to Pirin National Park, Bulgaria, Robert Milne (UNESCO) and Gerhard Heiss (IUCN), 11-16 February 2002. The management plan also proposes solutions to resolve the problems, including those listed in this report and in particular: staffing capacity and capabilities of the Directorate, monitoring and control, illegal tree harvest, fires and poaching, reforestation with inappropriate plant species, unregulated grazing, uncontrolled skiers, uncontrolled tourism and camping, sewage and waste water pollution, etc.

Under the prerequisite that the Bulgarian authorities will approve the management plan, secure the funds for its implementation, as well as support sustainable development programmes in the region of the Pirin National Park and World Heritage site, the violation of the legal acts and existing plans would be stopped.

### **3.2 Ski development**

Under the approved plans and projects (the Ministry of the Environment and Waters) a big number of ski-lifts or other type of facilities and ski runs are already build or under construction. According to the data from the Draft Management Plan for the Pirin National Park, the ski development zone is covering an area of ca 1000 ha, the main area is in Bansko municipality. However, the concession contract, which was signed with the Yulen Agency only for the area, which is under the ski facilities – is around 99 ha. It is evident that the buildings and constructions have a negative impact on those elements of the area, which were the reason for the Pirin National Park to be inscribed in the World Heritage List (unique landscapes, a high percentage of endemic species, one of them being the Macedonian pine forests which were partly cleared for the construction).

### **3.3 Other factors affecting the property**

The mission noted that effective means for the protection of the values of the site are not yet provided, and that no exact zoning system was put in place on the ground; The National Park Directorate has no control of the work under licences or other legal rights and that no regular monitoring system and regular reporting to the Centre exists. As to address the issues outlined above as well as others, which affect the World Heritage value of the site, the future management activities should be drawn upon the management plan and its very detailed programmes and proposed projects.

## **4 CONCLUSIONS AND RECOMMENDATIONS**

**Recommendations concerning World Heritage area, zoning and buffer zones The State Party should:**

- approve the management plan as soon as possible, but no later than by the end of 2004;
- provide the exact map of the World Heritage site as declared in 1983; to take the decision with respect to the exclusion or otherwise of the Bansko ski-zone from the World Heritage site;
- prepare and submit a proposal for the extension of the World Heritage site, if appropriate;

-in accordance with the Operational Guidelines and with the management plan to establish and manage the zoning system with a buffer zone and sub-zones to ensure the integrity of the site.

### **Recommendations concerning the state of conservation of the site**

The State Party should:

- assure effective management by securing staff and resources for the National Park Directorate;
- effectively control those who work under licence agreements or have other legal rights for use of resources or other activities in the site;
- take effective measures to stop the violations against the laws within and around the Pirin National Park and World Heritage site.

### **Recommendations concerning management**

The Pirin National Park Directorate should:

- set priorities under the management plan according to the analysis made and in particular: defining the regimes and norms and its control, optimum protection and management of habitats of high conservation value, providing opportunities for conservation education and interpretation and stimulation of scientific studies,
- development of sustainable tourism and income generation for the communities as a result of opportunities and advantages of the national park;
- improve the management policy and the institutional development as defined by the management plan;

### **Recommendations to improve communications**

The State Party should:

- support long-term monitoring for the purposes of conservation and maintaining the values of the World Heritage site and regular report on the state of the property;

The Pirin National Park Directorate should:

- develop and maintain long-term monitoring for the purposes of conservation and maintaining the biodiversity and the values of the World Heritage site.

## **5 ANNEXES**

### 5.1 Terms of reference

### 5.2 Itinerary and programme

### 5.3 Composition of mission team

## **Annex 5.1**

### **Terms of Reference**

#### **For the joint UNESCO – IUCN mission to Bulgaria (3-6 February 2004)**

1. Carry out a joint IUCN-UNESCO mission to review the state of conservation of the World Heritage sites of (a) Pirin National Park and (b) Srebarna Nature Reserve, both inscribed on the World Heritage List in 1983, as requested by the World Heritage Committee at its 27th session;
2. Address any communication problems between the Ministry of Environment and Water (MoEW), the Ministry of Culture, the Permanent Delegation of Bulgaria to UNESCO, the National Commission of Bulgaria for UNESCO and the UNESCO World Heritage Centre and obtain all reports as requested by the Committee (see 27.COM 7B 15.5.);
3. Review all reports available on both sites, as requested by 27.COM 7B 15.4 and 7B 15.6, as well as 27.COM 7A 10.5 and evaluate any additional information provided by the authorities and stakeholders involved;
4. Determine whether the authorities adopted the final management plan by the end of 2003 and review its implementation status;
5. Assess whether the conditions for Danger Listing would exist in compliance with the procedures in the Operational Guidelines and provide a report to the 28<sup>th</sup> session of the World Heritage Committee in June-July 2004.

**Decisions by the World Heritage Committee at its 27th Session in Paris, France, 2003**

**Pirin National Park (Bulgaria)**

*Documents: WHC-03/27.COM/7B and 7B.Corr*

27 COM 7B.15 The World Heritage Committee, 1. Recalls its decision to defer the inscription of Pirin National Park on the List of World Heritage in Danger until its 27th session (**26 COM 21 (b) 2**), with decision on this to be based on an assessment of the State Party's response to the UNESCO / IUCN mission report;

2. Regrets that the Bulgarian authorities did not provide the report requested by 1 February 2003 until 29 May 2003;

3. Welcomes the State Party's report and notes progress made in preparing the management plan for Pirin National Park, with support provided by the Swiss Government;

4. Urges the State Party to adopt the final management plan by the end of 2003, as noted in the report, so that it constitutes a legal document, and to provide a copy in English to the World Heritage Centre and IUCN along with a plan for implementation, including the allocation of sufficient resources, by 1 February 2004. Any development within the World Heritage property should comply with this management plan;

5. Requests the World Heritage Centre and IUCN to schedule a meeting in Bulgaria to review the situation with the authorities concerned;

6. Requests the State Party to provide to the World Heritage Centre by 1 February 2004, in order that the World Heritage Committee can examine the state of conservation of the property at its 28th session in 2004, a precise map of the boundary of the World Heritage properties as inscribed in 1983,

including exact details of the existing and proposed Ski Development Zone, as well as a detailed report on:

- (a) on-going efforts to develop effective management mechanisms,
- (b) the restoration of the forest ecosystem of disturbed areas,
- (c) the creation of a Scientific Advisory Body,
- (d) any developments of the proposed Ski Development Zone,

**REPUBLIC OF BULGARIA**

**MINISTRY OF ENVIRONMENT AND WATERS**

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REFERENCE IN WRITING

In accordance with art. 18, cl. 2 and art. 26 of the Environmental Protection Law, in connection with declaration *No LAPI - 6966/13.02.2006* on granting access to public information, regarding clause 3, we inform you of the following:

**No violations of the EIA decisions in the Bansko ski zone have been found.**

**The management of the Pirin National Park territory is executed according to the Management Plan, which is observed.** Every year, there are activities carried out in the park and they follow the Management Plan. In 2005, the following activities have been carried out within categories as follow:

- Maintenance and restoration activities in forest, land and water areas;
- Fire protection of forests;
- Tourist infrastructure and capital construction;
- Educational programs, information services, advertising materials, visitors' center;
- Scientific research, monitoring;
- Updating the Map of the Returned Property Within the Park Borders;
- Technical equipment.