
CONTRIBUTIONS REPORT

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN



INDEX

1. INTRODUCTION	3
2. SYNTHETIC VISION OF THE CONTRIBUTIONS	4
3. REPORT OF RESPONSES TO THE CONTRIBUTIONS	6
3.1. TERRITORIAL SCOPE AND WATER BODIES DEFINITION	6
3.2. ENVIRONMENTAL OBJECTIVES AND WATER QUALITY	24
3.3. ENVIRONMENTAL FLOWS REGIME	33
3.4. USES, DEMANDS AND USES PRIORITY	75
3.5. RESOURCES ASSIGNATION AND RESERVATION	97
3.6. USE OF PUBLIC WATER	101
3.7. PROTECTION OF PUBLIC WATER	152
3.8. ECONOMIC ANALYSIS OF WATER USE	182
3.9. PUBLIC PARTICIPATION	187
3.10. WATER RESOURCES INVENTORY	189
3.11. CONTROL NETWORK	192
3.12. MEASURES PROGRAMME	195
3.13. ENVIRONMENTAL SUSTAINABILITY REPORT	214
4. RESULT OF THE ANALYSIS OF CONTRIBUTIONS	220

TABLE INDEX

Tabla 1: Contributions List.....5

FIGURES INDEX

Figure 1: Number of Claims by Topic.....222
Figure 2: Percentage of observations by Topic222
Figure 3: Distribution of Claims relating to Ecological Flows223
Figure 4: Distribution of Claims related to the use of DPH.....223
Figure 5: Distribution of Claims relating to the Protection of the DPH223
Figure 6: Percentage of accepted comments224

1. INTRODUCTION

Within the framework of the new water planning period regulated by the Spanish RD 1/2001 of 20 July, which approves the "*Texto Refundido de la Ley de Aguas (TRLA)*", and the RD 907/2007 of 6 July, which approves the "*Reglamento de Planificación Hidrológica*", *Confederación Hidrográfica del Miño-Sil* as Miño-Sil River Basin District Authority has drew up "The draft River Basin Management Plan proposal and the Environmental Sustainability Report" at the water planning process for the Spanish side of this river basin district.

The Presidency of Miño-Sil River Basin District Authority announced by Order of December 15th 2010 the opening of the public consultation period of the documents "The draft River Basin Management Plan proposal and the Environmental Sustainability Report" of the water planning process, corresponding to the Spanish side of the river basin district of Miño-Sil. Then it was opened a period of 6 months for the consultation of those documents, according to Additional Provision Twelve of the "*Texto Refundido de la Ley de Aguas*" and Article 74 of RD 907/2007, which approves the "*Reglamento de Planificación Hidrológica*". The consultation took place from December 16th 2010 to June 16th 2011, during which various comments and arguments have been received.

This report has been prepared in compliance with Article 80.4 of the "*Reglamento de Planificación Hidrológica*", which, together with the corrected documents of the draft River Basin Management Plan, will be transferred to the Miño-Sil River Basin District Water Council, for its mandatory report.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

2. SYNTHETIC VISION OF THE CONTRIBUTIONS

Miño-Sil River Basin District Authority has received a total of 70 contributions in time and 6 contributions out of date.

Contributions have been presented by many entities, the most of them have been sent by energy sector and slate industry. There have also been presented contributions by neighbourhood associations, councils, research associations, universities, environmental organizations and individuals.

Considering the participation and the numerous topics which have been discussed, the public consultation process can rate as very productive.

The following table shows a respondent list, which have been associated with a 3-digit identification code, along with the number of comments that have been made in each contribution.

Contribution Code	Respondent	Comment Number
001	Particular de A Limia	6
002	Particular del Bierzo	1
003	AGAIA: Asociación galega de Investigadores da Auga	56
004	AYESA	11
005	COXAPO (Asociación de Traídas de Aguas)	7
006	Universidad de Vigo (Campus Ourense)	11
007	Ayuntamiento de Ponferrada	1
008	Fundación Germán Estévez	18
009	Ayuntamiento de Cacabelos	1
010	Concello de Coles	1
011	Asociación Gallega de Pizarristas	5
012	Capimor S.A.	5
013	Clúster da Pizarra de Galicia	5
014	IPIGA, S.L.	5
015	Concello de Quiroga	5
016	CUFICA,S.A	5
017	Junta de Castilla y León	4
018	Secretaría de Estado de Energía	3
019	Asociación Veciñal do Saviñao	9
020	Administração de Região Hidrográfica do Norte, I.P	12
021	Municipalia y Juntas Vecinales de Otero de Naraguanes y	11
022	Fundación Ciudad de la Energía (CIUDEN)	1
023	INLUDES, Diputación de Lugo	3
024	Particular del Concello de Arbo	2
025	Asociación Española de Industria Eléctrica UNESA	15
026	Concello de Pantón	1
027	Instituto Geológico Minero de España (IGME)	18
028	Colexio Oficial de Biólogos de Galicia	46
029	Confederación Intersindical Galega (CIG)	28
030	Hidroeléctrica del Giesta, S.L.	6

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Contribution Code	Respondent	Comment Number
031	Soluciones Medioambientales y Aguas, S.A. (SMA)	3
032	AAVV Anacos da Cidade	2
033	AAVV Arranxar	2
034	AAVV As Burgas	2
035	AAVV Carlasca	2
036	AAVV San Miguel de Canedo	2
037	AAVV Sta Ana do Pino	2
038	AAVV A Chavasqueira	2
039	Concello de Ourense	4
040	Couso Cotado, S.A.	5
041	Landoiros, S.A.	5
042	Unión Fenosa Distribución, S.A.	3
043	Pizarras Manada Vieja, S.A.	5
044	Pizarras Vazfer, S.A.	5
045	Cámara Oficial Mineira de Galicia	15
046	Asociación Galega de Áridos	23
047	Iberdrola	50
048	Movimento Ecoloxista da Limia	7
049	Pizarras Gallegas, S.A.	5
050	Productora Eléctrica del Castro, S.L.	2
051	Sociedade Galega de Educación Ambiental (SGEA)	13
052	Concello de Arbo	2
053	Universidad de Vigo (Proyecto Deltanet)	1
054	Federación Ecoloxista Galega	11
055	ADEGA (Asoc. Defensa Ecolóxica de Galiza)	11
056	AMIGOS DA TERRA	15
057	Comunidad de Regantes Valle de Lemos	7
058	Concello de O Barco de Valdeorras	5
059	Gas Natural SDG, S.A.	34
060	Pizarras Castrelos, S. A.	5
061	Pizarras Las Arcas, S.L.	5
062	Pizarras Los Gallos, S.L.	5
063	Pizarras O'Cortello, S.A.	5
064	Pizarras Rozadais, S.A.	5
065	Pizarras Valdacal, S. A.	5
066	Pizarras Valdelacasa, S.L.	5
067	Armadilla, S.L.	5
068	Sociedade Galega de Historia Natural	5
069	Asociación Provincial de Graniteiros de Ourense	12
070	(IROSA) Industria de Rocas Ornamentales S.A.	5
Total Number of Comments		609

Tabla 1: Contributions List

Each contribution is comprised by various comments, which are coded as follows: "000.00" where the first three digits indicate the contribution code and the last two digits represent the comment number.

3. REPORT OF RESPONSES TO THE CONTRIBUTIONS

This section shows a report of the contributions received and their corresponding argued responses. These have been sorted by the different subjects of the comments.

3.1. TERRITORIAL SCOPE AND WATER BODIES DEFINITION

COMMENT NO. 002.01

Comment Summary

The Candis river (Carballeda Valdeorras - Ourense), is strongly morphologically altered by mining activities. These activities isolate stretches of the river and in some cases bury them entirely. The case of this river is similar to those of the boundary rivers Casoio (TM Carballeda Valdeorras) and Benuza (TM Benuza - León), which have the same problem and are classified as heavily modified water bodies. Therefore it is proposed to eliminate the protection figure for the Candis river "Nature Protected Area" and to change its classification to heavily modified.

Argued Response

Accepted

After analyzing and contrasting the documentation received, it was verified that the water body is heavily modified, so, as proposed in the contribution, there have been made the appropriate modifications in the documents of the Plan to change the nature of this water body to heavily modified and to delete the protection figure.

COMMENT NO. 003.51

Comment Summary

Use efficiency cannot be achieved without considering aspects such as: transparency in pricing of water services, promotion of strategies to reduce fixed costs by taking advantage of synergies, effort to alleviate the huge water losses in distribution networks and actions on water use education.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority has no competence in the issues considered, however, this comment will be transferred to the competent authorities for consideration.

COMMENT NO. 003.02

Comment Summary

A revision of the water bodies' definition should be done in order to include the entire river system. For level 1 or 2 streams at 1:25000 scale a new environmental criteria

should be specified so as to establish the ecological status.

Argued Response

Not Accepted

The basic river network was defined according to the criteria set out in section 2.2.1.1 of the Spanish “*Instrucción de Planificación Hidrológica*”. In future planning periods, the water bodies’ definition is expected to be checked so that a better definition of the river network is achieved.

COMMENT NO. 003.04

Comment Summary

It should be included a detailed typing study of hydrogeological units of groundwater bodies.

Argued Response

Not Accepted

Groundwater bodies have been defined starting from the hydrogeological units defined in the current Plan of the North I from 1998. The River Basin District Authority will elaborate a study to define new approaches and to extend the concept of groundwater bodies so that in a future planning period this information may be used to complete the new RBMP.

COMMENT NO. 003.37

Comment Summary

On page 16 it is written "a) Miño Alto System. Includes the watershed tributary to the Miño river upstream its confluence with the Sil river. The main consumption centre is Lugo city, existing, in addition, a high demand for private irrigation. As consequence of the absence of regulation works in the summer agricultural demands can not be met, unlike the urban ones which can be met.". However, in the rest of the plan it is not mentioned that you can not meet agricultural demands in summer.

Argued Response

Accepted

In section 4.2.4.1.2. of Annex VI of the RBMP (page 42) this issue is mentioned "Overall and in the current situation it is concluded that the Miño Alto system is sufficient to meet existing urban demands, but not enough to meet agricultural demand of the unit Terra Cha. Solutions will be proposed in order to ensure that ecological flows and Terra Cha are met." This deficit mainly occurs in summer.

It is an intention for the Miño-Sil River Basin Authority to promote efficient irrigation techniques in order to meet agricultural demands in the Miño Alto System.

COMMENT NO. 003.39

Comment Summary

Chapter 2, page 59, states that "The 30 bodies identified as heavily modified by reservoir type 1.1 have remained as heavily modified after the de designation test, since the removal of the dam will always have a negative effect significant on the uses and the environment." It is unjustified to say that removing the dams will have a negative environmental effect, especially in long term, if the elimination plan is done properly.

Argued Response

Accepted

It's been considered appropriated to change this statement by identifying only the negative effect on the uses and not on the environment, as suggested by the respondent, because it is not justified to say that removing the dams have a negative environmental effect.

COMMENT NO. 003.41

Comment Summary

There is a poor treatment of the effect of climate change on water resources of Miño-Sil River Basin.

Argued Response

Not Accepted

Currently available climate change data are limited, since there is just a recent study available about this area elaborated by the Spanish Study Centre CEDEX. This study estimates for Miño-Sil River Basin District an overall reduction ratio of 3%. However, the Miño-Sil River Basin District Authority will intend to elaborate a new specific study about climate change effects within the budgetary possibilities of the agency.

COMMENT NO. 003.44

Comment Summary

Appendix 11.1, page 3, for Miño Alto System-Alto states that "Over 60% of total system demand is for the environmental flow of watercourses. As for consumptive uses, the largest demand is for the irrigation system, most privative, and just a small part is for the irrigation of the area of Terra Cha. Secondly for its magnitude is situated the urban demand, mainly concentrated around the centre of Lugo, the provincial capital." There is no mention of the problem of lack of water in summer to meet the demands of irrigation as stated in Regulation Annex.

Argued Response

Accepted

A comment about the lack of resources in summer will be included in Appendix 11.1, although the issue of unmet irrigation demand is specifically dealt in annex VI, as noted in

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

comment number 003.37.

COMMENT NO. 003.45

Comment Summary

Appendix 11.1, page 7. It is not mentioned in the description of Limia System the importance of consumptive use of water for agriculture and there is really a great extraction of groundwater resources for irrigation, which can cause the disconnection of the river from the aquifer due to excessive groundwater extraction. In future, it is expected, to be more intense exploitation of groundwater resources.

Argued Response

Not Accepted

An analysis of this problem is done in Annex VI, section 4.7.4.1.2 "As shown in the attached tables, the volume of concessional agricultural demands is not satisfied with the resources of its own surface system. However, in this area of the MSRBD there is a high diversity of crops and irrigation systems, which makes easy the adaptation of irrigation according to available annual water resources. In any case, it is a fact that there are problems with meeting demand of UDA Laguna Antela during summer, although this demand will be met with groundwater resources from the Xinzo de Limia groundwater body."

COMMENT NO. 003.46

Comment Summary

Appendix 11.1, page 5. It notes that "With regard to the risks of the state, there is a serious problem consisting on the large specific water consumption per hectare, 12,500 m³/year, possibly due to poor infrastructure and poor irrigation management.". These data are old and should be checked with the flows resulting in high channel and in the right and left river banks, and the irrigated area.

Argued Response

Accepted

This comment is taken into account by deleting the indicated paragraph of Appendix 11.1, since the data shown are old and do not apply to Chapter 11 of the RBMP.

COMMENT NO. 003.49

Comment Summary

It is highly regrettable the poor coordination and agreement between the legislative body and the planning authority: the local agency "Augas de Galicia" and the Miño-Sil River Basin Authority. At present, society will find two River Basin Management Plans on public consultation period and the recent local law, "Ley de Augas de Galicia". It seems that the rule should contain the elements arising from the planning and in any case there should

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

be a communion of immediate objectives.

Argued Response

Accepted

This concern will be taken into consideration and discussed at the Committee of Competent Authorities.

COMMENT NO. 004.10

Comment Summary

When talking about the groundwater bodies belonging to each water resource system, it is used an expression that can lead to misinterpretation, as it indicates that the water resource system is located on the hydrogeological units.

Argued Response

Accepted

The expression will be revised to create no doubt.

COMMENT NO. 004.09

Comment Summary

In the documents it is still used the term of Hydrogeological Units instead of groundwater bodies. With the implementation of the WFD, the term "Hydrogeological Unit" disappears and is replaced by "groundwater".

Argued Response

Accepted

To keep the terms used in the new Water Framework Directive the RBMP documentation will be checked in order to remove references to Hydrogeological Units changing the term to groundwater bodies as requested.

COMMENT NO. 004.07

Comment Summary

There is a lack of information on groundwater. If there is really no information to fill these gaps new measures should be included in the Measures Programme in order to improve knowledge.

Argued Response

Accepted

The River Basin District Authority, in view of the lack of information on groundwater bodies, has ordered a study on the "Xinzo de Limia" Aquifer, which has now been finished, and it expects to start a new study on the groundwater "Aluvial del Bajo Miño". Information from these studies will help in the future revision of the RBMP to complete the information gaps. On the other hand, it is important to remark that a specific groundwater

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

monitoring network has been developed, which may allow to have a greater knowledge of them.

COMMENT NO. 004.08

Comment Summary

In many of the tables about groundwater, the codes groundwater bodies are expressed only with 5 digits, and should always be expressed like 011.00X.

Argued Response

Accepted

The RBD Authority appreciates the identification of these faults. Indeed the same code format should be kept the same in the whole document; therefore the tables identified will be modified to correct them.

COMMENT NO. 008.04

Comment Summary

Basin coordination plans between different administrations should be performed. To this end, it is requested the creation of an advisory body to carry out actions in relation to the functionality and monitoring of basin management consisting of locals, local government, provincial, regional and state as well as universities and environmentalists.

Argued Response

Not Accepted

The River Basin District Authority is not the competent organization to create a body of this kind. It is also important to note that the public participation process plan includes meetings, workshops, and other means for global citizen involvement in planning and basin management.

On the other hand, it is the Committee of Competent Authorities' aim to encourage co-operation between administrations in order to optimize the river basin management in each of their areas.

Finally, the Miño-Sil River Basin District Water Council fulfils the role outlined in the comment.

COMMENT NO. 008.05

Comment Summary

The adoption of the River Basin Management Plan should be made through a resolution of the Parliament of Galicia.

Argued Response

Not Accepted

It is important to note that the Miño-Sil River Basin Management Plan is an inter-community basin, i.e. it goes through different autonomous regions and its adoption is regulated according to Article 83 of the “Reglamento de Planificación Hidrológica”.

COMMENT NO. 020.01

Comment Summary

The RBMP elaboration process is closely linked to Directive No 2001/42/EC of the European Parliament and the Council of 27 June and Directive 2003/35/EC of the European Parliament and the Council of 26 May and Decree-Law 232/2007 of 15 June. If so, it seems that the arrangements decided on these matters in the Convention of Albufeira, in force since 2000 and amended in 2008, were not fully followed by the Commission to Application Development and Cooperation Convention Protection and Sustainable Use of Water in Spanish – Portuguese Basins (CADC).

Argued Response

Accepted

The Miño- Sil RBMP elaboration process has been developed following the Strategic Environmental Assessment process in Spain. The Plan Regulation believes that cooperation between Spain and Portugal in Miño-Sil River Basin District will use existing structures stemming from the Convention of Albufeira. Therefore it establishes a cooperation mechanism for:

- a) Exchange of information on matters covered by the Convention and international initiatives related to these.
- b) Consultations and activities within the bodies established by the Convention.
- c) Adopting, individually or jointly, the technical, legal, administrative or other measures necessary for the implementation and development of the Convention.

COMMENT NO. 020.02

Comment Summary

The RBMP draft has no specific or detailed mapping with the water bodies limits and with their respective codes.

The water bodies coding approved by Conference Party in 2009 were not used and they were replaced by new designations of the transboundary water bodies. Therefore, the lack of clear and accurate mapping information makes difficult to establish a two-way relationship between the water bodies’ code and their geographic location.

Argued Response

Accepted

The Miño-Sil River Basin District Authority has worked during the public consultation period in achieving the new viewer SIAMS (<http://siams.chminosil.es/visor/>) which is free access and allows anyone to get more information on River Basin mapping.

Moreover, in order to clear the information about water bodies' boundaries and their respective coding, a new Appendix (No 2.1) is added to the RBMP document including river start and end point coordinates. Even though, such information may be obtained on request to the Miño-Sil River Basin District Authority.

Annex VI "Avaliação dos efeitos Ambientais de carácter Transfronteiriço" of Environmental Sustainability Report provides a relationship between transboundary water bodies codes used in Spain and those used in Portugal. Nevertheless, to clarify this relationship, the table at the Regulation Document, Annex 1.2, will be completed by adding, for each of the transboundary water bodies, the Portuguese and Spanish codes.

Finally, this information will be added in RBMP's Chapter 2 at a new section with a table containing Spanish and Portuguese's codes for transboundary water bodies in Miño-Sil River Basin District.

COMMENT NO. 021.01

Comment Summary

The RBMP violates Article 42 of *TRLA* as it only provides a water bodies' map at large scale and without georeference. Due to the lack of at least 1:5000 scale maps makes it impossible to make a specific contribution to the plan about administrative limits. The plan's regulation Article 4 is considered to be false because it does not limit any water body.

Argued Response

Accepted

Article 42 of *TRLA* states that water bodies' maps must be included in the RBMP, however it does not make it compulsory to adopt any specific scale or georeferencing, consequently it is considered that the plan fulfils the *TRLA* requirements. In spite of this, the Miño-Sil River Basin District Authority has worked during the public consultation period in implementing a new viewer SIAMS (<http://siams.chminosil.es/visor/>) which is free access and allows anyone to get more information on River Basin mapping.

Moreover, although this information is already included in the Plan documents, Appendix 2.1 will be completed with the river start and end point coordinates, so as to allow greater precision in its definition.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 027.08

Comment Summary

Section 2.5.3.1.2: The last paragraph of this section sets out an inaccurate statement "water resources are shown in Table 53 and Table 54, "since the above tables are:" Table 53: Basic statistics of the annual precipitation series (mm / year). 1980/81-2005/06 series" and "Table 54: Basic statistics of the annual discharge series (hm³/year). 1940/41-2005/06 series. "

Tables should be included regarding each system resources.

Argued Response

Accepted

In response to the comment, the indicated paragraph will be corrected by referring to the real content of the tables, in order to improve its understanding.

COMMENT NO. 027.05

Comment Summary

In section 2.4.2 "Initial Characterization" the vulnerability defined is very low and should be revised comparing to the study proposed "Protection of groundwater used for human consumption as required by Framework Directive of Water. IGME-DGA (MARM) 2009"

Geology and hydrogeology section, does not include the aquifer characteristics of the GWB as the title indicates, this it would require to complete this information by adding at least the aquifer nature, hydraulic system and permeability range for the whole River Basin District.

New definitions for the three groundwater bodies should be incorporated: Sil Basin 001.003, 001.004 and 001.006 Cubeta del Bierzo and Xinzo of Limia.

Argued Response

Accepted

It's been considered appropriate to perform the comparison of results obtained from the DRASTIC method and from the study "Protection of groundwater used for human consumption as required by Framework Directive of Water. IGME-DGA (MARM) 2009. "When the comparison is completed, an assessment will be done including the significant differences and their cause for its possible incorporation into the future planning cycle.

With regards to Geology and Hydrogeology section, there have been mainly defined the existing rock types in the different GWB. We will try as far as possible to include information on permeability ranges and water regimes, in case of absence of the information and necessity of studies, this proposal will be taken into account when revising the plan and it will be considered to change the title of that section for "Geology".

The proposal to complete the definitions of three of the groundwater bodies is considered appropriate and the information will be added in the corresponding annex.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 027.06

Comment Summary

Add on page 81, last paragraph, the name of the only groundwater body at risk of not meeting environmental objectives "011.005 - Aluvial del bajo Miño".

Argued Response

Accepted

This comment is accepted; therefore the information will be included in the Plan.

COMMENT NO. 027.07

Comment Summary

In section 2.5.3.1.2:

The title of Table No. 69 "Area defined as groundwater bodies in each Miño-Sil River Basin zone" does not correspond to its contents as it relates to the resources of the basin GWB.

With regard to the calculation of resources it is recommended for the GWB "011.006 Xinzo de Limia", to consider its entire recharge area, greater than the one included in the current definition of that water body, defined in the study "Hydrogeological Update of the GWB Xinzo de Limia 011.006. IGME Ourense Miño-Sil 2010. "

Argued Response

Accepted

This comment has been accepted; therefore the appropriate changes will be made.

COMMENT NO. 028.15

Comment Summary

A revision of the water bodies' definition should be done in order to include the entire river system. For level 1 or 2 streams at 1:25000 scale a new environmental criteria should be specified so as to establish the ecological status.

Argued Response

Not Accepted

The basic river network was defined according to the criteria set out in section 2.2.1.1 of the Spanish "*Instrucción de Planificación Hidrológica*". In future planning periods, the water bodies' definition is expected to be checked so that a better definition of the river network is achieved.

COMMENT NO. 028.16

Comment Summary

The definition of the hydrogeological units seems insufficient, since it is limited to large units or confined aquifers. A new study on detailed characterization of hydrogeological units should be done, characterizing all small units that compose the great groundwater bodies that define the River Basin Plan

Argued Response

Not Accepted

Groundwater bodies have been defined starting from the hydrogeological units defined in the current Plan of the North I from 1998. The River Basin District Authority will elaborate a study to define new approaches and to extend the concept of groundwater bodies so that in a future planning period this information may be used to complete the new RBMP.

COMMENT NO. 028.34

Comment Summary

At Annex IV, the Candis river is classified as a nature protected area, which is defined as an area where there are kept its natural conditions. The Candis river (Carballada Valdeorras - Ourense), is strongly morphologically altered by mining activities. These activities isolate stretches of the river and in some cases bury them entirely. The case of this river is similar to those of the boundary rivers Casoio (TM Carballada Valdeorras) and Benuza (TM Benuza - León), which have the same problem and are classified as heavily modified water bodies. Therefore it is proposed to eliminate the protection figure for the Candis river "Nature Protected Area" and to change its classification to heavily modified.

Argued Response

Accepted

After analyzing and contrasting the documentation received, it was verified that the water body is heavily modified, so, as proposed in the contribution, there have been made the appropriate modifications in the documents of the Plan to change the nature of this water body to heavily modified and to delete the protection figure.

COMMENT NO. 028.35

Comment Summary

Limia River, on its route through the old "lagoa de Antela", should be considered as an artificial water body, as it has never run naturally because the affecting area is an endorheic lake system. Furthermore, Carucedo Lake water body should not be qualified as a natural lake, since it is the product of the debris from the operation of Médulas, therefore it should be designated as artificial or at least as heavily modified.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

Argued Response

Not Accepted

It has been accepted to check Limia's river classification for its incorporation in a future Plan as an artificial water body.

On the other hand, Carucedo Lake, although it is of anthropogenic origin, because of the long intervening period it has adapted to natural conditions and can be considered as a natural lake.

COMMENT NO. 028.36

Comment Summary

Transitional water bodies (Miño estuary) are not well defined; therefore they should be redefined with physicochemical and biological criteria coherence. Furthermore, a bathymetry and map databases should be done over Miño estuary, based on the topography and geomorphology on an appropriate scale and which origins are an accurate and recent information source, with periodic updating. Dredging should be prohibited in the Miño River estuary water body.

Argued Response

Accepted

The River Basin District Authority supported by competent authorities in the field are working on various projects and working groups to study the transitional water bodies in Miño-Sil basin district. In the working group MIÑO-NET, led by Spanish Vigo University and framed within the European project DELTA-NET, are featuring all the economic and social agents and, together with project TEAM-Miño, will allow to obtain more information and making progress on the objective of completing an Estuary Management Plan of Miño, as stated in Article 12 of the regulation document of the RBMP.

Moreover, the realization of the bathymetry and map databases will be included as a potential measure in the Measures Programme of the RBMP.

With regards to dredging in the Miño estuary the issue will be transferred to discussion at the Committee of Competent Authorities.

COMMENT NO. 028.39

Comment Summary

It should be included in the RBMP the requirement for technical documents submitted for any concession or authorization to be signed by a competent technical expert, thus avoiding the professional intrusion or lack of technical rigor seen in some cases.

Argued Response

Not Accepted

The Miño-Sil River Basin Authority will act according to what the current regulations establish regarding professional skills.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 028.40

Comment Summary

The Galician Official Biologists College should be considered as an associated organization with the water administration in Galicia, for the purpose of validating the qualifications of the studies, projects and technical reports submitted.

Argued Response

Not Accepted

We appreciate the willingness of the Galician Official Biologists College to participate in the planning process and it will be considered its possible collaboration in the validation of studies.

COMMENT NO. 029.12

Comment Summary

There is a lack of information about the land in which water bodies are located. An analysis of the native and invasive flora and fauna should be included, as well as an analysis of the impact they have on our ecosystem and on people's health.

Argued Response

Not Accepted

The Environmental Sustainability Report, in accordance with the provisions of the Reference Paper, identifies the most important environmentally areas in the Basin District. These are the ones which include threatened species and the representative species of well-preserved ecosystems related to water. However, the River Basin District Authority is currently working to improve the information available.

COMMENT NO. 029.28

Comment Summary

Firstly, the text is entirely in Castilian and there is not a Galician version. On the other hand, there are used unsuitable words coming to erroneous nomenclature of towns, rivers or mountains. An example is: "Arroyo de la Rivera Grande" referring to "Rego da Ribeira Grande", natural park of Invernadoiro.

Argued Response

Accepted

The Miño-Sil River Basin District Authority has prepared a summary of the RBMP that has been spread in Galician, it has made several public information bilingual territorial days in Galician and Castilian. It is well aware of the two official languages inside the River Basin District's territory and it, therefore encourages the use of both languages normally. Furthermore, the Miño-Sil River Basin District Authority will publish the final document of

the RBMP entirely in Castilian and Galician.

Moreover, regarding the toponymy the Districts Authority is working hard to adapt, especially in the case of the Galician's area, the current official nomenclature according to the Xunta de Galicia. In any case, revising is still on work and any correction will be accepted.

COMMENT NO. 029.01

Comment Summary

There is a current problem of competence: The current situation leads to having a duplication of functions, and a territorial and jurisdictional overlap. As a consequence of this there is a double public and family expenditure, and seriously damaging the citizens when doing administrative procedures. It is verified, in daily practice, that this bureaucracy excess is inefficient, impractical and expensive, without achieving its aim.

Argued Response

Not Accepted

Regarding competence, solving the problems in regard to this issue is not the River Basin Management Plan's aim, since the main function of this Plan is to achieve good status and adequate protection of water bodies in the district, meeting the water demands and to balance and harmonize regional and sectoral development.

On the other hand, it should be clarified that the Miño-Sil River Basin District Authority is aware of the difficulties in relation to this issue and it will transfer your concern to the Committee of Competent Authorities in order to attempt to coordinate as best as possible the water planning process.

COMMENT NO. 047.05

Comment Summary

With regards to heavily modified water bodies:

- Section 2.3.2.3.1 of the Memory: Edrada, San Miguel and Guístolas reservoirs have not been considered in the list of heavily modified water bodies, we understand they have been considered in other water bodies.

- Annex 1: The following water bodies should be included as heavily modified water bodies:

Edrada Reservoir (river Conso, coinciding with river point Conso I)

San Miguel Reservoir in San Miguel River (Manzaneda)

Navea II and III Navea Rivers (upstream and downstream Guístolas dam)

Sil VI River (downstream of Pumares dam and Sobradelo's central)

The following water bodies' classification should be checked and there should not change

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

their environmental flows on the upstream dams as they have good or high status:

Sil VII River (downstream of St. Martin to Sequeiros reservoir)

Camba River downstream Portas dam to Bao reservoir.

Cenza River downstream Cenza dam (Conselo River).

Conso River downstream Edrada reservoir to Bao reservoir.

Xares River downstream Santa Eulalia to Bibey.

Furthermore, there have been found an error in the information of water body code: ES451MAR001440 where its final designation was identified as natural rather than heavily modified as it appears in other documents.

Argued Response

Not Accepted

The definition of heavily modified water bodies is made under the procedure defined in section 2.2.2.1.1. of the national water planning instruction (*IPH*). The water bodies requested to be included as heavily modified were not preliminarily identified as such, since they did not meet the conditions set out in section 2.2.2.1.1.1. of the *IPH*.

Furthermore, in regards to Conso I, Navea II, Navea III and Sil VI rivers their ecological status is defined as good or high. This means that, even if they were considered preliminary as heavily modified, they would not have passed the verification test of the preliminary identification.

Moreover, the request to check some of the water bodies' classification will be considered for a possible study on the future revision of the River Basin Management Plan.

Further, regarding the application of the non-modification of environmental flows in these water bodies it is important to clarify that, under the national water law "*Texto Refundido de la Ley de Aguas*" (*TRLA*) in Article 59.7, the environmental flows must be set in the River Basin Management Plans. These flow rates have been defined as indicated in the *IPH* which determines the methodology to use for calculating the ecological flows and their components: maximum flows, minimum flows, peak flows and exchange rates.

Finally, the error found on water body code ES451MAR001440 will be corrected.

COMMENT NO. 047.23

Comment Summary

There are inconsistencies in the location of the Sil VII River end point. According to the coordinates, it is located on the meander which is dry due to Montefurado Roman tunnel, which must be a mistake.

Argued Response

Accepted

It has been verified that, as indicated in the comment, this point is located on the mean-

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

der t which is dry due to Montefurado Roman tunnel. This point is defined as the final point of the water body's definition. Therefore, definition of these water bodies must be checked in order to modify this water body's point location and place it outside of the meander.

COMMENT NO. 047.33

Comment Summary

In Chapter 15 RBMP's memory it has not been included a representative of the Ministry of Industry, Tourism and Commerce in the Committee of Competent Authorities.

Argued Response

Not Accepted

The RD 126/2007 is responsible for regulating the composition, functions and powers of the Committees of Competent Authorities in the intercommunity river basins, created under Article 36.bis of the *TRLA*, approved by Royal Legislative Decree 1/2001 of 20 June. Article 4.2 of such RD establishes in paragraph b) that for Miño-Sil River Basin District the Committee member are as follows: "On behalf of General State Administration, a member of the Ministry of Environment and a member representing the remaining departments. On behalf of the autonomous communities, one member for each of the communities listed below: Galicia, Asturias and Castilla y Leon, and, finally a member on behalf of Local Authorities. "

Therefore, under this RD on behalf of other departments of the General State Administration it has been chosen as a member of the Committee the Technical Secretariat-General of Ministry of Foreign Affairs and Cooperation.

COMMENT NO. 047.34

Comment Summary

In Article 10.2 c) of the regulation document of the RBMP makes the following statement "Bajo Sil System has nearly no socioeconomic life because it has been captured to produce hydroelectric power." This statement seems unfortunate and inappropriate.

Argued Response

Accepted

The statement is, certainly, unwise and it will be, therefore, removed from the regulatory text.

COMMENT NO. 047.04

Comment Summary

It is been detected several misprints in section 2.3.2 of Chapter 2.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

Argued Response

Accepted

The errors detected shall be corrected in the RBMP's documents.

COMMENT NO. 048.01

Comment Summary

The study of the natural values the Limia River basin, especially on the stretch of "Alta Limia (Lagoa Antela)" should be more detailed, as it is essential in order to establish appropriate management measures.

Argued Response

Not Accepted

When elaborating the Miño-Sil River Basin Management Plan, since the starting of Water Framework Directive (WFD), there has been made a great effort to conduct a study as detailed as possible on the District. Nevertheless, the Miño-Sil River Basin District Authority is aware of the lack of information and is attempting to conduct a study on the "Alta Limia" in order to, in a future River Basin Management Plan, solve these shortcomings.

COMMENT NO. 048.02

Comment Summary

"Xinzo de Limia" groundwater body is not sufficiently defined, its importance and vulnerability is underestimated. There are no solutions to its principal current problem affecting its quality which is caused by agricultural activities by the use of fertilizers and slurry.

Argued Response

Not Accepted

The Miño-Sil River Basin Management Plan recognizes the importance and vulnerability of Xinzo de Limia groundwater body and believes that its definition has been done properly in the Plan documents. Furthermore, it is important to note that during the public consultation process a specific study on the "Xinzo de Limia" aquifer has been elaborated and it is being included in the measures programme as an executed action.

On the other hand, it is considered that the quality of the groundwater body has been adequately evaluated and it has been classified as in good quantity. However, it will continue to work together with other competent authorities in order to improve agricultural practices in the area due to their possible effects on groundwater.

COMMENT NO. 051.03

Comment Summary

A new article should be included in the regulation document of the Plan. It should be considered as a working title for the collection of the general plan aims, which include: de-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

velopment of information, transparency in resource management and environmental awareness and education of citizenship, mechanisms and strategies to cost recovery in water services, and guarantees for the active participation of citizens in water management.

Argued Response

Not Accepted

As stated in this comment, the regulation document of the currently in force River Basin Management Plan (“Plan Hidrológico del Norte I”), approved by RD 1664/1998 of 24 July, includes a preliminary title, rule 0, which sets out certain goals, but they do not correspond to the objectives of a specific plan but with the water planning process in general. The objectives included in the above rule 0 of the plan were already included in the then current Water Law 19/1985 of August 2, Article 38.1.

In connection therewith, the water planning objective are currently indicated in article 40.1 of the Royal Decree 1/2001 of July 20, as indicated in the preamble to the Draft Decree of the new Miño-Sil River Basin Management Plan. Thus, these objectives could not be changed on the new drafted plan and would be unnecessary their repetition in it, since what must be included in the new plan are provisions to enforce those objectives.

Therefore, being picked these goals in the preamble and in the *TRLA* it is not considered essential to include an article gathering them.

COMMENT NO. 056.01

Comment Summary

Once the Plan is been adopted, it is necessary to consider minimum standards of transparency in administration, it is therefore important the coordination between administrations. Furthermore, the economic analysis of water use by managing companies fails to provide transparent information to citizens. Finally, the River Basin District Authority should give better access to used protocols.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority has no competence in any of the issues indicated; however, it will transfer the comment to the Committee of Competent Authorities for its consideration.

COMMENT NO. 057.01

Comment Summary

Article No. 10 of the Regulation Document should indicate that the sensitive area for irrigation in the System is 2,158 hectares, since it is currently just considering the irrigated area.

Argued Response

Not Accepted

The sensitive area for irrigation is included in the data presented in Annex III of the Plan, it is considered inappropriate to include this information in the regulation document as it is not official information established by administrative concession.

COMMENT NO. 059.01

Comment Summary

It is reported the merger of "Union Fenosa Generación, S. A." and its transfer off its entire patrimony to " Gas Natural SDG, S. A."

Argued Response

Accepted

The comment is accepted and any reference to "Union Fenosa Generación, S.A." will be changed to " Gas Natural SDG, S. A."

3.2. ENVIRONMENTAL OBJECTIVES AND WATER QUALITY

COMMENT Nº. 003.53

Comment Summary

The boundaries of quality index, both chemical and biological which are proposed by IPH and are used by PHMS, are not suitable for your geographical area. Furthermore, these index are redundant because they only reflect the organic pollution effects, but its application can't be drawn any conclusions about the physical habitat status or certain situations such as chemical contamination. In general, it only has information about the composition of populations and not about their structure or functionality, and fish is more noticeable because the proportion of individuals of native species is only measured , and the structure populations data aren't studied (density, biomass, age classes, number of players, sex ratio, etc...).

Argued Response

Not Accepted

The River Basin District Authority is aware that there are technical faults in the assessment of water quality, but it is important to remember that River Basin District Authority can't modify the "Instrucción de Planificación Hidrológica", however, the comment shall be transferred to Committee of Competent Authorities in order to be considered it in new planning periods.

COMMENT NO. 003.55

Comment Summary

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

The physico-chemical diagnostic of Galician waters is not well adapted, because the quality boundaries which have been used, they can be within the poor quality range for peninsular rivers in general, but to be characteristic of water bodies of North-West Iberian perfectly natural.

Argued Response

Accepted

The River Basin District Authority is aware of the technical faults and it is working to improve the monitoring networks and the model for assessing the water bodies status. The comment is considered appropriate and it shall be taken into account to make a review of the quality boundaries.

COMMENT Nº. 003.01

Comment Summary

The River Basin District Authority should include in the regulations that the non-deterioration principle is applied to surface water bodies which are a good or high ecological status.

Argued Response

Accepted

The regulation has not included any reference about the general objectives reflected in Article 6.1.2 IPH. The comment is considered and the regulation will have a new article about the non-deterioration principle of surface water bodies.

COMMENT Nº. 004.03

Comment Summary

It is recommended to estimate the water bodies quality using a simulation model such as GESCAL because there are many water bodies that don't have quality stations. Therefore it proposes to develop a single set model rather than one operating system.

Argued Response

Not Accepted

It is important to emphasize that due to the cost of analysis in all water bodies, it has been necessary to optimize the quality controls considering technical criteria. Therefore, we have chosen those bodies which could be a risk of chemical contamination. The comment is interesting but nowadays it isn't going to be possible to make the quality simulation, however the comment will be considered in future planning period.

On the other hand, it is also considered interesting to make a single set of simulation model and it shall be considered in future planning period.

COMMENT Nº. 004.05

Comment Summary

The exploitation index is expressed in % and it could lead to confusion, because most groundwater bodies is more than 0,8. And this value is the boundary which is considered when a water body is in bad status. The exploitation index is the ratio of the total pumping and the available resources.

Argued Response

Accepted

We accept the comment and the exploitation index will change to put in per unit so that does not lead to confusion.

COMMENT Nº. 008.16

Comment Summary

It is considered necessary a legal definition and a technical expression about the hydromorphological status of the transitional water bodies.

Argued Response

Not Accepted

The River Basin District Authority and Committee of Competent Authorities are working on various projects and working groups to study the transitional water bodies. The working group MIÑO-NET, which is led by University Vigo and is framed within the European project DELTA-NET, and, together with the project TEAM-Mino, they will allow more information and advance the objective of completing the Estuary Management Plan of Minho, as stated in Article 12 the reglament of Miño-Sil River Basin Managed Plan.

COMMENT NO. 020.09

Comment Summary

It has not done a comparison between the reference status (in terms of volumes) and the current situation in the boundaries water bodies which have been considered as heavily modified . Therefore, the flow regimes proposed for the hydromorphological quality compliance are not clear or what changes are proposed for the operating regime of the reservoirs.

Argued Response

Not Accepted

The comment will be useful for future reviews of the Miño-Sil River Basin Managed Plan, as it may make a more elaborate analysis on hydromorphological quality of border water bodies heavily modified and analyze the operating regime of the reservoirs.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT Nº. 020.10

Comment Summary

The use of the stretch of the River Louro in Portugal is limited because it is maintained with less than good status in 2027.

Argued Response

Not Accepted

The optimal procedure to achieve the good status in this water body is to carry out a series of measures, whose implementation requires a period of years, so it is not expected to be reached until 2027. But in 2015 it should be analyzed again the water body status and in case of failure to reach the good status, it will be studied if the deadline can be less than which has been assumed by the Miño-Sil River Basin Managed Plan.

COMMENT Nº. 027.15

Comment Summary

It is proposed to incorporate in the analysis of annual mean concentrations of the groundwater bodies a detailed analysis of the 011.004 Cubeta del Bierzo because there are numerous mining dams, which can produce significant pressures on the ground and they can affect the quality groundwater. Consequently, it would be possible to observe this condition, inventorying and assessing in detail these pressures (Chapter 3) and designing within the control program monitoring of the chemical status a network of points (Chapter 6) and doing an analytic that allow evaluating the potential impact caused by this activity.

Argued Response

Not Accepted

The analysis of the M.A. S. 011,004 Cubeta del Bierzo has not been included because the values obtained are within the acceptable ranges for groundwater and that water body was not considered at risk, although the proposal will be studied. The River Basin District Authority is working on expanding and improving the monitoring networks according to the available budget.

COMMENT Nº. 027.03

Comment Summary

It is proposed to consider environmental objectives in the groundwater bodies.

Argued Response

Accepted

The comment has been considered and the environmental objectives for groundwater bodies shall be included in Annex 5 of the regulation.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT Nº. 028.01

Comment Summary

Assessment of chemical status of groundwater bodies: On page 105 of Chapter 6 is said to evaluate the chemical status of groundwater has been followed the rules and limit values established by Real Decreto 140/2003. This Real Decreto establishes health criteria to evaluate water quality for human consumption so it should not be considered to assess the status of groundwater bodies because it establishes more restrictive requirements on water quality.

Argued Response

Accepted

It will removed the reference to the RD setting only the limit values for chemical status in groundwater bodies according to RD 1514/2009 for pesticides and nitrates.

COMMENT Nº. 028.02

Comment Summary

The Article 38 of the Reglamento de Planificación Hidrológica (Real Decreto 907/2007, of July 6) defines the conditions to be met to support the temporary deterioration in paragraph 6.4 of the “Instrucción de Planificación Hidrológica” (ARM/2656/2008 Orden of 10 September) and adds a number of additional requirements. It is suggested include a section on temporary deterioration in the seventh chapter of the Miño-Sil River Basin Managed Plan.

Argued Response

Accepted

The comment is accepted and it will be included in the seventh chapter of the Miño-Sil River Basin Managed Plan a section on temporary deterioration in water bodies.

COMMENT Nº. 028.03

Comment Summary

In paragraph 7.5 of Chapter VII of the Miño-Sil River Basin Managed Plan is said : "In Appendix VIII Environmental Objectives and Exemptions set out the procedure to be followed when there are new modifications or alterations." However, in this annex hasn't done reference about the objectives for new modifications or alterations.

Argued Response

Accepted

The comment is accepted and it will be included a paragraph in Annex VIII to describe the procedure for new modifications or alterations.

COMMENT Nº. 028.14

Comment Summary

The non-deterioration principle should apply to water bodies which are in good or very good status. So in these water bodies would be admitted only environmental uses as defined under Article 25.12.a) of Real Decreto, except for duly justified and do not cause deterioration in his status.

Argued Response

Accepted

The regulation Plan will reflect a new article which will include the general objectives of the Article 6.1.2 of IPH considering the non-deterioration principle of surface water body.

COMMENT Nº. 028.19

Comment Summary

In assessing the water bodies status is destable the absence of indicators of hydromorphological quality elements. Furthermore, there isn't a detailed analysis of the hydrologic alteration index, connection with groundwater, index of riparian vegetation (QBR) and index of river habitat (IHF), because the definition of the status of water bodies would be incomplete if it wasn't remedied.

Argued Response

Accepted

The River Basin District Authority is aware of gaps in assessing the water bodies status and has worked with the best technical information available according to the methodology and indicators which are required by the "Instrucción de Planificación Hidrológica". The River Basin District Authority and DGA will work on improving the information about the indexes discussed during this period, for which new studies will be made according to the available budget.

COMMENT NO. 028.20

Comment Summary

The microbiological indicators aren't used in the definition of water bodies status.

Argued Response

Not Accepted

The indicators which are used to define the status of water bodies are required by the "Instrucción de Planificación Hidrológica". However, DGA and the River Basin Minho-Sil Authority will work on a modification of the rates IPH. And therefore, It is considered important to include microbiological indicators for the definition of the water bodies status.

COMMENT NO. 028.38

Comment Summary

The indicators for assessing the biological quality elements of the rivers should be adapted to the conditions of District. In some cases the indicators and metrics, which are used, have been developed for the Mediterranean Area. This reason is what makes questionable the status of some water bodies. Furthermore, it is questionable designating the spatial reference network that these data were derived. There isn't a pressure analysis prior to the establishment of the reference network transitional water bodies. If we consider the European intercalibration guide (CIS Guidance document No. 14. Guidance document on the Intercalibration process 2008-2011. Technical Report - 2011 - 045. Annex III), the pressure should be quantified in the reference areas. And status assessments which are based on biological references should be provided with a pressure level quantified.

Argued Response

Not Accepted

River Basin District Authority is aware that there are technical faults in the assessment of water quality, but it is important to remember that River Basin District Authority can't modify the "Instrucción de Planificación Hidrológica", however, the comment shall be transferred to Committee of Competent Authorities in order to be considered in new planning periods.

COMMENT Nº. 029.09

Comment Summary

The deadlines which are considered to achieve the ecological and chemical status of the water bodies are too long.

Argued Response

Not Accepted

WFD can set different deadlines and objectives than the generals which are defined by the Articles 4 (4) to 4 (7).

Most of these extensions are designed to achieve the good status in the water body. The optimal procedure is to carry out various measures whose implementation can only be achieved in phases which exceed the established general term (2015), due to the technical possibilities.

In Annex VIII of the memory of the Plan, in paragraph 6, provides a justification for these exemptions for each water body, as established by the WFD.

COMMENT Nº. 046.01

Comment Summary

We can see that the water bodies haven't environmental objectives with longer deadline

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

, in cases of environmental recovery slow.

Argued Response

Not Accepted

Environmental objectives under current regulations must be achieved in 2015, with the possibility of extensions to 2021 and 2027 in duly justified cases. There are some water bodies with extension to 2027, which is the maximum possible governed by section 6.2 of the "Instrucción de Planificación Hidrológica": "Extensions of the deadline, its rationale and necessary measures to achieve environmental objectives relating to water bodies are included in the river basin management plan, but may not exceed the date of December 31, 2027. "

COMMENT Nº. 046.02

Comment Summary

With regard to art. 18.1 of the rules, section b) in accordance with Article 13.2 should be declared officially that goal is unattainable in particular water body.

Argued Response

Not Accepted

All water bodies have stated environmental objectives, extensions and less stringent objectives. This information can be found in Annex 5 of the regulation and in more detail in the memory and annexes of the River Basin Management Plan.

COMMENT Nº. 056.03

Comment Summary

It would be interesting to make a new water bodies inventory to analyze the degree of drinking water and take inventory of reservoirs without hydroelectric power station.

Motivated Response

Not Accepted

The section 5.1.2 of the "Instrucción de Planificación Hidrológica" defines indicators of biological, hydromorphological and physico-chemical quality elements which are used to classify the different water bodies. Moreover, the degree of drinking water is an indicator used to analyze the quality of drinking water, which is not covered by the Hydrological Plan of Minho-Sil. With respect to the inventory of dams without hydroelectric, the Plan has taken into account when defining each of the operating systems belonging to the DHMS.

COMMENT Nº. 056.06

Synthesis of Comment

Considering the environmental objectives, it is important the monitoring and control the objectives of groundwater bodies which have a legal vacuum and an underdeveloped

assessment of the water bodies status.

Argued Response

Not Accepted

Considering the environmental objectives of the groundwater bodies, the chemical status assessment is performed according to Directivas 2000/60/CE and 2006/118/CE, which regulate the groundwater protection against pollution and deterioration.

COMMENT Nº. 056.15

Comment Summary

A relevant environmental and social deterioration that is suffering As Conchas Reservoir due to poor control of water activities from the outset. Currently the hydroelectric of Salas takes water from the reservoir of Salas and the water is discharged into the reservoir of As Conchas, which turbine the Limia river flow and the water transferred by Salas. It is important to note the location of the reservoir because it is near a space which belongs to the Natura 2000 Network and has been declared Natural Park.

Argued Response

Not Accepted

The River Basin District Authority is aware of the problem in the reservoir of As Conchas, and we are making great efforts to improve monitoring of water status through its extensive network of stations. In addition, the Measures Programme includes actions to improve the status of these water bodies.

COMMENT Nº. 068.05

Comment Summary

The section "7.3. TIME TO ACHIEVE THE OBJECTIVES" indicates that "The objectives must be reached before December 31, 2015, except for the purpose of preventing deterioration of surface water bodies, which is payable from the January 1 of 2004. " In 2011 this prevention seems not to be effective and consequently the objectives for 2005 in As Conchas weren't achieved. It is expected that in the rest of Plan doesn't happen the same .

Argued Response

Not Accepted

The River Basin District Authority is making great efforts and using material, financial and personal resources in drafting the River Basin Management Plan and, similarly, in achieving environmental objectives. This River Basin District Authority will continue working hard to achieve the objectives which have been considered by Water Framework Directive Water.

3.3. ENVIRONMENTAL FLOWS REGIME

COMMENT Nº. 003.15

Comment Summary

Studies should be executed to ensure that the water of environmental flow, which is released in dams susceptible to thermal stratification, has a minimum quality and hypolimnetic water is not released. Therefore, it should require a similar physicochemical quality parameters so as not to pour water with a quality that compromise the ecological status of the river downstream.

Argued Response

Accepted

In paragraph 3 h) of Article 46 of the regulatory provides that hydroelectric projects of new concession will make "a control program of physicochemical and biological quality of the reservoir water and the water which returns to the natural flow ". However, to ensure the quality of the environmental flow of water released shall be added a section that specifies that water quality at the output must be equal to the incoming water.

COMMENT Nº. 003.14

Comment Summary

It should consider that the minimum flow is not less than 50 l / s in permanent rivers or all the natural flow which is flowing if it were less than 50 l / s. The optimization in some hydraulic installations must be adapted to flowing stream, even through the establishment of maximum flows.

Argued Response

Accepted

The River Basin District Authority considers necessary to keep the value of the minimum flow of 50 l / s currently existing in the North River Basin Management Plan (1998), so it will include a section about this in the regulation.

COMMENT Nº. 006.09

Comment Summary

In Annex 6.3 the table headers about exchange rates are not very clear, so that they should be amended or any additional clarification can be introduced.

Argued Response

Accepted

The comment is considered and the table headers will be modified.

COMMENT Nº. 008.01

Comment Summary

On the one hand, a clear definition of environmental flows is requested because of the fishing sector regulations in Galicia and a specification of minimum and fixed calculations. On the other hand, it has not been defined the maximum flows, the generator flows and exchange rates in strategic or special interest water bodies. It is considered an important criterion which must be defined and concretized in the River Basin Management Plan.

Argued Response

Not Accepted

Regarding the definition of environmental flows should be noted that they are adequately defined in national water legislation and therefore the consideration of the specific definition on a regional regulations is not adequate because it applies only to Galicia, it must be remembered that the River Basin District is an intercommunity District.

According to the “Texto Refundido de la Ley de Aguas 2001” in the Article 42.1.b.c: the environmental flows which are keep "at least life fish that inhabit naturally or could inhabit the river and its riparian vegetation."

Article 18 of the “Reglamento de Planificación Hidrológica” introduces the concept of environmental flows regime , which allows to maintain the functionality and structure of aquatic and terrestrial ecosystems, helping to achieve the good status in rivers and transitional water bodies.

Finally, the “Instrucción de Planificación Hidrológica” (IPH) determines the methodology used for calculating the environmental flows and their components: maximum flows, minimum flows, flood flows and exchange rates.

The River Basin Management Plan defines the environmental flow as provided in the regulations mentioned above and the calculation is done according to the methodology established in the IPH.

Regarding the definition of maximum environmental flow, generator flow and exchange rate is important to note that it is the first time that these concepts are implemented, so as currently it has been established informative values of maximum flow, generator flow and exchange rate and now we are studying new data for their implementation in 2016.

COMMENT Nº. 008.17

Comment Summary

The refuge habitat assessment conducted in the environmental flow study is considered to be a study which doesn't define the sources where the calculations are born and, finally, the technical definition and writing is inappropriate. There is a brief indication about water body speeds depending on the swimming ability of each species, but this average estimate is unknown if it is for a single species or for the entire fauna.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

Argued Response

Not Accepted

It has been followed the instructions of the “ Instrucción de Planificación Hidrológica” (IPH) by the study of maximum flows and the methodology has been described by paragraph "3.2 Temporal distribution of maximum flows" of the "Guide for the determination of the flow regime" (GEC-ver. 0.7). Considering the limit velocity data related to the swimming capacity of the species have been used the maximum values which are indicated by IPH for each species.

COMMENT Nº. 017.01

Comment Summary

The comments, which are considered, mainly refer to environmental flows which were defined by the Plan de cauces de Castilla y León. The respondent considers that the minimum flows, which have been proposed, are higher than the flow which were elaborated by Consejería de Medio Ambiente, which results in the improvement of river ecosystems. Therefore there is no objection. However, significant discrepancies are observed in four stretches, namely in Boeza I Boeza II, II and Selmo Cua II.

Argued Response

Not Accepted

Firstly we are very grateful to the respondent for their comments about the study for establishing minimum flows which is elaborated in Leon. All contributions of this study have been included in the River Basin Management Plan and have served to validate many values of environmental flows which were defined by other studies. However it is important to note that the River Basin Management Plan values are the values of the hydrological study because the hydrobiological study was conducted only for 10% of water bodies and in this case it was found that the values were similar to the values of the “Junta de Castilla y León” study.

On the other hand, it should make some specific clarifications about the water bodies which have been indicated on the contribution:

- The minimum flow which has been set for the water body Boeza I, ES415MAR000660 code, has been established at the end of the water body, this point is located upstream of Urdiales contribution, therefore, the minimum flow set for this water body does not take into account this contribution.
- According to information available on the The River Basin District Authority about the values from “Estudio de Caudales de la Consejería de Medio Ambiente de la Junta de Castilla y León”, the minimum flows that are defined by the Bo-1 station consider the contributions of the “arroyo Urdiales”, “el Río Boeza I” and part of the sub-river basin defined by Boeza River II, ES415MAR000670 code, for that station (Bo -1) is located in the water body Boeza II. Because of this, it is considered understandable that the defined minimum flow values for the water body Boeza I are lower than the values obtained in

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

the station Bo-1 and therefore the results of studies made by this River Basin District Authority according to the methodology defined by Instruction Water Planning (HPI) have been accepted as valid.

- The minimum flow defined for the water body Boeza II is defined to mass. This point is located approximately six kilometres upstream from the Bo-2 station located in the water body Boeza III. Between these two points are mainly the following contributions: “arroyo de Valdeloso”, “arroyo de peña del Forno”, “arroyo de Valdaveiro”, “arroyo de la Collada”, “arroyo de la Vela”. Due these contributions, River Basin District Authority considers acceptable that the results obtained by the hydrological studies conducted by the Confederation according to the methodology defined by “Instrucción de Planificación Hidrológica” (IPH), may be lower than those obtained in the Bo-2 station. On the other hand, the value of minimum flow for the quarter January to March defined for the water body Boeza II corresponds to 0.868 m³ / s being greater than the information that the River Basin District Authority has about the value of March (0.75 m³ / s) del “ Estudio de Caudales de la Consejería de Medio Ambiente de la Junta de Castilla y León”.

- The comments received on stretches Selmo II ans Cúa II (although the differences are insignificant in Cua II) will be discussed in detail and taken into account in revising the River Basin Management Plan.

COMMENT NO. 018.02

Comment Summary

The flows exchange rates imply very strong restrictions on the operation of power plants that can lead them to lose their regulation ability and may cause technical restrictions on the electrical system operation.

Argued Response

Not Accepted

Exchange rates are an essential part of environmental flow regime which is set for the fulfillment of the objectives of the River Basin Management Plan is established under applicable law.

On the other hand, it should clarify that exchange rates and generator flows which were defined by the studies are included in Annex 6.2. and 6.3. However, The River Basin District Authority must establish their introduction and fulfillment case by case.

COMMENT Nº. 018.01

Comment Summary

The power loss in hydraulic production and hydroelectric energy are because of the imposition of high environmental flows and seasonal variations .

Argued Response

Not Accepted

One of the general objectives of Management Plan is to achieve the good status and an adequate protection of water bodies in the river, to meet the water demands and to get the balance and harmonize of the regional and sectoral development. These objectives will be achieved by increasing the resource availabilities, protecting their quality, saving their jobs and streamlining their uses in harmony with the environment and other natural resources. To achieve these objectives, legislation exists which requires the establishment of environmental flows and exchange rates.

The revised water law (TRLA), which in Article 59.7 indicates that environmental flows be established in the Basin Hydrological Plans after the completion of specific studies for each stream reach. As for the definition, according to that article TRLA, environmental flows are not an exclusive advantage over water resources, but they are a restriction imposed generally to operating systems, with the exception of supply populations . Article 42.1.b.c 'considers that at least environmental flows should maintain fish life naturally inhabit or could inhabit the river and its riparian vegetation.

Article 18 of the “Reglamento de Planificación Hidrológica” introduces the concept of environmental flows regime , which allows to maintain the functionality and structure of aquatic and terrestrial ecosystems, helping to achieve the good status in rivers and transitional water bodies.

Finally, the “Instrucción de Planificación Hidrológica” (IPH) determines the methodology used for calculating the environmental flows and their components: maximum flows, minimum flows, flood flows and exchange rates.

In conclusion, considering the currently laws and regulations, technical studies have been conducted to determine an environmental flow regime that isn't a single value for each water body but a different set of values during the course of the year which are considered minimum flows, maximum flows, flood flows and exchange rates.

COMMENT Nº. 019.08

Comment Summary

Trying to recover the environmental flow of release water from the reservoir. In Saviñao Concello , The action is just below the dam spillway Belesar where the river Miño is interrupted a long stretch (about 300m) because the drainage is made about 500 m below the dam. We suggest trying to get a minimum continuous flow through the opening of the gates spillways.

Argued Response

Not Accepted

The action which has been specified in the comment is a particular case which was due to construction on the dam, now there is flow from bottom outlet. When the central Belesar is working, the flow will be which was been imposed in the concession.

COMMENT Nº. 020.08

Comment Summary

We can't do an analysis which compares the current and reference situations because of the assessment of environmental flows

Argued Response

Accepted

The flow regime which is suggested is more demanding and rational due to be a regime during the course of the year. Although It's going to add a new append in Annex V to compare the theoretical environmental flow, which was established by the previous Plan, and consider it in the River Basin Management Plan.

COMMENT Nº. 020.07

Comment Summary

According to the Albufeira Convention, a new regime flow could be proposed to replace the established regime, however it has not been considered in the River Basin Management Plan.

Argued Response

Not Accepted

A new regime flow has been proposed in the River Basin Management Plan by River Basin District. The definitive regime flow shall be fixed when the consultation process finishes. This regime is not an obstacle to be changed by the CADC in case that they consider necessary .

COMMENT Nº. 021.05

Comment Summary

According to the comment, It is proposed to recognize the use of the irrigation communities, which are along bank of channel, as part of the environmental flow because this establishment benefits riparian vegetation.

Argued Response

Not Accepted

At present, the soil characteristics typical of riverine environment are such that in almost all the valleys in which accessibility is sufficient, riparian forests have been eliminated, fragmented or highly modified and reduced to a narrow strip along the channel. Therefore, one of the main threats to riparian vegetation conservation is their replacing by agricultural crops and forestry, the stretches channeling which are standing, the construction of water infrastructure and contamination by invasive species. The system alterations is a problem because of the close relationship that the riparian vegetation has

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

with the river status.

In general, the establishment of irrigation communities can't be considered beneficial by the riparian vegetation. However, it shall be added a section in the regulation to overcome irrigation resource for habitat conservation and restoration and natural and seminatural ecosystems and community interest that could be considered like other environmental uses.

COMMENT Nº. 024.01

Comment Summary

It is said that the Mino River has not normalized regulation of flow, ie which will produce large variations that can reach 10 m high. This cause inconveniences for fishermen because the catches and the aquatic fauna fall.

Argued Response

Not Accepted

Nowdays, the exchange rates have been incorporated by the River Basin Management Plan to give information, which will be implemented no later than 2016. However, prior to that date, River Basin District Authority can implement them case by case depending on the circumstances, requiring a minimum continuities in the flow, which preferably will be arranged by the reservoirs concessionaires.

COMMENT Nº. 025.10

Comment Summary

In some River Basin Managemen Plans, the maximum environmental flows do not have a clear definition. It seems that from an environmental perspective, his application would only make sense if the introduced flows are greater than in natural regime, but this direction is sometimes distorted or unclear to become a proposal to limit maximum flows which can use in hydroelectric plants. We understand that it must always respect the existing approved concessions.

Argued Response

Not Accepted

Maximum flow is defined as those that should not be exceeded during normal operation and management of water infrastructure. The River Basin District has followed the IPH instructions and the methodology which has been described in paragraph "3.2 Temporal distribution of maximum flows" of the "Guide for the determination of the flow regime" (GEC-ver. 0.7). The maximum regime of maximum flows was verified with hydrobiological models which ensured both adequate shelter for the existence of stages or sensitive species, such as maintaining longitudinal connectivity of the stretch.

COMMENT Nº. 025.09

Comment Summary

Sometimes, the minimum flow may be impossible to apply because of the characteristics of groups installed hydroelectric, the implantation must therefore be evaluated case by case. The consultation process, which is established by IPH, must be prior to the implementation of environmental flows.

Argued Response

Not Accepted

The implementation of environmental flows has been developed by a consultation process. This process has taken into account the current uses and demands and his concession regime. In particular for the calculation of minimum flows have been carried out all procedures required by IPH, Using all possible criteria. The values flow were obtained using: hydrological, hydrobiological and habitat modeling methods.

COMMENT Nº. 025.12

Comment Summary

The consultation process must take into account in the compensation of affected uses and possible condition to supply quality and security of energy demand.

Argued Response

Not Accepted

The consultation process in the River Basin Minho-Sil takes into account all the constraints required by IPH and other regulations.

COMMENT Nº. 025.08

Comment Summary

The validation methodology of the environmental flows offers uncertainties too large in the results to inform decisions about them as important as the definition of environmental flows.

Argued Response

Not Accepted

According to the laws and regulations, technical studies have been conducted to determine an environmental flow regime that isn't a single value for each water body but a different set of values during the course of the year which are considered minimum flows, maximum flows, flood flows and exchange rates. The environmental flows regime considered in the River Basin District is primarily based on a technical study of DGA implemented according to the methodology required by IPH.

COMMENT Nº. 025.01

Comment Summary

Hydroelectric power conditions can be transformed very easily in heavy loss of National Electricity System supply guarantee. In this sense, the two most detrimental conditions for hydroelectric uses are the environmental flows imposition and turbined flow restrictions.

Argued Response

Not Accepted

One of the general objectives of Management Plan is to achieve the good status and an adequate protection of water bodies in the river, to meet the water demands and to get the balance and harmonize of the regional and sectoral development. These objectives will be achieved by increasing the resource availabilities, protecting their quality, saving their jobs and streamlining their uses in harmony with the environment and other natural resources. To achieve these objectives, legislation exists which requires the establishment of environmental flows and exchange rates.

The revised water law (TRLA), which in Article 59.7 indicates that environmental flows be established in the Basin Hydrological Plans after the completion of specific studies for each stream reach. As for the definition, according to that article TRLA, environmental flows are not an exclusive advantage over water resources, but they are a restriction imposed generally to operating systems, with the exception of supply populations . Article 42.1.b.c 'considers that at least environmental flows should maintain fish life naturally inhabit or could inhabit the river and its riparian vegetation.

Article 18 of the “Reglamento de Planificación Hidrológica” introduces the concept of environmental flows regime , which allows to maintain the functionality and structure of aquatic and terrestrial ecosystems, helping to achieve the good status in rivers and transitional water bodies.

Finally, the “Instrucción de Planificación Hidrológica” (IPH) determines the methodology used for calculating the environmental flows and their components: maximum flows, minimum flows, flood flows and exchange rates.

In conclusion, considering the currently laws and regulations, technical studies have been conducted to determine an environmental flow regime that isn't a single value for each water body but a different set of values during the course of the year which are considered minimum flows, maximum flows, flood flows and exchange rates.

COMMENT Nº. 025.07

Comment Summary

In case of river stretches with hydroelectrical use, the environmental flows regime wich is determined by the River Basin Managment Plan should be analyzed according to his level

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

of reserve to the current concession framework, the balance of water availability and the water uses in each basin, taking into account the fact that environmental flows may be less stringent than the generally established, provided that the exception is properly justified.

In view of the analyzed Water Plans, the proposed environmental flows has been done in some cases regardless of existing concessions.

Argued Response

Not Accepted

According to the “Instrucción de Planificación Hidrológica “(IPH), the implementation of environmental flows has been developed by a concertation process. This process has taken into account the current uses and demands and his concession regime. The consultation process affect existing uses but he does not modify the conditions to be imposed on future uses included in the Water Plan.

The consultation process began with a information conferences where all concerned actors were invited. They were given information about the various technical studies which had been used to determine the flows. Subsequently It began a round of bilateral meetings with the involved or their representatives to carry out the concertation process and the introduction of environmental flows. The main object is:

- Assessing the environmental and hydrological integrity.
- Analyze the technical feasibility, economic feasibility and social feasibility
- Propose an implementation plan and adaptive management.

The bilateral meetings which have taken place have led to a review of some environmental flows which have been changed in the current draft River Basin Managment Plan.

Moreover, the ecological flow is a restriction imposed on Article 59.7 of the “ Texto Refundido de la Ley de Aguas” in any use except to population supply.

COMMENT Nº. 025.11

Comment Summary

For the calculation of flood flows is more important the dams safe operation than environmental considerations.

Exchange rates would reduce the flexibility of the exploitation of water resources to adjust production to the electrical system needs. It is believed necessary to make a specific assessment or hydro concession for each type of exploitation of water resources.

Argued Response

Not Accepted

It should clarify that exchange rates and generator flows which were defined by the studies are included in Annex 6.2. and 6.3. However, The River Basin District Authority

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

must establish their introduction and fulfillment case by case.

The instructions and guidelines which have been used to establish the flood flows are considered by the IPH. The main objective is to control the presence and abundance of different species, maintain water and sediment physicochemical conditions and improve the habitat conditions and availability through geomorphological dynamic and hydrological processes that facilitate the connection control with transitional waters of the river, sea and associated aquifers. On the other hand, exchange rates should avoid the negative effects of variation flows, such as aquatic organisms trawl during the upward curve and its isolation in the descent phase of the flows. They should help to maintain a favorable conditions for aquatic and riparian species regeneration.

Finally, According to the “Instrucción de Planificación Hidrológica “(IPH), the implementation of environmental flows has been developed by a concertation process. This process has taken into account the current uses and demands and his concession regime.

COMMENT Nº. 028.22

Comment Summary

The exploitation of water resources must be adapted to circulating flows, including through the establishment of maximum flows.

Argued Response

Not Accepted

Annex 6.2 of the draft “ Real Decreto”, which approves the River Basin Management Plan, are included maximum flows, which are those flows that must not be exceeded during normal operation and management of water infrastructure by all water bodies.

It is important to consider that there are old concessions which haven't taken into account many requirements in their concession clauses, so that The River Basin District Authority is working hard to reach agreements with reservoirs operators. Because of this and the current concertation process of the environmental flows Nowadays, Annex 6.2 and 6.3 haven been included to give information, which will be implemented no later than 2016.

COMMENT Nº. 028.25

Comment Summary

In the case of dams susceptible to thermal stratification, It must be promoted studies to ensure that ecological flow of released water has a minimum quality and also it is not released hypolimnetic water. It should be required physicochemical and biological parameters similar to those of the incoming water in the reservoir, so you should never pour water with a quality that compromise the ecological status downstream.

Argued Response

Accepted

In paragraph 3 h) of Article 46 of Regulations Document establishes that exploitation of water resources projects of new concession will make " A programme of physicochemical and biological quality control of reservoir water and the water returning to the natural course of the river ". However, to ensure minimum quality of environmental flow, it is added to a section specifying that output water quality must be equal to incoming water quality.

COMMENT Nº. 028.26

Comment Summary

If we consider the previous Water Plan (the current) , the minimum flow must not be less than 50 l / s in permanent rivers or all of the natural flow which is flowing if it were less than 50 l / s. This does not appear in the draft New Water Plan for what should be included

Argued Response

Accepted

The River Basin District Authority considers necessary to keep the value of the minimum flow of 50 l / s currently existing in the North River Basin Management Plan (1998), so it will include a section about this in the regulation.

COMMENT Nº. 028.41

Comment Summary

Nowadays, The establishment of environmental flows regime is an essential tool for River Basin District Authority management. An environmental flow must be representative of the natural variability of river flow regime and It will see the proper functioning of the various components associated with the river ecosystem, including flora and fauna. Its main function is to maintain the functioning, composition and structure of the river ecosystem that contains channel. We understand that hydroelectric distorts the function, since this flow is not just "pass water". Thus the environmental flow should not be subject to exploitation of water resources and must be explicitly included in the regulations.

Argued Response

Not Accepted

Miño-Sil River Basin District Authority agrees with the comment and believes that the environmental flow is an essential tool in the water bodies management and continuity must be maintained. However, It is important to consider that there are old concessions which haven't taken into account many requirements in their concession clauses, so that The River Basin District Authority is working hard to reach agreements with reservoirs operators through the concertation process to achieve the maintenance of environmental flows and new requirements on the Regulations Document.

Furthermore, it should be noted that Miño-Sil River Basin District Authority considers

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

appropriate that at least some environmental flow is not subject to exploitation but this decision transcends the Water Plan and this issue should be homogenized nationally, so we are working to be taken into account by the government regulation.

COMMENT Nº. 029.03

Comment Summary

The River Basin Management Plan consider that the implementation of environmental flows in existing concessions will be done by a concertation process. This is the reason that we ask a clear definition of the concertation process which allows the participation of administrations and affected organizations.

Argued Response

Not Accepted

According to the “Instrucción de Planificación Hidrológica “(IPH), the implementation of environmental flows has been developed by a concertation process. This process has taken into account the current uses and demands and his concession regime. The consultation process affect existing uses but he does not modify the conditions to be imposed on future uses included in the Water Plan.

The consultation process began with a information conferences where all concerned actors were invited. They were given information about the various technical studies which had been used to determine the flows. Subsequently It began a round of bilateral meetings with the involved or their representatives to carry out the concertation process and the introduction of environmental flows. The main object is:

- Assessing the environmental and hydrological integrity.
- Analyze the technical feasibility, economic feasibility and social feasibility
- Propose an implementation plan and adaptive management.

The bilateral meetings which have taken place have led to a review of some environmental flows which have been changed in the current draft River Basin Management Plan.

COMMENT NO. 029.23

Comment Summary

The River Basin Management Plan and its Regulations Document should include a protocol of measures to reduce water consumption because of prolonged drought, and not acting dwindling environmental flows.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

According to environmental flows under prolonged drought conditions, Article 18 of “Reglamento de Planificación Hidrológica” considers that in prolonged drought cases can be applied a less demanding flow regime provided that the conditions, which are considered by Article 38 of RPH on Temporary deterioration of water bodies status, are met. However, This exception does not apply to areas included in the Natura 2000 network or List Wetlands of International Importance under the Ramsar Convention of February 2, 1971. The maintenance of environmental flows will be given priority in these areas, although the rule about supremacy of supply populations use will be applied.

COMMENT Nº. 029.22

Comment Summary

It is proposed to do measures to get the water level stability in the reservoir, the stretch located between the dam and refunds and the water bodies located below the dam of the hydroelectric facilities, so allow the river ecosystem development.

Argued Response

Not Accepted

It is clear that these are goals of environmental flow regime proposed in the River Basin Management Plan.

COMMENT Nº. 029.06

Comment Summary

According to discharge environmental flow, when the use is exclusively for population supply the flow will be able reduced to a maximum of 50 %, This measure must be accompanied by a Water Use Restrictions Plan and stimulation socially responsible use.

Argued Response

Not Accepted

According to environmental flows under prolonged drought conditions, Article 18 of “Reglamento de Planificación Hidrológica” considers that in prolonged drought cases can be applied a less demanding flow regime provided that the conditions, which are considered by Article 38 of RPH on Temporary deterioration of water bodies status, are met.

COMMENT Nº. 029.04

Comment Summary

The period for maximum flows and exchange rates determination is considered excessive to complete the definition of environmental flows.

Argued Response

Not Accepted

Nowdays, the maximum flows and the exchange rates have been incorporated by the

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

River Basin Management Plan to give information, which will be implemented no later than 2016. However, prior to that date, River Basin District Authority can implement them case by case depending on the circumstances, requiring a minimum continuities in the flow, which preferably will be arranged with the reservoirs concessionaires.

COMMENT Nº. 029.05

Comment Summary

In relation with environmental flows under prolonged drought conditions, it rejects the reduction 50% of the required environmental flow. We propose to maintain the flow which is indicated by Annex 6.1 in all cases and in all water bodies affected by the River Basin Management Plan. The wording of PH at any time does not justify the need for uniqueness in the maintenance of ecological flow. Other areas or protected species that develop their life cycle in the whole water body can be affected by application of these exceptionalities in meeting environmental flow.

Argued Response

Not Accepted

According to environmental flows under prolonged drought conditions, Article 18 of “Reglamento de Planificación Hidrológica” considers that in prolonged drought cases can be applied a less demanding flow regime provided that the conditions, which are considered by Article 38 of RPH on Temporary deterioration of water bodies status, are met. However, This exception does not apply to areas included in the Natura 2000 network or List Wetlands of International Importance under the Ramsar Convention of February 2, 1971. The maintenance of environmental flows will be given priority in these areas, although the rule about supremacy of supply populations use will be applied.

COMMENT NO. 030.05

Synthesis of Comment

Quarterly distribution of environmental flows is not considered adequate because this is not any hydrobiological criteria. A general concept has been implemented that is not correct for all the rivers which have been applied.

Argued Response

Not Accepted

Although “Instrucción de Planificación Hidrológica” provides for the implementation of a monthly flow regime, a quarterly distribution has been chosen by the implementation because it is more feasible to implement and this was the approach taken by the

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

Convention of Albufeira. But in any case River Basin District Authority is willing to send information about monthly environmental flows if it is requested by respondent.

COMMENT Nº. 030.01

Comment Summary

It is not considered appropriate that environmental flows can be modified in new hydroelectric power stations whose ecological flows have been imposed, not only with all environmental studies, but also, after the entry into force of the DMA.

Argued Response

Not Accepted

Based on the legislation and regulations, technical studies have been executed to determine an environmental flow regime which have been obtained minimum flows, maximum flows, flood flows and exchange rates. This environmental flow regime is applicable to all new exploitation of water resources, but in the case of existing concessions, the environmental flow shall be implanted by appropriate concertation process which is being developed.

According to the “Instrucción de Planificación Hidrológica “(IPH), the implementation of environmental flows has been developed by a concertation process. This process has taken into account the current uses and demands and his concession regime. The consultation process affect existing uses but he does not modify the conditions to be imposed on future uses included in the Water Plan.

The consultation process began with a information conferences where all concerned actors were invited. They were given information about the various technical studies which had been used to determine the flows. Subsequently It began a round of bilateral meetings with the involved or their representatives to carry out the concertation process and the introduction of environmental flows. The main object is:

- Assessing the environmental and hydrological integrity.
- Analyze the technical feasibility, economic feasibility and social feasibility
- Propose an implementation plan and adaptive management.

The bilateral meetings which have taken place have led to a review of some environmental flows which have been changed in the current draft River Basin Managment Plan.

COMMENT Nº. 030.02

Comment Summary

The adaptation of uses to new environmental requirements proposed in the River Basin Managment Plan generates costs which are not included in his Amortization Plan. If the fulfillment of the environmental flows involves to adapt new facilities, it should be

provided a compensation to the promotor by the Administration under Article 65 of TRLA, and this cost should be included in the Measures Program.

Argued Response

Not Accepted

About the process which must be followed by the implementation of environmental flows regime in existing concessions, both legal practice and doctrine have adopted different criteria depending on the situation, so that the route of review under Article 65.1.c) of TRLA is not the only procedure for incorporating these environmental measures in existing uses.

In terms of hydraulic concessions, it should clarify that they are public so the concessionaire is subject to a number of important constraints, among which are environmental constraints. In this sense, even when there is no doubt that the Public Administrations act according to the Constitution, Laws and Right. But it should be noted if Hydraulic Administration can include in the concessions new environmental conditions. It doesn't result right to accept the claim that the route of the review is only possible to carry out this implementation.

The comment made believe that the course of the review provided in Article 65.1.c) of TRLA is the only procedure for incorporating these new environmental requirements in the existing concessions. But we should not forget that the variety of Miño Sil concessions is very wide, so that it also could be called a record review because of changing the assumptions determining the granting of them (Article 65.1.a of TRLA) an even record of change in the nature of the concession if we want to incorporate environmental measures on existing concessions. Note that, as evidenced STS of September 28, 2005, "(...) there aren't acquired rights the entire flow of a river at times and circumstances in which it is not possible or even the survival of fauna and flora of the surrounding area as a result of excessive use, besides being prohibited by Law Water ".

The implementation of environmental flows has been developed by a consultation process. This process has taken into account the current uses and demands and his concession regime. In particular for the calculation of minimum flows have been carried out all procedures required by IPH, Using all possible criteria. The values flow were obtained using: hydrological, hydrobiological and habitat modeling methods.

In any case, according to current regulations and as required by Article 19.3. The implementation of environmental flows has been developed by a consultation process. This process has taken into account the current uses and demands, his concession regime and the good practices.

As for the possible existence of compensation, it is necessary study case by case, it is not result in accordance with law the comment that such compensation will exist in all cases

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

of existing concessions which have implementation of an environmental flow. And, contrary to the comment, the establishment of these measures would not necessarily affect the economic and financial equilibrium of the concession, but that fact must be analyzed case by case.

COMMENT Nº. 032.02, 033.02, 034.02, 035.02, 036.02, 037.02, 038.02 AND 039.02.

Comment Summary

We ask to agree with the Dam Velle concessionaire some flow limitations and operating rules so that there aren't sudden ups and downs throughout the day and it is possible to notice given sufficient time in an emergency.

Argued Response

Not Accepted

According to the flow limitations and operating rules Dam Velle, in Annex 6.2 of the Regulations Document have been included maximum flows, which are those flows that must not be exceeded during normal operation and management of water infrastructure for both the reservoir Velle, reason for this comment, and the rest of water bodies. In Annex 6.3 of these regulations sets out the exchange rate (maximum flow rate difference between two successive values of a hydrological series per unit of time, both for the conditions of ascent and descent of flow) for both the reservoir Velle, reason for this comment, and the rest of water bodies.

It is important to consider that there are old concessions which haven't taken into account many requirements in their concession clauses, so that The River Basin District Authority is working hard to reach agreements with reservoirs operators. Because of this and the current concertation process of the environmental flows Nowadays, Annex 6.2 and 6.3 haven been included to give information, which will be implemented no later than 2016.

COMMENT NO. 047.20

Comment Summary

Exchange rate time. In addition to the environmental flows comment. In case of Sil VII (page 13 of Appendix V.4), the indicated values and its temporal variation can not be fulfilled because that magnitude variations downstream of San Martin are caused by discharges from the spillway on flood events where the infrastructure security criteria should prevail.

Motivated Response

Not Accepted

Exchange rates were defined by the studies are included in Annex 6.2. and 6.3. However, The River Basin District Authority must establish their introduction and fulfillment case by case. Also during this period the values and their implementation will be reviewed in case

of existing concessions.

COMMENT NO. 047.38

Synthesis of Comment

Order ARM 1312/2009 is referred in Article 23.2 of the Regulations Document with objective of the environmental flows control. This Order refers to the control of the water volumes used by the Public Water Uses, returns and waste discharges, as far as environmental flows is not implementing this Order.

Motivated Response

Not Accepted

It is considered that there has been a misinterpretation of the Article 23.2 because the reference to Order ARM 1312/2009 is considered primarily as a tool for monitoring environmental flows. Thus, the control of water volumes for the implementation will use to control the environmental flows.

COMMENT Nº. 047.37

Comment Summary

The transitional period to adapt the drainage system (January 1, 2016) depends on the approval of the Water Management Plan and the environmental flow concertation which may become insufficient. It is proposed to replace this date to be agreed in the concertation process. In any case the adequacy costs of existing infrastructure would apply in Article 59.6 of TRLA for extending the concession period.

Argued Response

Accepted

The transitional period indicated in Article 22 section 6 is considered appropriate to accommodate the drainage elements, however, in cases where technical difficulties could happen for the execution of this adaptation could be considered an extension. Because of this, River Basin Authority considers appropriate to modify the section 6 of Article 22 adding a clarification as "as long as there are no technical reasons that have to be justified by the concessionaire, and if it is necessary it will authorize a new period by Administration."

Furthermore, considering the application of concession extending under Article 59.6 should be treated case by case. Although the public water management has to be reconciled with conservation and environmental protection, this compatibility should be without prejudice to maintain the economic balance of the concession.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT Nº. 047.36

Comment Summary

It can not be adopted the flow regime established in Annex 6.1, as there is a concertation process which will probably result a different flow regime of this Annex.

In Article 22 section 4 indicates that the discharge environmental flow regime be required after the entry into force of the Water Management Plan and it should take into account the concertation process.

Argued Response

Accepted

Indeed the consultation process flow is applicable to Article 22 the same way that Article 19.3 for those pre-existing concessions, so the consultation process is developed for discharge environmental flow.

COMMENT Nº. 047.35

Comment Summary

In addition to what has been considered for uncontrolled rivers in Article 19.6, it must specify in uncontrolled rivers that the environmental flow can not be charged to reserves.

Section 8 of the article contradicts what is said in section 4.4.1 of the report: "The minimum flows will be mandatory, while the rest were included in this informative ...". To be consistent, at this section should read: "The minimum flow regime will be implemented during the Water Management Plan period..."

Motivated Response

Not Accepted

As reference to Article 19.6 is considered that there should actually be the environmental flow out of reserves because with the release of the inflow would be enough, should be considered that this is appropriate as long as all the water system works the same way and now this is not true, and that is not fulfilling environmental flows.

On the other hand, the second proposal made on section 8 of article is not appropriate and will maintain the current wording.

COMMENT Nº. 047.32

Comment Summary

It is considered necessary to incorporate in the Measures Programme a prize related with the concertation process of environmental flows.

Argued Response

Not Accepted

As previously answered, the obligation to maintain environmental flows need not be cause for compensation under current legislation.

On the other hand, it would be necessary to collect data from each of the affected

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

companies to allow the costs assessment and establish a budget if the compensation was justified. Furthermore, it should taken into account that the compensation could be not only economically, but also through extending concessional, mini power plants installation to throw environmental flow turbine.

COMMENT NO. 047.24

Synthesis of Comment

Several observations are made about the maps and tables of Annex V Environmental flow:

- The coordinates do not correspond with the representation on the maps of water bodies maps of Bárcena, Boeza, Fuente del Azufre y Río Sil V y Burbia III.
- The environmental flow of Fuente del Azufre should be the sum of the o Fuente del Azufre and Boeza VI.
- The environmental flow of Cua IV is 42% greater than Sil in Barcena, while the annual contribution area is only 20% lower (data from PH Norte I).
- Peñarubia. The environmental flow of Peñarubia is excessive in quarter 4.
- The environmental flow of Cabrera II involves a 40% of the average annual contribution, it seems unlikely that the percentile 5 can achieve that value. The proposed environmental flow is the same than Boeza which has a contributions greater than Cabrera. The sum of environmental flows which contributes to Cabrera II is less than the environmental flow in Cabrera. If we compare the data with those available in the gauging station (1734) the ecological quarter 4 is higher than average flow of the river.
- Pumares. Its environmental flow Peñarubia should be to further the ecological tax for the intermediate (Cabrera) and since the flow Peñarubia and Cabrera is excessive, this is too. Quarters 1 and 4 are worrying where there are 30% of defaults according to the natural flow series concerned. It is consider that the dam discharga a environmental flow voluntary of 7m³/s.
- Sil VI. Between Pumares and Sil VI There isn't almost contribution river basin (93Hm³/año). The river basin area is 4200km², Pumares 4000km², the middle river basin 200km² (pratically negligible). Therefore, the environmental flow of Sil VI should be almost the same as Pumares, however, it is happen an increased of 155Hm³/año.
- Embalse de Santiago. Like the previous case.
- Embalse de San Martín. Between the reservoirs of Santiago and San Martin there isn't contribution river basin, so the environmental flows should be identical.
- Embalse de Sequeiros. The environmental flow in quarter 4 is greater than the actual contribution (historical average), when in this quarter the actual flow is greater than

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

natural flow.

- Lor II. If we compare the proposed environmental flow with the series of gauging station 1754 of CEH It is found that the percentage of daily failures is 27% and in the quarter 4 of 35%. The percentile 5 of the serie of actual flows is half the derivative of the study.
- Embalse de San Esteban. It makes no sense to speak of environmental flow since because the end of the reservoir of San Pedro reaches the reservoir of San Esteban (reservoirs system). This has been recognized in the concession of St. Stephen, in 2008, where, in exceptional circumstances only when the queue reaches St. Peter St. Stephen speaks of ecological flow (set at 3.6 m³ / s).
- Cabe. The river Cabe has an area of 737 km² and average annual contribution of 232 Hm³. The proposed environmental flow is an annual volume of 104 Hm³, being this the 45% of the average annual contribution.
- Embalse de San Pedro. It is the same as in San Esteban, the end of the Velle reservoir reaches San Pedro reservoir.
- Embalse de Chandrexa. In many cases, the environmental flow in quarter 1 and 4 is greater than the natural flow (16% in quarter 1 and 60% in 4).
- Embalse das Portas. The environmental flow is fixed by concession (500l / s 10% of the average flow). The percentile 5 estimated of the interested serie is 10% of the average flow, whereas the percentile 5 derived from study is 15%.
- Embalse de Bao Dam. The proposed environmental flow is twice the pertencile 5 estimated . The sum of the different environmental flows which have contribution to Bao reservoir is less than the environmental flow proposed.
- Embalse de Montefurado. The end of Sequeiros reservoir always gets Montefurado, so it makes no sense the environmental flow.
- Embalse de Santa Eulalia. The environmental flow of Santa Eulalia should be the same as Prada reservoir because there isn't intermediate river basin contribution. The proposed values are high, especially in quarters 1 and 4 where the percentage of failures is 20% and 88% respectively.

Argued Response

Not Accepted

First, as discussed above, the comm based on the calculations of the flow series of Iberdrola "means the natural flow that would flow down the river if there were no regulatory structures," is in its wrong basis, and that should be considered in addition to the failure to regulate the channel, set-aside demands upstream of the point. Therefore the conclusions drawn from this analysis are not supported properly.

In addition to the existing concessions, we analyze in the current concertation process the environmental flows case by case where its possible implementation is negotiated.

Finally, regarding the correspondence of coordinates of end points of mass and its

representation in the map was made of the same revision.

COMMENT Nº. 047.02

Comment Summary

The restrictions, conditions and easement of access which resulting from the Water Management Plan and affect existing concession rights, are to be understood as a course of reviewing these concession rights, water law 65.1.c), so that the total economic impact to be compensated. In this respect these restrictions are included in considered environmental flows (minimum, maximum and exchange rates) should be compensated. Under this item is included in Article 20.3 of the rules of the Plan, where concessionary modifications regarding this article should be compensated.

Motivated Response

Not Accepted

About the process which must be followed by the implementation of environmental flows regime in existing concessions, both legal practice and doctrine have adopted different criteria depending on the situation, so that the route of review under Article 65.1.c) of TRLA is not the only procedure for incorporating these environmental measures in existing uses.

In terms of hydraulic concessions, it should clarify that they are public so the concessionaire is subject to a number of important constraints, among which are environmental constraints. In this sense, even when there is no doubt that the Public Administrations act according to the Constitution, Laws and Right. But it should be noted if Hydraulic Administration can include in the concessions new environmental conditions. It doesn't result right to accept the claim that the route of the review is only possible to carry out this implementation.

The comment made believe that the course of the review provided in Article 65.1.c) of TRLA is the only procedure for incorporating these new environmental requirements in the existing concessions. But we should not forget that the variety of Miño Sil concessions is very wide, so that it also could be called a record review because of changing the assumptions determining the granting of them (Article 65.1.a of TRLA) an even record of change in the nature of the concession if we want to incorporate environmental measures on existing concessions. Note that, as evidenced STS of September 28, 2005, "(...) there aren't acquired rights the entire flow of a river at times and circumstances in which it is not possible or even the survival of fauna and flora of the surrounding area as a result of excessive use, besides being prohibited by Law Water ".

The implementation of environmental flows has been developed by a consultation process. This process has taken into account the current uses and demands and his concession regime. In particular for the calculation of minimum flows have been carried out all procedures required by IPH, Using all possible criteria. The values flow were

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

obtained using: hydrological, hydrobiological and habitat modeling methods.

In any case, according to current regulations and as required by Article 19.3. The implementation of environmental flows has been developed by a consultation process. This process has taken into account the current uses and demands, his concession regime and the good practices.

As for the possible existence of compensation, it is necessary study case by case, it is not result in accordance with law the comment that such compensation will exist in all cases of existing concessions which have implementation of an environmental flow. And, contrary to the comment, the establishment of these measures would not necessarily affect the economic and financial equilibrium of the concession, but that fact must be analyzed case by case.

COMMENT NO. 047.21

Synthesis of Comment

Flow generators. Any decision should be agreed before with concessionaire companies. In addition to maintain the boundaries of DPH by the flow generator is necessary to replace the police channels through an expenditure of water resources must take into account that the magnitude of proposed discharges may represent a significant risk.

Motivated Response

Not Accepted

As for exchange rates, the generator flow are only included in the Water Management Plan for information and can be changed by the current concertation process and new studies which are developed during the planning period.

On the other hand, it is clear that the objective of generator flows is not to maintain the public water but to maintain the natural processes which would happen if the channel was not covered, keeping the geomorphological structure of the river.

COMMENT Nº. 047.19

Comment Summary

In Annex V is not mentioned the issue indicated by section 3.4.2 of IPH, as regards the limit to fix minimum environmental flow in water bodies hydrologically altered is between 30 and 80% of maximum HPU.

Argued Response

Not Accepted

It is contemplated in water bodies hydrologically altered to calculate the environmental

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

flow regime, so it is specified by section 2.1.1.2.5 of Annex V of the Report Water Management Plan.

COMMENT Nº. 047.18

Comment Summary

With the proposed flow regime can be seen, as a rule, than the sum of those who reach a point is greater than the proposed for that point, a significant amount (greater in many cases, especially in low water, the contribution intermediate basin). This results, in regulated stretches, a reservoir which is situated downstream has to discharge an environmental flow greater than the sum of environmental flows of reservoirs which are situated upstream. Sometimes this happen in reservoirs without intermediate river basin.

Argued Response

Not Accepted

The writing of the observation establishes two contradictory statements between the first and the second part, so that you can not easily understand what is meant.

However, it is clear that in some cases have spotted an unreasonably high value, so it is evaluating the change in the value of environmental flow.

COMMENT NO. 047.17

Comment Summary

The respondent has analyzed the proposed environmental flows implementation in three uncontrolled rivers (Cabrera, Cua and Lor), comparing these values with the actual daily flow measured at gauging stations of the Centre for Hydrographic Studies of CEDEX in in the same number of years that the study from which we derive the proposed environmental flows (series 1980-2006). These sections have been selected because there are gauging stations which are closed to the final water bodies and are uncontrolled rivers (actual flows equal to natural flows).

The findings of this analysis are:

- The daily great number of failures in the series, reaching 80% in some quarters.
- The percentile 5 calculation based on actual data set gauging stations is almost half the environmental flow provisions of the Water Management Plan.

On the other hand has been made, also, a similar comparison with the series of natural flows in reservoirs managed by the entity interested in the area of Miño-Sil with similar conclusions.

Motivated Response

Not Accepted

The finding on which the calculations are based on the comparison made by Iberdrola

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

"means the natural flow that would flow down the river if there were no regulatory structures," is in its wrong basis, and that should be considered in addition to the failure to regulate the channel, set-aside demands upstream of the point. Therefore the conclusions drawn from this analysis are not supported properly.

COMMENT NO. 047.16

Comment Summary

He does various comments to annex V of Environmental flows:

- The environmental flows implementation of the Water Management Plan means an the environmental demands increase fixed in the PH Norte I 300%.
- Its implementation is an important problem on exploitation of water resources of the interested entity with estimates of large losses.
- It makes no sense to fix a environmental flow value in reservoirs where the end of the lower reservoir reaches the dam of the upper reservoir.

Argued Response

Not Accepted

The environmental flows regime calculation has been based on technical studies to determine the environmental flows regime elements (minimum flows, maximum flows, generators flows and exchange rates) in all water bodies: water assessment and subsequent adjustment with modeling of habitat, in accordance with Article 18 of the RPH and section 3.4 of the IPH. However, as discussed above, a consultation process is being developed that concerns pre-existing uses so as to achieve reconcile the rights to use water with the environmental flows to allow their implementation. As prescribed in Article 19.3 "For existing concessions will be implemented environmental flow regime through the corresponding concertation process."

On the other hand, the fact that it isn't necessary to fix an environmental flow value in reservoirs is arguably where the end of the lower reservoir reaches the dam of upper reservoir, because in many cases there are stretches that are dry.

COMMENT NO. 047.15

Synthesis of Comment

It emphasizes the consideration of the concertation process of environmental flows specified in Article 18.3 of the RPH. This process involves a negotiation or alternatives resolution phase where all affected are represented, and must be prior to the environmental flow implementation in the Water Management Plan. It also stresses the need for the concertation process is performed before the adoption of the Water Management Plan.

It also indicates the lack of process information in Annex V of the Plan.

Motivated Response

Not Accepted

In accordance with section 3.4 of IPH, the establishment of the environmental flows regime is done through a process that will involve three phases:

A) First phase: Technical studies development are used to determine the environmental flow regime elements. Developed studies must identify and characterize those water bodies altered hydrologically, are heavily modified water bodies or not, where there may be significant conflict with the water uses. During this phase a minimum regime flow will be defined which is less demanding to prolonged droughts.

B) Second phase: It is a concertation process which is defined by various levels of action (information, public consultation and active participation), in those cases which cases are influenced by allocations and reservations of the Water Management Plan.

C) Third phase: It is the concerted process of all environmental flows elements and adaptive monitoring.

As shown, the first phase of the establishment of environmental flows refers to the determination of its elements. Meanwhile, the concertation process corresponds with the second and third phases of the process.

According to the "Instrucción de Planificación Hidrológica "(IPH), the implementation of environmental flows has been developed by a concertation process. This process has taken into account the current uses and demands and his concession regime. The concertation process affects existing uses but he does not modify the conditions to be imposed on future uses included in the Water Plan.

The concertation process began with a information conferences where all concerned actors were invited. They were given information about the various technical studies which had been used to determine the flows. Subsequently It began a round of bilateral meetings with the involved or their representatives to carry out the concertation process and the introduction of environmental flows. The main object is:

- Assessing the environmental and hydrological integrity.
- Analyze the technical feasibility, economic feasibility and social feasibility
- Propose an implementation plan and adaptive management.

The bilateral meetings which have taken place have led to a review of some environmental flows which have been changed in the current draft River Basin Management Plan.

On the other hand, it is important to note that the concertation process of environmental flows is a negotiation for the implementation of these and not for its calculation or determination which would correspond, as discussed, with the first phase of the process as provided in paragraph 3.4 of the IPH. In section 3.4.6 of IPH is said about the concertation process, that "The environmental flows implementation will be developed

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

under a concertation process," and the elements of this regime are not mentioned.

In terms of participation levels in the concertation process, (information, public consultation and active participation), the section 3.4.6 of IPH develops the considerations mentioned at the beginning of Section 3.4 clarifying that when the environmental flows regime determines allocations and reservations of Water Management Plan, the concertation process will cover all participation levels including the active participation which is a negotiation or alternatives resolution phase where they are adequately represented all interested parties, and which must be prior to the environmental flows inclusion in the Water Management Plan.

However, in other cases, the implementation process of the environmental flow regime will be subject to a specific program that will include the definition of the concertation process and, therefore, it will be later than the Water Management Plan writing. At least this concertation process should cover the information and public consultation levels, and the River Basin District Authority will decide if the active participation level is necessary.

In summary, the environmental flows implementation follows the regulations in this area. In this case the conclusion is established as a complex and continued process which is developing throughout the planning process and in any case, once Water Management Plan is approved. It shall continue with a monitoring phase and evolution whose objective will be to maintain or improve the agreement reached during the concertation process.

COMMENT N^o. 047.14

Comment Summary

Several observations are done to Chapter 4 in relation to environmental flows:

-In relation to minimum flows, maximum flows and exchange rates, it is considered that its effects on production must be compensated and given a concession extension according to Article 65 and 59.6 of TRLA.

- The downstream flood flow of control infrastructure are considered to have two functions: maintenance of DPH and ensure the circulation of a solid flow. Maintenance of DPH should be done through proper police of channels. As for the second function may give more problems than benefits.

-The exchange rates boundaries are incompatibles with some of the main hydropower functions.

Argued Response

Not Accepted

The first part of this comment is answered by the comments 047.02 and 047.03.

The flood flows function is not the maintaining of DPH as the comment tries to convince but to maintain natural water regimes that would occur if the channel was not controlled, keeping the geomorphological structure of the river, as well as the section 3.4.1.3 of the

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

IPH. Flood flows are one of the components necessary for the environmental flows implementation.

As for exchange rates, it is important to remember that, under current legislation, section 3.4.1.3 of IPH is a necessary component of environmental flows regime.

On the other hand, in Article 20 is established that the exchange rates, which are defined by studies, are included for information in Annex 6.2. and 6.3., the implementation and fulfillment must do case by case depending on the the circumstances. However, although the exchange rates are not implemented during this planning period, the River Basin District Authority want to established the full environmental flow regime in 2016.

COMMENT NO. 047.22

Comment Summary

In section 3.1.3 is indicated that the environmental flow which is required in drought situation must be 50% of environmental flow in normal situation, the reduction is considered insufficient.

In section 3.1 is indicates that the flow can be revised depending on the precipitation along the hydrological year. It seems an expression of intent rather than a criterion, the reduction percentages of the environmental flows regime should be defined by this phase.

Argued Response

Not Accepted

In reation to environmental flows in prolonged drought conditions, Article 18 of the “Reglamento de Planificación Hidrológica” considers that in these cases it may be applied less stringent flow regime provided that the conditions established in Article 38 of RPH about temporary deterioration of the water bodies status. It is considered that a reduction of 50% is sufficient if we considers the environmental flow studies which have been done with the natural flow series SIMPA.

COMMENT Nº. 050.01

Comment Summary

The interested party disagrees with the proposed minimum environmental flow for the river Edo I, channel is affected by hydropower.

Firstly it is considered that environmental flows should be fixed by specific studies for each stretch and not through generic extrapolations which are separated from physical reality.

Second, it is considered inadequate to implement an environmental flows that represent an increase of 400% of the flows approved for the concession by resolution of CHN on

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

8/11/2004 and those contained in the statement of environmental effects of 31/08/1999 that are authorized by the resolution that approved the transfer of the concession on 20/09/2006.

It has been made a comparison and it has studied the increase in each month, we must also consider that the plant can be operable only from October to May.

On the other hand, it is more difficult to understand this proposal because the environmental flows in this stretch is in good condition.

Argued Response

Not Accepted

The proposed environmental flows regime have been established as a minimum quarterly flow to lower water bodies, which have been established in all water bodies by hydrological methods (Percentile 5). Microbiological methods were developed for 10% of water bodies in the Demarcation but they were used to review the other values, but overall remained flows calculated by hydrological methods (less demanding in any case).

On the other hand, it is important to note that the implementation of environmental flows in the case of existing concessions is developed under the concertation process that is negotiated case by case.

COMMENT Nº. 050.02

Comment Summary

Economic-financial balance of the demanial concession. Right to compensation for the concession review through PH.

The flows proposed is an absolute change of authorized concessional regime and if it is considered through the review of the concession, it will be asked a compensation by an effective damage under the Article 65.3 and Article 91.2 of TRLA and 156.1 of RDPH. On the other hand we must remember that it should do a concertation process of environmental flow.

An annex to this allegation has been attached a report which reflects the reduction of exploitation of water resources hydropower which mean the flows imposition, to realize the damage that this defendant would suffer, and which quantifies the economic loss compensation.

Argued Response

Not Accepted

About the process which must be followed by the implementation of environmental flows regime in existing concessions, both legal practice and doctrine have adopted different criteria depending on the situation, so that the route of review under Article 65.1.c) of TRLA is not the only procedure for incorporating these environmental measures in existing uses.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

In terms of hydraulic concessions, it should clarify that they are public so the concessionaire is subject to a number of important constraints, among which are environmental constraints. In this sense, even when there is no doubt that the Public Administrations act according to the Constitution, Laws and Right. But it should be noted if Hydraulic Administration can include in the concessions new environmental conditions. It doesn't result right to accept the claim that the route of the review is only possible to carry out this implementation.

The comment made believe that the course of the review provided in Article 65.1.c) of TRLA is the only procedure for incorporating these new environmental requirements in the existing concessions. But we should not forget that the variety of Miño Sil concessions is very wide, so that it also could be called a record review because of changing the assumptions determining the granting of them (Article 65.1.a of TRLA) an even record of change in the nature of the concession if we want to incorporate environmental measures on existing concessions. Note that, as evidenced STS of September 28, 2005, "(...) there aren't acquired rights the entire flow of a river at times and circumstances in which it is not possible or even the survival of fauna and flora of the surrounding area as a result of excessive use, besides being prohibited by Law Water".

The implementation of environmental flows has been developed by a consultation process. This process has taken into account the current uses and demands and his concession regime. In particular for the calculation of minimum flows have been carried out all procedures required by IPH, Using all possible criteria. The values flow were obtained using: hydrological, hydrobiological and habitat modeling methods.

In any case, according to current regulations and as required by Article 19.3. The implementation of environmental flows has been developed by a consultation process. This process has taken into account the current uses and demands, his concession regime and the good practices.

As for the possible existence of compensation, it is necessary study case by case, it is not result in accordance with law the comment that such compensation will exist in all cases of existing concessions which have implementation of an environmental flow. And, contrary to the comment, the establishment of these measures would not necessarily affect the economic and financial equilibrium of the concession, but that fact must be analyzed case by case.

COMMENT NO. 052.02

Synthesis of Comment

It asks to include in the Water Management Plan the requirement that the concessionaire Frieira reservoir fulfill with the EU, national and regional regulations relative to environmental flow. This is necessary to avoid that sudden changes in river level cause damage to wildlife, especially fish wealth of the river Miño, which may also cause harm to

people.

Motivated Response

Not Accepted

According to the flow limitations and operating rules Dam Velle, in Annex 6.2 of the Regulations Document have been included maximum flows, which are those flows that must not be exceeded during normal operation and management of water infrastructure for both the reservoir Frieira, reason for this comment, and the rest of water bodies. In Annex 6.3 of these regulations sets out the exchange rate (maximum flow rate difference between two successive values of a hydrological series per unit of time, both for the conditions of ascent and descent of flow) for both the reservoir Frieira, reason for this comment, and the rest of water bodies.

It is important to consider that there are old concessions which haven't taken into account many requirements in their concession clauses, so that The River Basin District Authority is working hard to reach agreements with reservoirs operators. Because of this and the current concertation process of the environmental flows Nowadays, Annex 6.2 and 6.3 haven been included to give information, which will be implemented no later than 2016.

COMMENT NO. 054.07 AND 055.07

Synthesis of Comment

Environmental flows should include minimum flows, maximum flows and exchange rates, the existing concessions must adapt to new environmental flows. The administration will monitor the fulfilment of environmental flows which have been established.

Motivated Response

Accepted

Chapter III of the regulations document details all aspects of environmental flows: minimum flows, maximum flows and exchange rates. The control and monitoring of environmental flows are defined by article 23. Therefore, it is considered that the above in this comment has already included in the Regulations Document.

COMMENT Nº. 056.07

Comment Summary

As for environmental flows, we have an idea about minimum flows considering the improvement in water quality, so that the environmental flow can be defined as those able to dilute pollution discharges that exist in downstream stretches. This is a mistake because we must not confuse the quantity with quality issue. Furthermore the environmental flow application requires non-contaminated water.

Motivated Response

Not Accepted

According to Article 42.1.b.c ', which considers that at least environmental flows should maintain fish life naturally inhabit or could inhabit the river and its riparian vegetation.

Article 18 of the "Reglamento de Planificación Hidrológica" introduces the concept of environmental flows regime , which allows to maintain the functionality and structure of aquatic and terrestrial ecosystems, helping to achieve the good status in rivers and transitional water bodies.

Finally, the "Instrucción de Planificación Hidrológica" (IPH) determines the methodology used for calculating the environmental flows and their components: maximum flows, minimum flows, flood flows and exchange rates.

The environmental flow has been defined in the Water Management Plan as provided in the regulations document mentioned and the calculations have been done according to the methodology established in the IPH.

COMMENT NO. 059.13

Synthesis of Comment

It is considered that the law distinguishes between the environmental flows determination and their implementation, providing a concertation process with the users, which will take into account existing uses. The IPH speaks about three phases, environmental flows determination, a concertation process in those cases which determine allocations and reservations of the Water Management Plan and agreement implementation process. Finally, according to the interested party, if the flows determine the existing uses, the concertation process will be extended to the determination phase, as IPH in section 3.4.6. It concludes that this scheme applies to new environmental requirements, so that their introduction will determine the review of water rights in accordance with procedures established by the water legislation.

Motivated Response

Not Accepted

Indeed, the first phase of the establishment of environmental flows refers to the determination of the elements. Meanwhile, the concertation process corresponds to the second and third phases of the process relating to its implementation, differing levels of action depending on the assignments and reserves condition or not significantly.

In this sense, it is important to note that the concertation process of environmental flows is a negotiation for the implementation of these and not for its calculation or determination which would correspond, as discussed, with the first phase of the process as provided in paragraph 3.4 of the IPH. In section 3.4.6 of IPH is said about the concertation process, that "The environmental flows implementation will be developed under a concertation process," and the elements of this regime are not mentioned, as stated by Gas Natural SDG , S. A.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

As for other environmental requirements, we should clarify that for the incorporation of these other environmental measures are not expected this concertation process on the regulations document, notwithstanding that the same could be considered for the establishment of the same. The River Basin District Authority always try to reach agreements, but the process need not be equal to the concertation process of environmental flow.

COMMENT NO. 059.34

Synthesis of Comment

The interested party is convinced that in the framework of understanding that he has always had with the River Basin District Authority is possible to reconcile environmental objectives with the role of hydroelectric plants. The interested party has presented projects to modify the concession, before the Water Plan, to discharge environmental flows through the construction of mini-hydroelectric power stations, where was not strictly necessary and also it has reached agreements with the regional administration competent for river fishing. Therefore, it indicates the availability to start the concertation process as soon as it is possible.

Argued Response

Not Accepted

The River Basin District Authority appreciates the availability of interested party and it has already resumed the concertation process after the public consultation period of the Plan for environmental flows implementation which allows the benefit of all interested parties.

COMMENT Nº. 059.20

Comment Summary

It is considered that the exchange rate, maximum flows and generator flows must be determined according to the “Ministerio de Industria” and “Red Eléctrica”, with the appropriate concertation process and should disappear the legislation is approved.

It is also considered that the location of the plants should be considered to require these exchange rates and flows, in cases which they discharge to another reservoir queue.

Finally, we request the deletion of Art. 20.3, because it is confused and due to infringe the “Ley de Aguas” and “RDPH”.

Argued Response

Not Accepted

The River District Authority considers that all contributions that occur are welcome for the final implementation of the exchange rate, maximum flows and generator flows including the contributions of “Ministerio de Industria” and “Red eléctrica” which will

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

undoubtedly be taken into high consideration. They will also be taken into account the contributions which want to make the regional administration. In any case, as it has been noted in previous responses, the concertation process of environmental flows is a negotiation for their implementation and not for its calculation or determination, which would correspond, as discussed already, with the first phase of the establishment of environmental flows, carried out through the relevant technical studies. In this regard, it should be noted here that the implementation of environmental flows regime is studied case by case through the concertation process which has been initiated.

Moreover, the location of hydroelectric power stations were also analyzed for the determination of environmental flows elements and their implementation.

Finally, according to Article 20.3, although we consider that this article doesn't infringe the rules, we will proceed to improve the writing.

COMMENT NO. 059.19

Comment Summary

The requirements of the national electricity system aren't in the art. 24 of the regulations document as a cause to justify the non-fulfilment of the considered flows . It is proposed in section c) of Art. 24.1 "to meet or exceed the electrical system demands not be met under the same conditions as with other energy sources."

Argued Response

Not Accepted

The proposed exception is no need, as it indicates in "Exposición de Motivos de la Ley del Sector Eléctrico": "to ensure the power supply, his quality and cost does not require more government intervention than the specific regulation. It is not necessary that the State reserves itself the exercise of any of the activities which are integrated by the power supply. Thus, we lose the notion of public service, traditional in our system despite its progressive loss of significance "

Furthermore, if we include this kind of expression it will be possible not take into account the exchange rates which are a fundamental part of environmental flows and environmental regulation proposed in the current legislation.

COMMENT NO. 059.18

Synthesis of Comment

It is indicated that the concertation process may be useful to agree the monitoring and adjustment of environmental flows which will be set and it is proposed that the regulations document considers in a single precept the testing and monitoring of environmental flows and takes into account the References which IPH makes about the monitoring of the impact of these flows on aquatic ecosystems.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

The environmental flows should be validated with hydrobiological methods and until January 1, 2016 there are not knowledges about the hydrobiological capabilities of proposed flows, so the proposed environmental flows shouldn't be in this Water Management Plan.

Argued Response

Not Accepted

Despite specific hydrobiological studies, the established environmental flows are determined based on hydrological studies as hydrobiological studies concerned only 10% of water bodies. These values have been validated and proven at present. On the other hand it must be considered that in case of having established an ecological flow values through hydrobiological studies, these values would be more restrictive.

COMMENT NO. 059.17

Synthesis of Comment

The interested party believes that the concerted implementation process it is possible through the review of the concession whose procedure is explained by RDPH. It indicates that the concertation process should be done with an agreement which includes all the power stations with environmental flows and indemnified measures if are appropriated: facilitate re-powering existing facilities, maximum flow increases, existing concession period increases or other measures as may be agreed with the Administration.

It is proposed in Article 56 include a section which will allow the signing of agreements, indicating its scope and effect to facilitate the concertation process and streamline the administrative process, providing that the condition could have finalizers procedures without of the administrative decision requires RDPH. Thus, the own agreement would serve to modify the concessions, order its water registration and agree the appropriate compensation accordance to Art. 65 of TRLA and art. 19.5 of the regulations document, which considers that the implementation losses of flow causes the dealer must be compensated.

Argued Response

Not Accepted

We will study the proposals, despite the concession review is just one of the options.

The environmental flows included in the Water Management Plan will be applied by all future water uses , but in case of existing uses, its implementation is carried out by the current concertation process which has already been and, according to IPH and it will take into account the current uses and demands and existing concessions.

The concertation process began with a information conferences where all concerned actors were invited. They were given information about the various technical studies which had been used to determine the flows. Subsequently It began a round of bilateral meetings with the involved or their representatives to carry out the concertation process and the introduction of enviromental flows.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Finally, in relation to section 19.5 of the Regulations Document "notes that the losses that the flow implementation causes the concessionaire must be compensated," it should be noted that this article only raises the possibility that the incorporation of environmental measures on existing concessions takes place through the mechanism under Article 65.1.c) of TRLA, notwithstanding that, as noted above in response to other comments of the company Gas Natural SDG, S. A., become possible other legal actions for the incorporation of these measures.

COMMENT Nº. 059.16

Comment Summary

The concertation is considered necessary during the process of the plan, so that the flows have already been implemented in the existing concession rights, considering that the concertation process has not been made, so that art. 22.4 can not be applied.

It is considered that the environmental flows determination has not been carried out according to IPH, Which consider that the consultation process hardly come to fruition, remembering the meaning of consultation according to the Dictionary Language Spanish, that is, action and purpose of entering, agree, agree on a business.

On the other hand, insists that if the state of a section is good, or the Plan itself has not seen fit to set you environmental objectives, it is necessary to establish an ecological flow than existing in some cases established recently on the occasion of concessional modification procedures that provide for the construction of dam mini walk, so that the flow is supplied by them.

Argued Response

Not Accepted

As regards the fulfillment of discharge flows that requirement should be later than concertation process.

However, it should be noted that environmental flows regime are a restriction imposed by art. 59.7 of TRLA, and although its implementation will take place under a concertation process for existing uses, it need not be defined by the concession rights.

On the other hand, as discussed above, the environmental flow regime has been rigorously determined in accordance to IPH instructions IPH and applies to all water bodies, regardless of their status.

COMMENT Nº. 059.14

Comment Summary

It is considered that the environmental flows determination has not respected the water rules, as it has ignored the existing hydroelectric uses.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

It doesn't take into account that if a water body is in good ecological status, it isn't necessary an environmental flow more than the flow which is circulating.

Finally, it has not used the rule of IPH in relation to water bodies which are altered hydrologically, since, according to the interested party, in Annex I of the Report, Not contain any water body status very altered and in Annex V there aren't any flow which follows any rules that the IPH fixed for these type of water bodies.

Therefore, it is requested to strictly implement the rules which are considered by IPH for the establishment of environmental flows regime, so that the concertation process will be successful.

Motivated Response

Not Accepted

The regulations established in the IPH has been rigorously implemented by the River Basin District Authority. It isn't say by the regulation that the determination of the flow is concerted, but it is said that is made by relevant technical studies which involved no uses. It should be noted here that the first phase of the establishment of environmental flows is the determination of its elements. Meanwhile, the concertation process corresponds to the second and third phases of the process relating to its implementation.

Regarding the second issue, it should be clarified that IPH doesn't make a distinction between water bodies in good status or bad status to determine the environmental flows regime.

Finally, the determination of environmental flows in highly altered water bodies has been developed by studies conducted for the determination of environmental flows regime, which was explained by the interested parties in sectoral briefing take place in Lugo and Ourense on 15 and 30 November 2010, and fulfill the requirements of IPH. It should be clarified that IPH requires the water bodies classification by category and nature, but not required to include the water bodies characterization as highly altered hydrologically. This identification and classification is needed by technical study for the determination of flows although in Annex V can not appear reflected as only contains a summary of the study.

Therefore, it can be concluded that the establishment of the flow regime has been made with accuracy and, therefore, River Basin District Authority relies on the success of the current concertation process.

COMMENT Nº. 059.11

Comment Summary

If the interested party analyzes their downstream water bodies of the exploitation (use) of water resources, it concludes that there is only one exploitation whose ecological status is classified as bad status , this exploitation is Frieira, but the interested party considers that the ecological status is not related with the operation of Frieira. Therefore,

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

it is considered necessary to establish environmental flows in these stretches, unless you can agree to leave a given flow in the concertation framework.

Argued Response

Not Accepted

The environmental flows regime is a requirement of the current regulations, and they are independent of the water bodies status. On the other hand, it considers that after the studies and analyzes which had been made by the River Basin District Authority for the assessment of the water bodies status, according to the criteria fixed in current regulations, it can be said that Frieira influences in the deterioration of water body.

COMMENT NO. 059.10

Comment Summary

The interested party considers that the WFD does not take account in its objectives the implementation of environmental flows, but it is an added requirement by Spanish Regulations, but also this is a tool to achieve the environmental objectives of the WFD transposition.

It also follows that the ecological flow is a regulatory requirement to achieve good ecological status, so an environmental flow different from the current does not contribute anything to a stretch of river which is in good status.

Argued Response

Not Accepted

Environmental flows is a technique for environmental protection and the WFD is also a regulation of environmental protection, so that as stated by Gas Natural SDG, SA, in its comment, although the establishment of environmental flows is an instrument adopted by the Spanish regulation, without any doubt, it is a tool to achieve the environmental objectives which have been established by WFD. And following the subsidiarity principle in Article 5 of the "Tratado Constitutivo" of the European Community, the WFD establishes common environmental objectives for the whole community, without going to regulate the specific case of each State, so that in practice it is possible for these states to achieve these objectives.

Thus, adapting Spanish legislation into domestic law the DMA has decided to pre-view the regulation of the ecological flow regime, as indicated in Article 18.2 of the Water Planning, "will be established so as to allow sustainably maintain the functionality and structure of aquatic ecosystems and terrestrial ecosystems, helping to achieve good status in river or transitional waters. " And, contrary to comment by Gas Natural SDG, S. A., the "Reglamento de Planificación Hidrológica" which adapts to the domestic law of the DMA section about Water planning, it contains provisions regarding the establishment of environmental flows, mandatory content of the plans, which allow to consider it as one of the objectives of planning. Thus, as stated, is expressly stated that with this system has to help achieve "good ecological status or potential in rivers and

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

transitional waters", with the achievement of 'good status of public water "one of the overall objectives of water planning.

In summary, River Basin District Authority through the Water Plan is limited to fulfill with current legislation, which requires, as the content of the river basin management plans (Article 42.1.bc 'of TRLA), the definition of environmental flows regime through relevant technical studies that are regulated by IPH, where in any case, there aren't distinction between water bodies in good or moderate status. And, as mentioned, the environmental flow would help to achieve the good status in rivers, regardless of the status which are located.

COMMENT Nº. 059.09

Comment Summary

The interested party considers that it hasn't been taken into account the importance of hydropower in Water Management Plan. It is indicated that this energy is capable like no other to provide flexibility with starts, stops and rapid variations of the load supplied to the system, in order to meet unexpected demand peaks.

They are associated the effects on hydropower with heavy loss of guaranteed supply of " Sistema Eléctrico Nacional". In this sense, we consider the imposition of environmental flows and restrictions as troubles potentially more harmful to hydroelectric uses, which may render impractical or unnecessary the operation of a exploitation, and the interested party doesn' think about the damage which can cause to a concessionarie, but on the electricity supply quality to the population and on operating activities.

Finally, it is remembered the essential nature of electricity supply, according to the preamble of "Ley 54/1997 del Sector Eléctrico" so it is required to be valued by the Water Management Plan in perspective and calls for the participation of the "Ministerio de Industria and Red Electrica de España" .

Argued Response

Not Accepted

The Water Management Plan in Annex III "Uses and Demands" of his report makes an economic characterization study of water uses, including use for hydropower production, including information on: the evolution of energy production and installed power for the several hydropower station in the River Basin District, the intensity of water use in the production of electric energy, the territorial distribution of the most important activities of hydropower and cooling for thermal power plant. On the other hand, it provides a future scenario of hydropower production considering the regulatory framework and existing energy plans and forecasts of future demand.

As for the exclusivity of hydroelectric power to respond to rapid changes in charge, it must consider that there are other technologies such as gas turbines with a capacity to deal sudden changes with guarantee demands. Then, even if it could exist a condition

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

caused by environmental flows, there is an alternative technology which is provided by the “Ministerio de Industria, Turismo y Comercio” in his document “Planificación de los Sectores de Electricidad y Gas 2008-2016”, which could compensate it.

However, despite all, to establish environmental flows, River Basin District Authority Hydrographic Confederation Minho-Sil does nothing more than fulfill existing water legislation, specifically with “Texto Refundido de la Ley de Aguas”(TRLA), which in Article 59.7 indicates that environmental flows be established in the Basin Hydrological Plans after the completion of specific studies for each stream reach. As for the definition, according to that article TRLA, environmental flows are not an exclusive advantage over water resources, but they are a restriction imposed generally to operating systems, with the exception of supply populations . Article 42.1.b.c 'considers that at least environmental flows should maintain fish life naturally inhabit or could inhabit the river and its riparian vegetation.

For its part, Article 18 of the “Reglamento de Planificación Hidrológica” introduces the concept of environmental flows regime , which allows to maintain the functionality and structure of aquatic and terrestrial ecosystems, helping to achieve the good status in rivers and transitional water bodies.

Finally, the “Instrucción de Planificación Hidrológica” (IPH) determines the methodology used for calculating the environmental flows and their components: maximum flows, minimum flows, flood flows and exchange rates.

In conclusion, considering the currently laws and regulations, technical studies have been conducted to determine an environmental flow regime that should be respected by all water uses.

On the other hand, it should be clarified that the Water Management Plan values the power supply as essential, as Ley 54/1997 the electricity sector, but since this law also considers "without forgetting environmental protection, an aspect that is particularly relevant given the characteristics of this industry."

Finally, River Basin District Authority would welcome the participation of the “Ministerio de Industria, Turismo y Comercio” in Water Planning of the River Basin District. This can be done, if deemed appropriate, by the member representing the different departments present in the Committee of Competent Authorities.

COMMENT NO. 059.15

Synthesis of Comment

Since in the art. 22.4 of the proposed legislation provides that the discharge environmental flows will be required immediately on entry into force of the Water Management Plan, it is considered that must be expressly stated that the agreement with the concessionaires should be prior to entry into force, as stated in Section 3.4.6 of the

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

IPH. It further believes that environmental flows listed in Annex VI.1 of regulations Document must be arranged with the concessionaires.

Furthermore, in section 6 of the same article of the regulations document , a transitional period until 1 January 2016 is established to adapt drainage system and facilities where it will be necessary to release the environmental flow regime established. The interested party considers that these works can have significant costs and shall be subject to authorization of Administration, so that it is considered necessary to include them in the concertation process. Furthermore, the transitional period may be insufficient, when circumstances so warrant, it should be extended and this possibility should be considered by the regulations document.

Finally, it indicates that the mentioned adaptation works should be carried out once the environmental flows are well defined and verified in the terms of IPH (Definition by the hydrological method and validation or verification with the microbiological or habitat modeling, at least 10% of water bodies in category river), and according to Art. 19.7 the period given for implementation is the same for checking and final verification of environmental flows, as this could lead to the realization of works that are not optimal and in any case, their cost should be offset by the concertation process.

Argued Response

Not Accepted

Indeed, the fulfilment of discharge flows will be after than the concertation process. However, the flows considered in Appendix 6.1 should be determined technically because the concertation , according to IPH, will not affect future uses which these flows would apply.

Moreover, we also estimate the application for extension of adequacy of facilities to fulfill the environmental flow regime, when the circumstances are justified.

With respect to verification of flows to determine the environmental flow regime, 23 water bodies in category river have been modeled the habitat, which are considered sufficient, since IPH does not require a certain number, recommended although 10% of water bodies in category river. The art. 19.7 only refers that River Basin District Authority will continue to work on improving research as well as in the definition of maximum flows, generators flows and exchange rates, in order to translate these into the review of the Water Managment Plan.

Finally, the works which must be made to fulfil with the current regulations document must be on account of the concessionaire as the legitimate economic benefit obtained from the use of a unitary resource, subordinated to the general interest, which is part of the state public domain as public water.

COMMENT NO. 068.03

Synthesis of Comment

The section "4.7.6. Sistema de explotación Limia " indicates that all UDAs are "provisionally allotted water resources" surface and groundwater resources, but unlike in "4.7.1. Sistema de explotación Miño Alto" has not been added the comment "always to maintain the downstream environmental flows of the UDA inlet "And it should be added.

Motivated Response

Accepted

In Annex V of Regulations Document of Water Management Plan is accurately detailed the environmental flow regime and in Chapter 4 is detailed the priorities of use, being always priority the environmental uses over agrarian demands, for thus, although not stated explicitly in that paragraph, the UDAs should always maintain teh environmental flows. However, we will study the incorporation of the proposed sentence to give more clarity.

3.4. USES, DEMANDS AND USES PRIORITY

COMMENT NO. 003.50

Comment Summary

Agriculture and livestock are important activities in the district, and they should, therefore, be considered with greater rigor and interest in the plan documents. We must comment in regard to this, that in the Irrigation Community "Río Miño-Pequeño" the main type of irrigation is not border irrigation but under pressure, through pumps, after SEIASA Norte, under the Ministry of Environment and Rural and Marine Affairs as well as the Miño-Sil River Basin District Authority, executed in year 2008 the Improvement and Modernization of irrigation Project in that area.

Argued Response

Accepted

The Miño-Sil River Basin District Authority is aware of the importance of the agricultural and livestock sector and attempts to treat every subject with the greatest rigor and interest in the River Basin Management Plan. Therefore, the plan documents will be revised in order to correct these errors, since it has, indeed, verified that Improvement and Modernization of irrigation Project in the Irrigation Community "Río Miño-Pequeño" has been executed. This error will be amended in the entire River Basin Management Plan documents which contain references to this subject.

COMMENT NO. 003.42

Comment Summary

Chapter 3, page 49, states that "Power plants need large quantities of water for cooling this water is returned to the water system without any substantial impact on the quantity and quality of water, but with a significant increase in temperature. Thermal contamination refers to excessive and abrupt changes in rivers water temperature that modify biochemical reactions and introduce physical or chemical changes and modification on biological species." This depends on the cooling system of power plant: Compostilla II and Anllares Centrals have closed-cycle cooling and have a consumptive use of water; therefore, the returns should be much lower.

Argued Response

Accepted

The comment is, in deed, correct, so we will proceed to change the power plants returns to be much lower.

COMMENT NO. 019.09

Comment Summary

It is necessary to improve the quantification and limitation of water for recreational uses (golf courses, swimming pools, etc.) in order to control not essential consumption. According to the plan, it is unknown how much water is used for these activities, which often get water from groundwater bodies compromising springs. There is an excessive water demand in Miño Alto and Miño Bajo Systems for recreational use (26% and 25% respectively).

Argued Response

Accepted

Once the comment has been analysed it is important to note that the recreational water demand accounts only 0.2% of the total demand in the District. The demand data given in this contribution (26% and 25% recreational demand at Miño Alto and Miño Bajo Systems) were misunderstood, as these values are the ones indicating the use of water demanded by the different systems related to total recreational demand. This error may have been due to the table presented in Chapter 3 which is somewhat confusing; therefore this table will be modified to clarify. With the intention of clarifying these values there is a identification of the current values of recreational demand related to total demand in these operating systems:

Miño Alto System: Demand = 26 hm³ recreational demand ratio of the total demand in the system = 0.20%

Miño Bajo System: Demand = 0.56 hm³ recreational demand ratio of the total demand in the system = 0.71%

On the other hand, after explaining this, it is important to note that the River Basin Dis-

trict Authority agrees to control the consumption of consumptive recreational uses, it is, therefore, that the priority given to this use is the lowest (see Article 26 of the plan's regulation document).

COMMENT NO. 020.03

Comment Summary

The assessment of water requirements for different uses and different scenarios is hardly noticeable in the proposed Plan.

Argued Response

Not Accepted

The evolution of water demands for different uses is listed in Annex III at the following sections:

1. Urban demand Evolution: in Table 80, represented by province, and in Table 81 by water resource systems. Both tables are the result of adding the demands of the various uses related to urban demands, of which evolution has been studied in the sections that are listed below:

- Evolution of low demand for home use is explained in paragraph 4.1.1.1 of Annex III. The results of the evolution of demand are shown in Table 62 by provinces and in Table 63 by tenure.

- Evolution of low demand for tourism: the results of the evolution of water demand are detailed in section 4.1.1.2 of Annex III, Table 65 by province, and Table 66 by water resource systems.

- Evolution of demand for livestock use: its evolution is specified in section 4.1.1.3 of Annex III, the results of evolution by provinces are represented in Table 68 and by water resource system in Table 69.

- Evolution of demand for industrial use: tables detailing these developments are found in section 4.1.1.4 of Annex III, Table 72 represented by provinces, and Table 73 by water resource systems.

- Evolution of low demand for other uses of water connected to urban water supply: section 4.1.1.5 studies the demand evolution for scenarios on 2005, 2015 and 2027 of private irrigation, municipal uses and commercial uses.

2. Evolution of urban high demands: Section 4.1.2.1 shows the evolution of urban water demand for the years 2005, 2015 and 2027 represented by water resource system and by size of region.

3. Evolution of agricultural demands: there is a misprint in Table 94 as it was represented a table indicating the development of land and irrigated crop, therefore this table will be replaced by the evolution of net and gross irrigation demands by crop type.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

4. Evolution of industrial demand: Section 4.3 should include a note, as discussed in Section 3.2.3., where it is considered that due to current economic situation is expected that the development trend for industry will be lower than in previous years, therefore, it will be assumed that the current water demands in the industry will grow slightly or remain almost constant at trend scenarios for 2015 and 2027.

5. Evolution in the demand for hydroelectric and thermal power stations use: a note will be included, stating that because of the completion of the studies indicated in paragraph 3.2.3 related to employment and income in this sector, it is confirmed the downward trend in employment and serious doubts about the trend behaviour of both uses have been raised, which leads, at the best of times, to estimate an stabilization in water demand compared to today.

6. Evolution of demand in aquaculture: section 4.4.2 specifies that the future evolution of water demand for this sector has been assessed taking into account the current economic outlook, the expansion of EU and competitiveness in production and prices. This is discussed in Section 3.2.3 of Annex III, concluding after analyzing all these aspects that the trend in the years 2015 and 2027 may be constant in relation to the current scenario.

7. Evolution of demand in recreational uses: in section 4.4.3.1 it is justified that the evolution of water demand for golf courses will double in each of the periods of 2015 and 2027. This conclusion is reached through recent trend studies since there is no statistical information on the history of this use in the District.

COMMENT NO. 020.04

Comment Summary

Values on “Table 8: Information on the types of power plants in the energy sector” in Chapter 3 “Description of the uses, demands and pressures” are not consistent with those of Table 49 which compares the installed capacity in hydroelectric or thermal power plants in the River District and in Spain. On the other hand in Appendix III.6 is not clear what the installed capacity in thermal power plants is, so the information is not clarified.

Argued Response

Accepted

Following the receipt of this contribution, although such discrepancy is not appreciated, we have analyzed Table 8: "Information on the type of power plants in the energy sector at the Miño-Sil River Basin District" Chapter 3 and Table 49 which compares the installed capacity in hydroelectric plants, which will be changed because of an error detected in the value of installed capacity in public service thermal power plants, whose value must be of 1535 MW.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 020.05

Comment Summary

There is no information on the temporal variation of the flow arising from the operation of hydroelectric centrals.

Argued Response

Not Accepted

Appendix III.5 includes the annual volume and monthly distribution of gross resource volume change demanded by each of the hydroelectric power plants. However, this data is provided by each of the plants, so it is possible to find lack of information. Therefore, we will continue working to improve the information available and reflect it in future revisions of the Plan.

COMMENT NO. 021.06

Comment Summary

We propose a new wording of Article 26 to recognize the preferred uses of the historic irrigation communities.

Argued Response

Not Accepted

In the current draft of the River Basin Management Plan use for irrigation is located at third preference position, in comparison to the fourth position in the previous River Basin Management Plan, so it is considered that irrigation has a priority treatment between uses of the Plan. Moreover, there are already considered preferences between different types of irrigation in that Article, including the existing and unregistered uses which have some kind of statement of interest.

Furthermore, the regulation document of the plan will be completed with the fact that in water resources destined for new irrigation there will be given preference for use systems of traditional and environmental interest which support natural and semi natural grasslands formations (meadows mesophilic used as grazing or fodder collection) included within the habitat types for Community interest, and irrigation uses for management, recovery or restoration of natural protected areas.

COMMENT NO. 023.01

Comment Summary

Request for rewording section 5 of Article 25 for "In the case of water concessions for stabled livestock they may be granted when it is of some economic importance, and in any case when the estimated consumption level exceeds twice family. In the case of not stabled and/or extensive livestock water concession may be granted for consumption on the installations of the farm or the farms where livestock graze"

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

Article 25 of the regulation document of Miño-Sil River Basin Management Plan attempts to define the different water uses in the river district and, in particular, section 5 specifies what is meant by use intended for the care of livestock. This article does not define the cases where concession may be granted, therefore, this article does not allow for the introduction of a text defining the cases in which concessions may be granted. Nevertheless, considering the general socioeconomic characteristics of the river basin district and the of farmers supplies in particular, and for clarification section 5 of Article 25 will be modified as follows: "Use designated to the attention of livestock is defined as the required to meet the needs of water for livestock, differentiating non stabled from stabled." However, it is necessary to recall that Article 43 "Concessions for water supply", point 2, of the same rule, makes an exception for livestock or agricultural uses: "The water petitioner for supply to homes, towns and supply facilities, and irrigation of gardens, shall submit a certificate issued by the City Council of the municipality where the property lies, that it cannot be supplied from municipal facilities. Except exclusive use for harvesting or agricultural livestock"

In "Section 2 Authorizations and Concessions" of the Regulations document, Article 34 defines the general rules on concessions. This article details the following: "The concession will be granted according to the provisions of this river basin management plan. The new grant applications must be accompanied by the necessary documentation to allow their compatibility with the provisions of this plan. In particular, the application will justify the assessment of water needs required, limited to the maximum values specified in this plan on amounts granted and demand calculation, and specifying ". It can be, therefore, included in the same concession application, separate sections for human supply, livestock, irrigation, etc., as it can be now done under the currently in force plan. The feasibility of the request, according to the provisions defined in Article 38 and following, will be considered, as well as the compatibility with the provisions of this river basin management plan, proving that it has no effect on population water consumption. In addition, a new section will be added in this article that may overcome the allocations for indigenous livestock breeds.

COMMENT NO. 025.03

Comment Summary

There is some prejudice in the river basin management plans texts, either by default or explicitly, prompting to oppose hydroelectric power production with the conservation of aquatic ecosystems.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority has no intention to oppose the production of hydroelectric power to the conservation of aquatic ecosystems. The overall objective of

the RBMP is to achieve good status and proper protection of water bodies in the river basin district, meeting water demands and to balance and harmonize regional and sectoral development, according to guidelines Framework Water Directive.

COMMENT NO. 025.15

Comment Summary

Relation between water planning and other plans: On reference to Article 40.2 of *TRLA*, the respondent argues that the water planning should take into account the needs of other sectoral plans, including energy, concluding that the management plans should assign water reserves to meet those plans.

Argued Response

Not Accepted

Firstly, it should be noted that the art. 40.2 of *TRLA* states that the water policy is in the service to sector policies "without prejudice to the rational and sustainable resource management that should be applied by the Ministry of Environment, or by competent water authorities, concession or future infrastructure which is requested." The Miño-Sil River Basin District Authority is responsible of water planning in the District, being, therefore, between its duties to ensure the rational management of the resources.

Therefore, the art. 40.2 of *TRLA* cannot be seen just as it is only the water planning the one that provides resources to different uses, depending on the strategies and sectoral plans, but also as something mutual, these plans must take into account and integrate the rational and sustainable management that should be applied.

Finally, this does not prevent to state that the plan takes into account all sectoral planning, including the energy, yet always maintaining the environmental policy objectives and in accordance with the strictest principles of National and European laws.

COMMENT NO. 025.04

Comment Summary

Small exploitations of water resources provide a nearly constant energy, that in case of being affected it should be replaced by thermal power from fossil fuels with the consequent increases in the bill for imported fuel and emissions of greenhouse gases and other gaseous pollutants such as sulphur oxides, nitrogen and particulates. This would be inconsistent with the policy and the efforts agreed by European Member States to combat climate change and pollution or the policy of promoting renewable energy and reducing dependence on foreign energy. These considerations are not exclusive to flowing exploitations of water resources, but it does also apply to the regulated water exploitations by reservoir.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority has no intention, nor is it its mission, to identify the source of electrical energy production. Nevertheless, it believes that thermal power using fossil fuels is not the only alternative to a drop in hydroelectric generation, if this should occur, there is still leeway for technological and efficiency improvement in existing plants, as well as renewable energy alternatives like wind, solar or geothermal, and others such as thermal residual biomass. Even in the case of opting for the production of thermal power from fossil fuels, there are initiatives for CO₂ capture and storage, desulphurization plants, etc. In spite of the fact that, this requires a big investment and in some cases, a degree of advancement of technology, it will provide not only the fulfilment of environmental requirements, but an opportunity for the sector to lead new research and development.

COMMENT NO. 025.02

Comment Summary

The importance of energy water use is hardly mentioned in the Plan. Furthermore, nothing is said of its role to guarantee power supply to population and to economic activities, as well as its role in social welfare and quality of life.

Argued Response

Not Accepted

There is a study of the economic characterization of water uses in Annex III of the RBMP, including the use for hydropower production. This study includes information on: the evolution of energy production and power installed for the various power plants in the river basin district, the intensity of water use in the production of electricity, the territorial distribution of the most important activities of hydropower and thermal cooling. On the other hand, it provides a future scenario of hydropower production in view of the regulatory framework and existing energy plans and a forecast of future water demands.

COMMENT NO. 025.14

Comment Summary

Every plan should maintain the order of preference for uses indicated at the *TRLA*, at least for the first three uses: 1 Supply for the population, 2nd Irrigation, 3rd Industrial uses to produce electricity.

Argued Response

Not Accepted

The order of preference for the uses indicated at Article 60 of *TRLA* is just a proposal for the case that the River Basin Management Plan had not established his own order. The Miño-Sil River Basin Management Plan has, however, set a different priority order in view of the reality and characteristics of this district, respecting, in any case, as stated in Article

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

60 of *TRLA*, the supremacy of the water supply for the population.

In fact, one of the things that must be included in the RBMP, according to Article 42 of the *TRLA*, is the definition of the priority criteria and compatibility of uses, and the order of preference among competing uses.

COMMENT NO. 028.04

Comment Summary

For the characterization of urban uses Section 3.1.1.1.2, dedicated to tourism and recreative use, it is necessary to include the economic importance index of water use in tourism, expressed in terms of Gross Value Added (GVA) per m³.

Argued Response

Accepted

In response to this comment, the Annex III will be completed including the economic importance index of water use as provided in section 3.1.1.1.2 of the *IPH*.

COMMENT NO. 028.05

Comment Summary

According to section 3.1.1.1.3 of *IPH* "Irrigation and Agricultural Uses", for the characterization of these uses the following information should be included in Annex III, as it is currently not reflected in any section of this Annex:

- Economic importance: given the GVA and employment in the agricultural sector at the Miño-Sil River Basin District and the high demand for agricultural use in 2005, expressed in terms of gross value added and employment per m³ of water.
- The development of land under irrigation for each crop group.

Argued Response

Accepted

In response to your request and considering the provisions of section 3.1.1.1.3 of *IPH* Annex III will be completed with the information indicated.

COMMENT NO. 028.06

Comment Summary

Annex III lacks some points required in Section 3.1.1.2.2.1 of *IPH* aimed to the provisions of the indicators related to Agriculture and Livestock production, therefore, it should be included:

- The evolution of agricultural area and surface irrigation.
- The evolution of dry-land and irrigated crops.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

- The evolution of the number of heads of each type of livestock.

Argued Response

Accepted

In response to your request and considering the provisions of section 3.1.1.2.2.2.1 of *IPH* Annex III will be completed with the information indicated.

COMMENT NO. 028.07

Comment Summary

Considering Section 3.1.2.3 of *IPH*, for the characterization of agricultural demand units, Annex III should be completed including:

- Information on water use rights related to irrigation and livestock demand for land.
- Source of received resources and water bodies.
- The net and gross amount granted by type of crop in 2005, 2015 and 2027.
- Regarding livestock, gross amount granted (l/head- day) in Annex III are set according to expert criteria, therefore, it is recommended to include values given in Table 53 of Annex IV of *IPH* in comparison to the estimates values.

Argued Response

Accepted

In response to your request and considering the provisions of section 3.1.2.3 of *IPH* Annex III will be completed with the information indicated.

COMMENT NO. 028.08

Comment Summary

In relation with industrial uses for energy production, to characterize the use of water for the production of electric energy it should be included, as set *IPH*, the following:

- The evolution of energy production and installed capacity for the various plants.
- The evolution of energy prices.
- Investments in the sector.

Argued Response

Accepted

In response to your request and considering the provisions of *IPH* Annex III will be completed with the information indicated.

COMMENT NO. 028.09

Comment Summary

Annex III in the last paragraph of its page 68 specifies that industrial water demand is considered constant in the scenarios of 2015 and 2027 compared to today (2005). By contrast, in section 4.3 of Annex III, it makes no estimate for 2015 and 2027 scenarios, so you should add the comment made in the above page as a clarification note.

Argued Response

Accepted

It is, indeed, considered necessary to add a comment to explain why there has been no estimate for 2015 and 2027 scenarios in section 4.3 of Annex III.

COMMENT NO. 030.03

Comment Summary

The proposal RBMP is planned against those energy plans and renewable energy plans (Galicia Strategic Energy Plan 2010-2015, and National Action Plan for Renewable Energy (PANER) 2011-2020 and Electric Power Manifesto), where the basic guidelines for action are oriented toward the exploitation of indigenous resources and renewable energy and to strengthen measures for energy conservation and efficiency. Both conditions amply met by hydropower energy in Galicia.

Argued Response

Not Accepted

Firstly, it should be noted that the art. 40.2 of *TRLA* states that the water policy is in the service to sector policies "without prejudice to the rational and sustainable resource management that should be applied by the Ministry of Environment, or by competent water authorities, concession or future infrastructure which is requested." The Miño-Sil River Basin District Authority is responsible of water planning in the District, being, therefore, between its duties to ensure the rational management of the resources.

Therefore, the art. 40.2 of *TRLA* cannot be seen just as it is only the water planning the one that provides resources to different uses, depending on the strategies and sectoral plans, but also as something mutual, these plans must take into account and integrate the rational and sustainable management that should be applied.

Finally, this does not prevent to state that the plan takes into account all sectoral planning, including the energy, yet always maintaining the environmental policy objectives and in accordance with the strictest principles of National and European laws.

With regard to prospects of hydroelectric energy's growth, it is important to note that the 3000 MW expected to increase in hydroelectric energy in the PANER are considered throughout the whole Iberian Peninsula. On the other hand, it is important to note that hydroelectric energy's growth indicated in Electricity and Gas Sectors Planning 2008-2016, has already been covered in the Miño-Sil River Basin District, the rate of installed

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

hydroelectric capacity in MW per thousand inhabitants (2009) for the entire Spanish territory is 0.39 while considering the territory of Miño-Sil River Basin District, this index goes up to 3.26.

COMMENT NO. 030.06

Comment Summary

A misprint has been detected in Appendix III.6 related to the power plant Arnoya (Peneda Pigarzo).

Argued Response

Accepted

This error will be corrected in Appendix III.6.

COMMENT NO. 039.04

Comment Summary

The respondent comments the lack of information in the Plan documents on recreational uses, detailed rules concerning navigation activities, and the need of a list of areas suitable for navigation.

Argued Response

Not Accepted

With respect to navigation, the Miño-Sil River Basin District Authority introduced in June 10 of 2010 a Resolution approving the responsible declaration model for the purposes of navigation in the Miño-Sil river basins, this fits both determinations on “*Ley de Aguas*” and “*Reglamento del Domino Público Hidráulico*” for uses to which it refers, as provided in Law 17/2009 and 25/2009.

COMMENT NO. 045.02

Comment Summary

It proposes to amend Art. 26.1, equalling the priority of the extractive industries water use and industries producing consumer goods, since given priority to the first one is neither justified nor covered by technical or legal criteria.

Argued Response

Not Accepted

According to art. 60.1 of *TRLA* “the order of preference established in the RBMP will be observed in the concessions, taking into account the requirements for the protection of resource and environment conservation.” Therefore the RBMP is legally enabled for prioritization of uses, with the only exception that introduces the art. 60.3 of the *TRLA* that “order of priorities that may be instituted in the River Basin Management Plans must always respect the supremacy of use established in paragraph 1 (water supply for the popu-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

lation)." So, the River Basin District Authority has considered, taking into account the requirements for the protection and conservation of the resource and its environment that the order established in the draft Plan is adequate.

COMMENT NO. 045.01

Comment Summary

A modification of Art. 25.8 has been requested being as follows: "The use defined as the designated to attend the extractive industries is the one dedicated to supply mining and mineral extraction. It includes all water uses required in the extraction, beneficiation, refining and product washing mining, tailings / rejects, until the output of the plant. "

Argued Response

Accepted

The comment was accepted and the Article 25.8 of the proposed regulations has been amended as follows: "The use defined as the designated to attend the extractive industries is the one dedicated to supply mining and mineral extraction. It includes all water uses required in the extraction process until the output of the plant. "

COMMENT NO. 046.03

Comment Summary

A modification of Art. 25.8 has been requested being as follows: "The use defined as the designated to attend the extractive industries is the one dedicated to supply mining and mineral extraction. It includes all water uses required in the extraction, beneficiation, refining and product washing mining, tailings / rejects, until the output of the plant. "

Argued Response

Accepted

The comment was accepted and the Article 25.8 of the proposed regulations has been amended as follows: "The use defined as the designated to attend the extractive industries is the one dedicated to supply mining and mineral extraction. It includes all water uses required in the extraction process until the output of the plant. "

COMMENT NO. 046.04

Comment Summary

It proposes to amend Art. 26.1, equalling the priority of the extractive industries water use and industries producing consumer goods, since given priority to the first one is neither justified nor covered by technical or legal criteria.

Argued Response

Not Accepted

According to art. 60.1 of TRLA "the order of preference established in the RBMP will be

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

observed in the concessions, taking into account the requirements for the protection of resource and environment conservation." Therefore the RBMP is legally enabled for prioritization of uses, with the only exception that introduces the art. 60.3 of the *TRLA* that "order of priorities that may be instituted in the River Basin Management Plans must always respect the supremacy of use established in paragraph 1 (water supply for the population)." So, the River Basin District Authority has considered, taking into account the requirements for the protection and conservation of the resource and its environment that the order established in the draft Plan is adequate.

COMMENT NO. 047.13

Comment Summary

Errors have been detected in some data presented in Annex 3, "Appendix III.6 Electric Park" on the respondent power plants.

Argued Response

Accepted

We appreciate the appendix data revision and we will, therefore, proceed to fix the data provided by the respondent.

COMMENT NO. 047.12

Comment Summary

Section 3.1.3.4.1 on page 49, penultimate paragraph. What is declared is incorrect, since it refers only to thermal power plants with opened-ventilation circuit.

As for the references to supposed "excessive and sudden changes in temperature of river water" it must be said that all power plants operate in compliance to what is indicated in the corresponding waste spills authorization, issued and controlled by the competent authorities, in which it is established a specific regulation on this matter when the supposed impact is considered acceptable, given the conditions of the river.

Argued Response

Accepted

The first part of the comment is accepted and it will be corrected in the correspondent section.

Secondly, in relation to waste spills, they are, indeed, regulated by their relevant authorizations; however, this does not mean that the impact of these discharges should not be considered.

COMMENT NO. 047.11

Comment Summary

Section 3.1.3.4.1, first paragraph: There is a mixture of concepts of power and production, therefore, the paragraph is confusing.

Argued Response

Accepted

This paragraph can be, indeed, rather confusing, so it will be clarified by introducing this concepts separately: "The production of energy corresponds to 23% of hydroelectric power production (3220 GWh) and 75% for thermal production on public service (10,923 GWh), while the installed capacity is 63% hydroelectric power and 36% thermal power. "

COMMENT NO. 047.09

Comment Summary

The content of section 3.1.2.2.5 on Chapter 3 should be updated in order to refer to the National Action Plan for Renewable Energy in Spain 2011-2020. Furthermore it is considered that hydroelectric power has not lost importance, quite the opposite. Finally, according to the Ministry of Industry document "Planning for Electricity and Gas Sectors 2008 - 2016", one should consider that there are growth prospects for hydroelectric power.

Argued Response

Accepted

Chapter 3 will be revised in order to give reference to the National Action Plan for Renewable Energy in Spain 2011-2020.

Furthermore, it is considered inappropriate to assess qualitatively the importance of hydroelectric power. The RBMP gives an objective analysis of the uses by a studying their economic characterization, which includes an analysis of the importance of this resource for economy, territory and sustainable development on the river District, as well as socio-economic activities to which water contributes significantly, and a forecast of possible developments of the determining factors in water use.

With regard to growth prospects of hydroelectric power section 3.1.2.2.5 will be modified in order not to be misleading since it was not considered pure pumping in expectations. The corresponding sentence will be replaced by the following "hydroelectric power by 2015 will experiment no growth, except for pure pumping."

On the other hand, it is important to note that the 3000 MW expected to increase on hydroelectric power are considered throughout the Iberian Peninsula not the river district. According to the same document it should be also considered that "The actual construction of these facilities will depend fundamentally on the regulatory environment, technical and economic".

On the other hand, it is important to note that hydroelectric energy's growth indicated in Electricity and Gas Sectors Planning 2008-2016, has already been covered in the Miño-Sil

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

River Basin District, the rate of installed hydroelectric capacity in MW per thousand inhabitants (2009) for the entire Spanish territory is 0.39 while considering the territory of Miño-Sil River Basin District, this index goes up to 3.26.

COMMENT NO. 047.08

Comment Summary

It is detected an error in the wording of the 2nd paragraph of section 3.1.2.1.4.1 in Chapter 3 and in Tables 26 and 27, which are the same.

Argued Response

Accepted

These errata will be corrected in Chapter 3.

COMMENT NO. 047.07

Comment Summary

In Chapter 3, section 3.1.2.1.4. the respondent suggests to highlight the indigenous and renewable source of hydroelectric power, for its contribution to the elimination of dependency, currently being indispensable for the stability of the electrical system.

Argued Response

Not Accepted

The RBMP has no aim to make an assessment on the use of hydroelectric power compared to other types of energy. Annex III provides an objective analysis on every use assessing their economic impact on the river district area, including the water use for hydroelectric energy.

On the other hand, referring to the exclusivity of hydroelectric power to ensure stability of power system, it must be considered that there are other technologies such as gas turbines with the capacity to cope with sudden changes in electric demand, as established by the Ministry of Industry in the document planning for Electricity and Gas Sectors 2008-2016.

COMMENT NO. 047.01

Comment Summary

The respondent reaffirms the comment made by this entity in response to the public consultation of The Provisional Schema of Important Issues on 21st November 2008, in relation to the importance of hydroelectric power regulated as an element to ensure the safety and quality of electric supply in the Spanish electricity system. It is also said to avoid imposing unnecessary restrictions on this use.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

Annex III provides a study of the economic characterization of water uses including a discussion of the importance of this resource for the economy, territory and sustainable development of the River Basin District, as well as socio-economic activities to which water contributes significantly, and a forecast of possible developments of the determining factors in water use. The economic characterization of water uses for the production of electric energy includes: the evolution of energy production and the installed power for the various plants in the demarcation, the intensity of water use in energy production power, the territorial distribution of the most important activities of hydropower and thermal plants refrigeration. Furthermore, trend analysis is performed based on the study of the historical evolution of the variables socioeconomic characteristics of the energy industry and manufacturing, which are employment, GVA and productivity of employment. It also establishes a future scenario of hydropower production taking into account the regulatory framework and existing energy plans and forecasts of future demand.

As for the exclusivity of the hydroelectric power to respond to rapid changes in load, it must be considered that there are other technologies such as gas turbines with a capacity to cope with sudden changes in electric demands. Therefore, even if there were affections caused by environmental flows and other impositions of the Plan, there is an alternative technology as provided by the Ministry of Industry in the document planning for Electricity and Gas Sectors 2008-2016, which could compensate them.

COMMENT NO. 047.10

Comment Summary

Section 3.1.3.4. As indicated for thermal power plants, hydroelectric plants in the ordinary regime of at Miño-Sil are Public Service.

Argued Response

Accepted

The comment will be considered for clarification in that section.

COMMENT NO. 047.31

Comment Summary

It is considered necessary to include in Chapter 10, section 10.2.3, the need to increase the installed hydroelectric power of the Peninsula in at least 3000 MW.

Argued Response

Not Accepted

Chapter 10 attempts to collect the information of the plans related to water planning, concisely describing the object of each of the plans or programs without going into greater detail. It is, therefore, inappropriate to add specific data which is available in the

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

correspondent plan and which does not provide relevant information for the River Basin Management Plan as it is national data.

On the other hand, it is important to note that hydroelectric energy's growth indicated in Electricity and Gas Sectors Planning 2008-2016, has already been covered in the Miño-Sil River Basin District, the rate of installed hydroelectric capacity in MW per thousand inhabitants (2009) for the entire Spanish territory is 0.39 while considering the territory of Miño-Sil River Basin District, this index goes up to 3.26.

COMMENT NO. 054.04 AND 055.05

Comment Summary

The respondent does not agree with the priorities of use proposed by the plan and has proposed the following:

- Supply for the population
- Environmental uses.
- And agricultural and livestock-farming uses.
- Industrial uses, except for the production of electricity.
- Cultural and recreational uses.
- Aquaculture.
- Navigation and water transport.
- Uses related to the production of electricity.
- Other uses.

Argued Response

Not Accepted

Article 60 of the *TRLA* provides an order of preference of uses, while the River Basin Management Plan has not established his own, however, the Miño-Sil River Basin Management Plan has set a different priority order in view of the reality and characteristics of this district, respecting, in any case, as stated in Article 60 of *TRLA*, the supremacy of the Supply for the population. Following this water use in priority it is the environmental uses, therefore it is considered that this prioritization of uses is consistent with the guidelines of the WFD and the demands of protection and conservation of resources and ecosystems.

COMMENT NO. 056.02

Comment Summary

There are some problems identified related to demand and water use:

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

- a) Lack of control of surface water extraction
- b) Lack of information about the values of water use and agricultural and livestock demand of water, as well as conflicting regulations.

Argued Response

Not Accepted

With respect to control of surface water extraction, the Miño-Sil River Basin District Authority has followed the guidelines of the *TRLA* Article 55 and Order ARM/ 1312/2009 of 20 May, where it is regulated the monitoring systems for effective control of the volumes of water used for water resource exploitations in public water, the returns to that public water and discharges thereto. In connection with the information about the values of water use and agricultural and livestock demand of water the RBD Authority appreciates this proposal which will help to improve the contents of Annex III.

COMMENT NO. 059.23

Comment Summary

Demands for hydroelectric uses should be included within the assignation of resources. Regardless of the fact that hydroelectric power production is a non-consumptive water use, it should be considered as a recognized demand with an appropriate resource assignation. It should, also, be provided the water reservation for projects that may arise during the processing period and the final approval of the Miño-Sil River Basin Management Plan.

Argued Response

Not Accepted

Firstly, it should be noted that the draft plan is currently including in its Annex III, every data required by Order ARM/ 2656/2008 of 10 September (section 3.1.2.4.2) on each power plant unit of demand. These demands for hydroelectric uses have been considered in the analysis of uses and demands, as well as in the simulation of water resource systems.

Nevertheless, like in the previous plan, resources are just assigned to consumptive demands. In this regard, despite water legislation does not deal with the desirable clarity the question of whether non-consumptive demands should or not be assigned and/or reserved, the RBMP itself, in Annex III, refers to water use in hydroelectric power plants as compatible with other water uses, with certain restrictions, and usually not consumptive of large amounts of water. Therefore, it seems logical that no water resources should be assigned or reserved for this use, since, the water flow assigned or reserved for another uses will be compatible with the use of water in the hydroelectric plants.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 059.22

Comment Summary

Article 26.9 of the regulations should be deleted since it is contained in Art. 60 of *TRLA* and a plan cannot self-impose a mandate.

Argued Response

Accepted

The River Basin District Authority supports the comment and will delete the art. 26.9.

COMMENT NO. 059.21

Comment Summary

The respondent does not agree with the priority of use imposed by Article 26.1 of the regulations in the RBMP: The priority for other environmental uses should be behind the industrial uses for electricity production as well as other supplies for the population which should also fall below the industrial uses for electricity production.

Argued Response

Not Accepted

This comment is not appropriate.

Miño-Sil River Basin Management Plan has set a different priority order in view of the reality and characteristics of this district, respecting, in any case, as stated in Article 60 of *TRLA*, the supremacy of the Supply for the population.

In fact, one of the contents that the RBMP should include, according to Article 42 of the *TRLA*, is the definition of the priority criteria and compatibility of uses, and the order of preference among competing uses.

COMMENT NO. 059.04

Comment Summary

The respondent makes reference to The Provisional Schema of Important Issues, considering that the energy production is prejudiced, without mentioning its value as a renewable energy source, not referring to compatibility of environmental constraints to achieving the goals of national energy plans, and not considering meeting hydroelectric demands as an aim for the RBMP.

Finally, the respondent states that they have not received a response to the comment made by the entity related to The Provisional Schema of Important Issues.

Argued Response

Not Accepted

The Provisional Schema of Important Issues was submitted to the correspondent administrative procedure and approved unanimously by the various forums in which the respondent had representation.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

On the other hand, we should clarify that Miño-Sil River Basin District Authority does not make value judgments and is not prejudiced, it is an organization that fulfils its legal powers and acts independently, respecting every use and justifying its proposals on technical studies prepared in accordance with the current laws and regulations.

COMMENT NO. 059.02

Comment Summary

The respondent considers that under Article 1 of Framework Directive (WFD), water policy should help to ensure the supply of water for different uses, provided they are sustainable, balanced and equitable, including, therefore, the use of water for electricity production. It is also considered according to Art. 40.1 of the Revised Law Water (TRLA), that water planning should not only pursue the protection of the environment, but to satisfy the increasing water demands and resource availability in harmony with the environment.

The contribution concludes considering that the concept of water planning as an instrument of harmonization between protection and uses, is not reflected in the draft plan presented to public consultation.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority with the RBMP is compliant with the Water Framework Directive and with the Spanish and community laws and regulations. It does not discriminate neither uses for electricity production nor any other uses. On the other hand, Water use for electricity production should not be generally considered as sustainable, balanced and equitable, as they should be analyzed case by case.

Water planning should aim to meet the demands and increase resource availability and it must do so, economizing its use in harmony with the environment and other natural resources, which is what is aimed by the RBMP. This plan has been elaborated with the highest technical and scientific rigor always in accordance with current regulations.

COMMENT NO. 059.03

Comment Summary

The contribution explains the legal significance that, as the respondent says, has the instrumental nature of water policy. It refers to the art. 40.2 of TRLA, highlighting a part of it "serves the strategies and sectoral plans which for the different uses are established by the general government", deducing that this means: first, that the demands of water uses are determined by the various sectoral plans, including energy planning in the Ministry of Industry; second, that water planning should try to meet them; and thirdly, that if the uses are unsustainable, they can be ignored.

The respondent, finally, concludes that the Miño-Sil RBMP has not taken into account the

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

needs and expectations of the national energy planning.

Argued Response

Not Accepted

First, it should be mentioned that the aforementioned article 40.2 of *TRLA* provides that the water policy serves sector policies "without prejudice to the rational and sustainable resource management which should be applied by the Ministry of Environment, Water Authorities or by the competent authority which will condition every requested concession or future infrastructure." The Miño-Sil River Basin District Authority is the Hydraulic Administration responsible of water planning in the Miño-Sil River Basin District, being, therefore, between their duties to ensure the rational management of the resources.

Article 40.2 of *TRLA* should be read in conjunction with Article 41.4 of the same rule, which states that river basin management plans will be developed in coordination with the various sectoral plans affecting them. Therefore, it is not so much a question of supremacy between different plans but a matter of coordination between the different sectoral plans.

The river basin management plans include a number of provisions that may affect other sectors activities, such as energy. In the same way, these sectoral plans may include provisions relating to water resources which must be coordinated so that both can be met, but in a way that ensures and respects the aims of the environmental policy and in compliance with the principles of European and state laws which require the use of resources in a rational and sustainable way.

COMMENT NO. 068.01

Comment Summary

Page 64 of Chapter 3 indicates that the assessment of diffuse pollution sources has been elaborated with the use of "1989-1999 Agricultural Census 'and ' Data from the water planning office of the Miño-Sil RBD Authority. " These should be completed with:

- Official data from the bovine herd of 2005.
- An updated census of farms and annual production capacity, which could and should provide the Department Rural Environment.
- The evaluation of the generation and application of manures and other organic wastes from livestock stables.
- The graphic scales of pollutant loads from agricultural activities should adjust at intervals with biological significance

Argued Response

Accepted

The proposal to incorporate official data from the bovine herd and updated information from the Xunta de Galicia is accepted. Finally, the graphic scales will be reviewed in order

to improve the maps.

COMMENT NO. 069.02

Comment Summary

It proposes to amend Art. 26.1, equalling the priority of the extractive industries water use and industries producing consumer goods, since given priority to the first one is neither justified nor covered by technical or legal criteria.

Argued Response

Not Accepted

According to art. 60.1 of *TRLA* "the order of preference established in the RBMP will be observed in the concessions, taking into account the requirements for the protection and resource and environment conservation." Therefore the RBMP is legally enabled for prioritization of uses, with the only exception that introduces the art. 60.3 of the *TRLA* that "order of priorities that may be instituted in the River Basin Management Plans must always respect the supremacy of use established in paragraph 1 (water supply for the population)." So, the River Basin District Authority has considered, taking into account the requirements for the protection and conservation of the resource and its environment that the order established in the draft Plan is adequate.

COMMENT NO. 069.01

Comment Summary

A modification of Art. 25.8 has been requested being as follows: "The use defined as the designated to attend the extractive industries is the one dedicated to supply mining and mineral extraction. It includes all water uses required in the extraction, beneficiation, refining and product washing mining, tailings / rejects, until the output of the plant. "

Argued Response

Accepted

The comment was accepted and the Article 25.8 of the proposed regulations has been amended as follows: "The use defined as the designated to attend the extractive industries is the one dedicated to supply mining and mineral extraction. It includes all water uses required in the extraction process until the output of the plant. "

3.5. RESOURCES ASSIGNATION AND RESERVATION

COMMENT NO. 001.06

Comment Summary

The irrigation Community of "San Salvador de Sabucedo" is supplied by Limia River not Antela Lagoa.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Accepted

This comment is correct, therefore, as requested, the RBMP documents will be revised in order to correct this error.

COMMENT NO. 001.05

Comment Summary

Chapter 4 (pages. 25-26) states that “Xinzo de Limia” completes its water demand with the groundwater “Miño Bajo” and it should be the groundwater “Xinzo de Limia”

Argued Response

Accepted

This comment is correct, therefore, as the respondent requests, the RBMP documents will be revised in order to correct this error.

COMMENT NO. 001.04

Comment Summary

Section “Reservations and resource assignments” should specifically consider flows for maintenance of wetlands, in the case of Terra Cha de Lugo, As Gándaras, and of course Antela.

Argued Response

Accepted

Wetlands management is Regional Administration competence. Conversely, the Miño-Sil River Basin District Authority has included in the RBMP a section for environmental strategic reserves which, among other objectives, aim to maintain the wetlands flow: Section “4.7.7. STRATEGIC RESERVES”, Chapter 4 “Use Priorities and Resource Assignment” also included in the regulations document in the Plan.

COMMENT NO. 007.01

Comment Summary

Section 4 focuses on use priorities and resource assignment, including the Ponferrada Urban Demand Unit (UDU) at “Alto Sil” system, assigning 8.01 Hm³/year, with origin in Bárcena Reservoir, bypassing the existing concession in the Oza-Valdueza River. Therefore, the respondent suggests the inclusion in the assignment and resource reservation the Oza Concession. The contribution attached a copy of the concession.

Argued Response

Accepted

The River Basin District Authority has been revised the information attached and it will modify Chapter 04 and Article 28 of the Regulations document, considering, therefore,

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

the Ponferrada's demand source is " Barcena's Reservoir and others" and the value will be replaced by 8.67 hm³/year.

COMMENT NO. 039.03

Comment Summary

A revision of the assignation for the Ourense city demand should be done in accordance with the application "Changing characteristics (expansion flow at 510 l / s) of the water resource exploitation for Miño and Lonia rivers concessions on Ourense"

Argued Response

Accepted

The requested modification is, currently, in process and, therefore, still not approved. Consequently the current assignation must be kept in the RBMP.

COMMENT NO. 047.39

Comment Summary

Article 28.2. Strategic reserves for environmental uses indicated in Annex 11 of the regulations document are considered excessive for the volumes reported related to *Sil Superior* and *Sil Inferior* systems.

Argued Response

Not Accepted

Values of environmental reserves were calculated according to the values of ecological flow regimen established and the projected demands for environmental uses, as defined in the priority of uses established by law.

COMMENT NO. 047.29

Comment Summary

The respondent includes some corrections to the data of its hydroelectric plant which are presented in Appendix VI.1 of Annex VI, page 52, table 53.

Argued Response

Accepted

We appreciate the work done by Iberdrola for the revision of data on hydroelectric power plants in the plan. Corrections shall be made on Table 53 of Appendix VI.1 with the data provided by Iberdrola.

COMMENT NO. 047.27

Comment Summary

Several observations are made regarding the elements considered in the simulation scheme for the water resource system *Bajo Sil*:

- Demand Units: there are not included Sobradelo, Casaio, Trives and Manzaneda (which are mentioned on resource reserves). More industrial demand units should be included, such as slate exploitations.
- Balances. Balances should be revised taking into account the concerted values, as well as the reduction set by *IPH* on environmental flows in heavily modified water bodies.
- Resource Assignment and Reservation. Resource assignment to the Urban Unit Demands is increased only in Barco, Viana and Quiroga on the horizon 2027. The remaining urban demands are estimated at 2.41hm³/year, but not covered in the resource assignment tables.

Argued Response

Not Accepted

Appendix VI.1 shows an analysis of every demand for each water resource systems, but just some of them have been considered as elements on the simulation model, mainly the ones with most demanded flows. The remaining demands have been included as draw-downs on natural inputs at the corresponding point, as specified in section 4.6.2.1.2 of Annex VI.

Concerted environmental flows will be considered at balances, but it is important to note that concerted environmental flows will never be higher than the currently established environmental flows in the Plan.

COMMENT NO. 047.26

Comment Summary

Section 4.6 of Annex VI. The following should be reviewed:

- Consideration of the water evaporation in reservoirs.
- Withdrawals are considered to return the entire water, which is not always true.

Argued Response

Not Accepted

Despite there are several reservoirs in the Bajo Sil system, they have not been included in the model as their main destination is for hydroelectric use.

In a future we will study their introduction on the new Plan.

COMMENT NO. 047.25

Comment Summary

Section 3.2 of Annex VI. This section states that the general sketch from where the modelling graphs are made were agreed with stakeholders. The respondent, as an interested party, was not involved in the consensus.

Argued Response

Not Accepted

This RBMP is only considering in the modelling of water resource systems the consumptive water uses. Hence, as non-consumptive water use, the entities related to hydroelectric use were not considered as stakeholders.

In the future, we will study whether to introduce non-consumptive use in system modelling or not.

COMMENT NO. 059.33

Comment Summary

An assignation of 11.95 hm³/year for Anllares Power Plant is requested, instead of the current 6.40 hm³/year, since it has a concession of 355 l/sec from *Las Ondinas* reservoir.

Argued Response

Accepted

The indicated concession was revised and according to the granted flow value the assignation value will be modified. However, considering that the granted flow is 355 l/sec the assignation would be 11.195 hm³/year.

3.6. USE OF PUBLIC WATER

COMMENT NO. 003.21

Comment Summary

The pedestrian and bike paths should preferentially run outside the easement of access area, except in case of consolidated urban areas.

Argued Response

Not Accepted

This comment cannot be accepted because according to the *Reglamento de Dominio Público Hidráulico* (Public Water Regulations) in Article 7. (Writing by Royal Decree 9/2008 of January 11): "1. The area of easement of access for public use (...) shall have the following purposes: (...)

2. Pedestrian and public path for the development of monitoring services, conservation and rescue, unless for safety or environmental reasons the basin authority deems appropriate limitation. "The Miño-Sil River Basin District Authority, as competent authority

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

may, in each case, consider a limitation of the area, but can not make a blanket ban.

Furthermore, the Miño-Sil River Basin District Authority is committed to monitor and control the proceedings are always conducted with the utmost respect for the environment.

COMMENT NO. 003.05

Comment Summary

Extending the concessional terms should require the implementation of environmental and efficiency improvements in the exploitation of water resources applying.

Argued Response

Accepted

The comment is accepted, hence, a new condition will be introduced to Article 52 of the regulatory text "Limitations on concessional terms", establishing that it may be required the implementation of environmental and efficiency improvements for the extension of concessionary terms, always respecting the conditions of the new concessions.

COMMENT NO. 003.36

Comment Summary

Actions to make rivers passable and to increase river permeability should be included within the Measures Programme by a plan to eliminate obstacles, especially those related to agricultural uses that are obsolete, or by promoting the use of temporary removable devices.

Argued Response

Accepted

The suggestion to promote the use of temporary is contemplated in Article 50.5 which promotes removable weirs.

Regarding the plan to eliminate obstacles it is important to note that the intention of Miño-Sil River Basin District Authority is to establish an inventory of obstacles in the future, depending on the budget availability of the agency, as indicated in paragraph 58.2 of the regulations document.

COMMENT NO. 003.26

Comment Summary

While not dictate specific technical standards, assessment of damages shall be made according to MAM Order/ 85/2008.

Argued Response

Accepted

We accept the suggestion therefore an article will be added to the regulations document

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

where this observation is reflected.

COMMENT NO. 003.19

Comment Summary

The applicant should provide deposit or financial guarantee when environmental restoration measures are considered.

Argued Response

Not Accepted

Law 26/2007 Environmental Responsibility addresses this issue in Chapter IV therefore it is necessary to include an obligation in the plan documents as it is provided in other regulations. It is repetitive and can get to future inconsistencies between the two regulations in the case of a modification of any of them.

COMMENT NO. 003.17

Comment Summary

Authorizations which affect public water and riparian vegetation should establish the condition of taking soft solutions and naturalistic or biological engineering techniques. Species at risk found on the authorized area should be removed and transferred to another stretch of the river.

Argued Response

Not Accepted

The adaptation of biological engineering is established in Article 50.7 of the rules of the Plan: "The works for river bank protection, if necessary for conservation and restoration, except in very justified cases, they should allow the development of indigenous river bank vegetation and help to improve their river ecosystem, hence, it should preferably use bioengineering techniques." As for the removal of species at risk in public water activities, it is not competence of the Miño-Sil River Basin District Authority and should form part of the environmental processing.

COMMENT NO. 003.16

Comment Summary

The regulations document should include as a requirement the installation of devices to prevent fishes from entering the bypass canal on water resources exploitations.

Argued Response

Accepted

The plan's regulatory text includes a section on this subject, section 3 c) of Article 46, however, the RBD Authority considers this proposal appropriate, therefore, this section will be completed by mentioning the bypass canals, leaving the section as follows: "The

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

addition of the devices needed to prevent fish reaching the turbines and bypass canals."

COMMENT NO. 003.07

Comment Summary

The reasons for the suspension of an authorization to discharge waste should be considered as reasonable causes for the expiration of the concession.

Argued Response

Accepted

The regulations document of the Plan states: "The water concessions will be declared obsolete when they fail to fulfil any of the essential conditions specified therein." However, while compliance with waste discharge authorization is considered an essential condition this will be clarified in the text of the article.

COMMENT NO. 003.12

Comment Summary

In regards to energetic concession for small plants, exploitation operation called "hydro-peaking" should be banned and environmental flow should not flow through the turbines in order to prevent fish mortality from decompression sickness.

Argued Response

Accepted

It is considered appropriate to add a section in "Chapter III, Environmental flow regime" of the Regulations document, which specifies that until exchange rates and maximum flows are determined to complete the environmental flow regime (with a deadline of January 1, 2016) the exploitation "hydro-peaking" would be banned, except the applicant has submitted a study demonstrating its compatibility with the maintenance of environmental flows defined in Annex 6.3.

On the other hand, regarding turbines, the River Basin District Authority agrees with the comment and believes that the environmental flow is an essential tool in the management of basins and continuity must be maintained.

Moreover, in the Miño-Sil basin running through the region of Galicia there is currently a regulation prohibition for getting environmental flows through turbines, since, in accordance with Decree 130/1997 which approves the regulation of river fisheries and inland aquatic ecosystems of Galicia, "the environmental flows cannot be subject of exploitation. The procedures for its determination, shall apply a mandatory report from the General Directorate of Forestry and Natural Environment. "

Therefore, the Miño-Sil River Basin District Authority considers appropriate that at least some environmental flow is not subject of exploitation.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 003.10

Comment Summary

Concessions on groundwater should not be granted when the groundwater body is on bad status (Quantitative or Chemical). Furthermore, abstractions for human consumption with nitrate concentrations > 25 mg / l require the holder periodic inspection.

Argued Response

Not Accepted

The Miño-Sil RBD Authority is always demanding the fulfilment of environmental aims, so therefore their alteration will just be permitted under the premise of the article 18 of the Regulations Document in the plan. As well, for the granting of concessions each case will be analyzed for their possible impact on the water body, being top priority the principle of non-deterioration. On the other hand, Article 43, is currently establishing the need for relevant analysis for supply concessions: "The applicant shall be responsible at all times of the conditions of drinking water, having to perform the analyzes, controls and treatments which sets the current legislation on health, as well as that imposed by the authorities. " In this case the analyzes are regulated by Royal Decree 140/2003 establishing the health criteria of drinking water.

COMMENT NO. 003.09

Comment Summary

In the processing of concessions, should require the applicant to include a declaration of commitment where it is accepted to undertake the necessary actions for the restitution of the environment to its initial status.

Argued Response

Accepted

Article 57 of the regulations in the RBMP includes this requirement for the processing of concessions: "The revocation of the concessions which have works done in the public water for the operation of the water resource exploitation shall involve the reversion to the State, free of charge, of such works and the restoration of the environment in harmony with the original status."

COMMENT NO. 003.06

Comment Summary

The inference of significant changes in the morphological conditions of the river stream or on the environmental status, such as loss of habitat or species, should be considered grounds for conducting the review of concessions.

Argued Response

Accepted

The contribution is accepted and we will, therefore, include the inference of significant

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

changes in the morphological conditions of the river stream or on the environmental status as a reason for the review of concessions, provided that it is not covered by the concession and does not cause irreversible worsening.

COMMENT NO. 003.08

Comment Summary

In the review, monitoring and adjustment of the concession it should be required to the concessionaire the elaboration of a report on the current status of the resource exploitation.

Argued Response

Accepted

This comment is considered adequate; therefore it will be specified in Article 55 the right to request a status report in order to review the concession.

COMMENT NO. 003.13

Comment Summary

The return of flow, on minihydraulic power plants, should be done tangential to the main axis of the stream, not perpendicular, to avoid the call effect, for which, if necessary, there should be built a channel Landfill to dissipate this effect.

Argued Response

Accepted

The suggestion made by the respondent is accepted, provided that it is environmentally favourable and technically feasible. It will, therefore, be included in the regulations, a section which states that the return flow in minihydraulics plants operations is conducted tangentially to the main axis of the stream in order to avoid the effect call.

COMMENT NO. 003.32

Comment Summary

The plan should consider the future existence of geothermal exploitation, since there is nothing in the legislation providing regulation of such uses.

Argued Response

Accepted

The regulation of geothermal exploitation is regulated in paragraph 7 of Article 47. It regulates the construction of these geothermal uses on groundwater with authorization from the river basin district authority.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 005.06

Comment Summary

Article 44. Section 5.f. "... To implement efficient technologies of water (in glass or forced cultivation or drip or localized high-frequency, ...)" This is another indication of concern at the possibility of requiring drip irrigation to grant concessions.

Argued Response

Not Accepted

The section in question has mainly been written thinking of small irrigation uses and refers to the prioritization of irrigation concessions which implement these efficient technologies, but in no case it is indicated that concessions will be refused to other types of irrigation. It is therefore considered that the respondent has misunderstood the text.

COMMENT NO. 005.05

Comment Summary

Article 44. Section 5.c. "Enclosure of the canals and other infrastructure so as to avoid risks to humans and terrestrial wildlife." According to the respondent this risk does not exist in their area.

Argued Response

Not Accepted

Although, as stated by the respondent, the Pontevedra area may not have this risk, it is important to note that the water plan is applicable to all Miño-Sil River Basin District, therefore, there should be generally considered the enclosure of the canals and infrastructures which involve risk. The River Basin District Authority can not accept this comment as it limit its the effect to a single area of the District.

COMMENT NO. 005.04

Comment Summary

Article 44. New concessions for irrigation. The contribution states that the fourth section of this article does not match the table in Article 38.1 because it is not possible to irrigate grain cereals, fodder crops, maize and arable crops with drip irrigation. The respondent presents a doubt relating to the second section which states as a condition for the concession to be granted the compliance of the environmental flows "for at least nine months a year" asking for clarification of what months are considered.

Argued Response

Accepted

In spite the fact that Article 44 supports in its first paragraph, as specified in the comment that new concessions will be granted when the irrigation system "is done by drip or localized high-frequency forced, in a greenhouse, or forced crop", in its second paragraph it states the conditions for other types of irrigation: "For other types of irrigation they

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

may be granted if they come from urban or industrial treated wastewater, or else if the new inlet is compliant with the ecological flow in the intake point for at least nine months a year (...)".

So for those other types of irrigation, regardless of the irrigation system, new concessions may be granted if they are compliant with environmental flows or if purified water is used. However, the wording of this article will be modified by adding more efficient technologies of water use as spray.

The maintenance of environmental flows for at least 9 months a year, is referring to the fact that in the months of July, August and September, the probability of failing to meet environmental flows is higher.

COMMENT NO. 005.03

Comment Summary

Article 43. Section 2. The respondent is concerned about what this article states, because he thinks that the requirement of presenting a municipally certificate favours the interest of the municipalities to install pipes where neighbours have this need covered, threatening the removal of User Communities.

Argued Response

Not Accepted

Despite understanding your concern, it is important to clarify that the competence for water supply is municipal. The River Basin District Authority just acts, as provided in Article 124.2 of the "*Reglamento de Planificación Hidrológica*", ensuring that each concession is properly justified.

On the other hand, Article 43 is not intended to innovations, to which it will be applied the provisions of the *Reglamento de Planificación Hidrológica*".

COMMENT NO. 005.01

Comment Summary

Article 37. Section 1. a) This section refers only to registered residents in the municipal register, leaving out the calculation for the provision of water those residents who reside in the place but are not registered in that municipality.

Argued Response

Not Accepted

Royal Decree 907/2007 of 6 July, approving the "*Reglamento de Planificación Hidrológica*" provides in Article 1, as water planning objectives "to achieve good and adequate protection of public water (...), increasing the availability of the resource, protecting its quality, economizing on jobs and rationalizing its uses ..."

Similarly, in Article 14 lays down the criteria for estimating water demands, particularly

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

"for the purposes of population supply there will be taken into account the prediction of urban plans, demographic assessments (...). These assessments will consider both the permanent and seasonal population ..."

In addition, Articles 15 and 16 Law 7/1985 of 2 April it makes it compulsory for everyone living in Spain to be listed in the Register of the municipality in which they usually live, Census data constitute proof of residence in the municipality and habitual residence in it. The certifications which issue these data will be authentic and reliable for all administrative purposes.

In view of the foregoing, this Office can not accept the contribution done by the respondent, because the " residents who reside in the place but are not registered in that municipality" are not only not left out of the calculation but considered in seasonal population at not be accredited their permanent population status as required by law.

The registration requirement is an objective legal standard, legal, quantifiable and not arbitrary, which ensures compliance with the objectives of water planning and population supply as it has been included in the calculation of maximum gross provisions of water the presence of seasonal population during certain periods.

COMMENT NO. 005.07

Comment Summary

Article 52.2. The respondent raises concern regarding the removal of concessions in the Water Users Communities due to the text of this article.

Argued Response

Not Accepted

The interpretation made on the contribution does not correspond to the text of the article, which talks about all kinds of infrastructure and concessions, not only supply networks. However, it is important to clarify that the existing concessions will be respected in accordance with current regulations.

COMMENT NO. 005.02

Comment Summary

Article 37. Section 1. b) Clarity is requested in the writing of this article since the water uses established in it, "urban non-domestic uses for low consumption economic activities", are largely provided by Users Communities and not by the municipalities. The respondent request, therefore, reference to this issue in the article.

Additionally, the respondent indicates the absence of references to the use of water by public fountains.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

Argued Response

Not Accepted

Water supply is a matter for the municipality, therefore, it is not considered appropriate to make specific reference to each of the potential users, however, we should clarify that in the table in section 1.b of Article 37 Users' Communities are not excluded as it implicit in the title of the table.

As to the public fountains is a low water usage for which the District Authority is not competent.

COMMENT NO. 006.10

Comment Summary

The contribution lists several misprints found in the text: In the index of Article 51 says "*a cielo abierta*" and should be "*a cielo abierto*". In Article 84 where it says "*Reglamento del Dominio Público Hidráulico*" should be "*Reglamento de Planificación Hidrológica*." Article 66.2 which states "On these stretches it is not prohibited activities ..." should read "On these stretches it is not allowed activities ...". Third line in Article 47 should be deleted "in the previous section", as follows "... To apply for authorization, the holder of exploitation ...".

Argued Response

Accepted

Misprints will be corrected.

COMMENT NO. 006.11

Comment Summary

With respect to water provisions contained in Article 37.1b is considered more appropriate to establish a unit endowment equal to 190 litres per inhabitant per day, for any range of people. It is also proposed that the values for water provisions contained in section 37.1.b should preferably be used when the application is made for the connection of a population centre and its network to this uses, except when justified, while separately (37.1.a and 37.3. (37.2)) there will be assessed when deposits are made exclusively for each use or the ones which are not contained in the household usage collected in 37.1.a. Furthermore, the provision in Article 41.2 in industrial areas is considered too small; it is proposed a value of 12000m³/ha/year.

Argued Response

Accepted

The River Basin District Authority considers adequate the comment and it, therefore, will make the necessary changes in Article 37.1b to establish a maximum gross concession of 190 l per person per day for any population range. In addition, the misprint will be corrected in Article 37, i.e., section 3 of this Article 37 is the number 2.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

On the other hand, as to the water concession for industrial areas the proposed value is considered adequate so it will be modified in Article 41.2

COMMENT NO. 006.03

Comment Summary

When revoking concessions involving works built in the public water (Article 57.2), restoration of the environment should not always be regarded as compulsory.

Argued Response

Accepted

The contribution is considered appropriate; therefore the comment "where appropriate" will be added for the restoration of the environment.

COMMENT NO. 006.02

Comment Summary

Article 49 has a not optimal writing, the possibility of deleting the term "reglamentariamente" should be considered.

Argued Response

Accepted

Article 49 was revised and, as stated in the contribution, the term "reglamentariamente" will be removed.

COMMENT NO. 006.01

Comment Summary

Article 36. The conditions under which additional documents may be required an applicant for a water concession in the basin should be refined.

Argued Response

Accepted

In response to this request on Article 36 clarification note will be included to justify the request for additional information.

COMMENT NO. 008.07

Comment Summary

We propose a revision of fish ladders for trout and eels to move freely in the reservoirs, since, in some cases, these do not fulfil their duties. It is also requested the installation of fish ladders at some dams and a review of the cement platforms that are installed alongside the banks of the dams.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Accepted

For new concessions and modifications, the regulations document of the Draft River Basin Management Plan includes, in Article 46, regulation on the installation of devices for fauna mobility in hydropower projects, "both upgrading and improving facilities projects existing in hydroelectric plants as well as reversible plants using existing infrastructure and hydroelectric projects of new concession should incorporate measures to minimize the environmental condition". The following measures are required:

"B) The installation of devices that enable effective mobility of wildlife, both upstream and downstream channel. There will be a plan for monitoring such mobility, delivered to Hydraulic Administration every six months. Depending on the results, Hydraulics Administration may impose modifications that increase the effectiveness of such mobility devices. "

Moreover, for existing infrastructure, the River Basin District Authority is working on the revision of the fish ladders and current devices, as well as trying to reach agreements with concessionaires who do not have got this measure imposed in its concessional clauses, in order to improve the longitudinal continuity of rivers.

COMMENT NO. 008.11

Comment Summary

Requested the suspension of 3 projects:

Expansion Project of the dam "Os Peares II", Dam project request through a raft pump waterfall in Santa Cristina and Expansion project on Belesar Dam.

Argued Response

Not Accepted

Projects on "Os Peares II" and Belesar are works that are already running due to its approval under current regulations, while the Santa Cristina Project is in progress, with respect to relevant administrative processes. However, this does not prevent the River Basin District Authority to demand compliance with the environmental objectives for water bodies, always within legal channels and with respect for legal certainty that should prevail in a state of law.

COMMENT NO. 008.12

Comment Summary

The respondent suggests the planning of large hydraulic works and use of exploitation fixation from the first grant to a maximum of 12 years. The plan must limit the uses and must control transmissions of administrative concessions. The respondent is also requesting the review of pre-constitutional concessions and the modification of the Spanish Wa-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

ter Law in relation to the concessions of 75 years.

Argued Response

Not Accepted

Constraints on concessional terms are established, as indicated in Article 52 of the draft RBMP regulations, in accordance with the provisions of Article 59 of the “*Texto Refundido de la Ley de Aguas*” and Rule 97 of the “*Reglamento del Dominio Público Hidráulico*”.

The RBMP has no authority to change the Water Law.

COMMENT NO. 008.13

Comment Summary

The respondent requires the legal establishment of a minimum flow in summer for navigable purposes instead of giving the choice to the concessionaire operating the reservoir. This is mainly regarding the importance of tourism in the region of Ribeira Sacra and to avoid work or other possible actions on the canal draining the river which avoids boating tourist use.

Argued Response

Not Accepted

Navigation is a lower priority use and it is conditional, in this case, to the use of the reservoir. In general, the canal does not usually dry off; there have been just some isolated cases where this has happened due to the constructions on the dam. However, these works exceeded the process of Environmental Impact Assessment entirely and the River Basin District Authority has always ensured respect for the environment.

It is not considered, therefore, necessary to implement a minimum flow for navigation since the restrictions imposed by environmental flows are considered sufficient.

COMMENT NO. 010.01

Comment Summary

The comments raised are referred primarily to recreational and water sports like sailing, floating and leisure activities in the aquatic environment. The respondent highlights the value and importance of this type of use for its tourist and economic effect. Mainly it detects a lack of information on recreational uses in the basin and the possibilities of enjoyment. The respondent proposes the addition of more detailed regulations on the activities of navigation and flotation to supplement Article 48, where there should be indicated the suitable and not suitable areas for navigation, differentiating between rowing and sailing dates and times. It is also suggested the development of specific regulations on the management and regulation of sports and recreational uses in the aquatic environment. Finally, the City Council of Coles requested the addition to the RBMP of a list of claims to be conducted in the waters of the Ribela’s yacht club.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

Regarding the proposal to include a detailed list of suitable areas for navigation and the development of specific regulations in the Plan, the River Basin District Authority in Annex 2 of the Responsible Declaration to exercise Navigation and flotation in the Miño-Sil Basin specifies the general conditions of navigation to be applied in every reservoir in the District. It also specifies those reservoirs and rivers, where navigation is prohibited or permitted and the type of navigation supported for each one of them.

With regard to the request of the claims to be conducted in Ribela's Yacht Club's waters, the legislation proposed in the draft RBMP does not prohibit the navigation with electric motor. It is not the subject of this Plan to authorize this specific proposals, however, as reflected in Article 48, floating navigation and special common uses are subject to declaration of responsibility by the owner of the business and will be processed through any authorized use in connection with navigation and floating in the waters of the Miño-Sil River Basin District which, for its special intensity, can affect the use of public water by others. Therefore, the particular issues to be carried out in Ribela's Yacht Club's water should be sent to the Miño-Sil River Basin District Authority, by any of the ways described in Law 30/92 on the Legal Regime of Public Administrations.

COMMENT NO. 011.03, 012.03, 013.03, 014.03, 015.03, 016.03, 040.03, 041.03, 043.03, 044.03, 049.03, 058.03, 060.03, 061.03, 062.03, 063.03, 064.03, 065.03, 066.03, 067.03, 069.10, 070.03, 045.12 AND 046.17

Comment Summary

The respondents consider that section 5.c of Article 51 violates the principle of legal certainty set out in Article 4.4 of Law 2/2011 of Sustainable Economy, since the general goal it is trying to achieve is already regulated and legislated by both Article 32 and 33 of Law 3/2008 of 23 May, management of mining in Galicia, as well as the RD 975/2009 of 12 June, on management of waste from extractive industries and the protection and rehabilitation of areas affected by mining activities. It is considered, therefore, absurd that each administration require its own collateral management. In any case, regardless of the above, it must be admitted not only the bank guarantee, but any other guarantee admission to the law.

Argued Response

Accepted

The Law 3/2008 of 23 May, mining management of Galicia, is a local law and it is important to remember that the Miño-Sil River Basin District is an intercommunity Basin, i.e. it covers other regional governments rather than just Galicia.

Furthermore, the actions carried out on public water is a matter for the River Basin District and it is therefore our responsibility to ensure, by guarantee request, the application for restoration of the affected area on the public waters. It is not sufficient that the regional government has a guarantee to cover the restoration project, which might not af-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

fect the public water.

Therefore Article 51.5.c) will be modified so that financial security is not required in cases in which proving the existence of financial guarantees or equivalent covering the restoration within the public waters.

It will also be amended the text to support any financial guarantee instead of only bank guarantee.

COMMENT NO. 011.01, 012.01, 013.01, 014.01, 015.01, 016.01, 040.01, 041.01, 043.01, 044.01, 049.01, 058.01, 060.01, 061.01, 062.01, 063.01, 064.01, 065.01, 066.01, 067.01 AND 070.01

Comment Summary

The respondents request, in the case of water granted for extractive industries, permission for incrementing in summer days and dry periods the daily maximum consumption value set on the plan, always respecting the maximum annual consumption.

Argued Response

Accepted

The Miño-Sil River Basin District Authority considers appropriated this request so it will review the provisions of the extractive industry and it will establish an annual maximum value.

OBSERVATION NO. 45.04 AND 46.07

Comment Summary

It is not considered appropriate to establish a general prohibition of consumptive use in the water police area (Art. 51). The respondent requests the modification of the wording of the first paragraph of this article as follows: "Any stage working mining activity taking place in public water resources and in the water police area, should adequately justify the need for its location and, the degree of damage to the environment in which it is placed through the corresponding compatibility study. "

Argued Response

Not Accepted

Art. 51.1 of the proposed regulations in the plan admits the possibility for justifiably making extractive mining activity within the public water and the police area. But this cannot be generally admitted in order to fulfil the mandate of Art. 40.1 of TRLA of getting the good state and the adequate protection of public water and wastewater.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 011.05, 012.05, 013.05, 014.05, 015.05, 016.05, 040.05, 041.05, 043.05, 044.05, 049.05, 058.05, 060.05, 061.05, 062.05, 063.05, 064.05, 065.05, 066.05, 067.05, 070.05, 045.15, 046.23 AND 069.12

Comment Summary

The current situation of existing slate exploitations is not considered plan. The respondents suggest including an additional order for the special treatment of these exploitations reading as follows, "those exploitations and slate dumps located in public water areas, easement or police area, before the approval of this Royal Decree, will have special and abbreviated treatment, to proceed with the diversion of streams and rivers, in order to continue their activity, after presentation of the correspondent project and if this represents an improvement of the current situation of the affected rivers. "

Argued Response

Not Accepted

It is not possible to allow the alteration of streams when this is an impediment to achieving the environmental objectives of the water body, regardless the mining exploitation is previous to the approval of the RBMP. In such cases measures should be made for the restoration of the affected and in disrepair river streams.

COMMENT NO. 011.02, 012.02, 013.02, 014.02, 015.02, 016.02, 040.02, 041.02, 043.02, 044.02, 049.02, 058.02, 060.02, 061.02, 062.02, 063.02, 064.02, 065.02, 066.02, 067.02 AND 070.02,

Comment Summary

It is not considered appropriate to establish a general prohibition of consumptive use in the water police area (Art. 51). The respondent requests the modification of the wording of the first paragraph of this article as follows: "Any stage working mining activity taking place in public water resources and in the water police area, should adequately justify the need for its location and, the degree of damage to the environment in which it is placed through the corresponding compatibility study, or when appropriate, of prevalence. "

In the same vein, the respondents request that in the second section of this article the word "exceptionally" should be deleted; as well as the removal of the second paragraph of Article 51.4.f) since the process is discontinuous and consumption can not be programmed.

Argued Response

Not Accepted

THE WORDING OF SECTION 1 OF ARTICLE 51 IS REVISED AND WRITTEN AS FOLLOWS: "ANY MINING ACTIVITY WILL TAKE PLACE OUTSIDE OF PUBLIC WATER AND WASTEWATER AREA POLICE, UNLESS JUSTIFIED BY TECHNICAL REASONS." THEREFORE, THIS MODIFICATION IS SUFFICIENT TO PERMIT EXCEPTIONS PROPERLY DOCUMENTED.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

OBSERVATION NO. 45.05 AND 46.08

Comment Summary

The respondents request that in the second section of article 51.2 the word "exceptionally" should be deleted

Argued Response

Not Accepted

The elimination of "exceptionally" would give the article a meaning opposite to what is intended, therefore, this proposal cannot be accepted.

COMMENT NO. 017.02

Comment Summary

Referring to irrigation is claimed to ease the water volume control to drift.

Argued Response

Not Accepted

The Measures Programme of the draft RBMP contains a total of 21 measures and a budget of over 100,000,000€ for the modernization of irrigation, these measures as well as reducing water consumption significantly it will also boost control volumes used in such irrigation.

Moreover, the regulations in the plan, in art. 33 of measuring devices are indicating this, supported by art. 44.5.a, installation of measuring devices and recording the flow and its variations.

COMMENT NO. 017.04

Comment Summary

It is considered necessary, that the various existing reservoirs develop water flows simulating the ordinary avenues. With respect to fish ladders, should be imposed to the promoter a compulsory certification of its properly function. The respondent requests the thorough implementation of exchange rates when discharging the reservoirs or at start and end on the phase of water flowing through the turbine.

Argued Response

Not Accepted

These proposals regarding the development of water flows simulating ordinary avenues are very interesting. It is important to consider that in many cases there are ancient concessions in which the concessional clauses did not provide many of these requirements; therefore the Miño-Sil River Basin District Authority is working hard trying to reach agreements with the operators of the reservoirs. Regulations of this RBMP include the exchange rates and flood flows to be implemented no later than 1 January 2016.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 017.03

Comment Summary

The need for the adequate control of waste resulting from mining companies should be considered in the plan.

Argued Response

Not Accepted

The Measures Programme includes several measures to promote sustainable mining exploitations and tailings recovery such as the following two measures: "Improvement and recovery of abandoned mine tailings in Castilla y León" and "Regional Sectoral Plan on mining exploitations in Laciana and Babia (Leon)"

Moreover, Article 51 of the proposed regulations in the plan is aimed, among other things, to control these residues affecting public water.

COMMENT NO. 018.03

Comment Summary

The imposition of building new fish ladders or fish steps and having devices for the disposal of sediments in existing reservoirs are, in many cases, not referred to the concessional clauses. This condition will increase costs by construction and maintenance and a loss of hydropower production which will affect internalizing the cost of energy to the consumers' bill.

Argued Response

Not Accepted

The regulations document of the Miño-Sil RBMP does not reflect the compulsory construction of new fish ladders or fish steps in any existing dam, with the exception of infrastructure on smaller channel height of 10 m that do not have favourable assessment of their environmental impact; it just includes the obligation to incorporate measures to minimize the environmental condition on existing dams, where repowering projects and upgrading of facilities and existing hydroelectric power plants using reversible infrastructures. These requirements are also compulsory, as stated on the plan regulations, for new applications for concessions on hydroelectric projects or for modification of existing hydroelectric plants.

As for the construction of new fish ladders or steps, where these are not referred to in the concessional clauses, the RBD Authority is trying, far from doing impositions, to reach agreements with the operators of the reservoirs.

COMMENT NO. 019.07

Comment Summary

Artesian wells. We suggest a greater control over concessions to be granted for new

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

openings of these kinds of wells because of the impact they may have on the level of groundwater. The respondent suggests checking the suitability of these wells ensuring that they will not affect the water level of the neighbours.

Argued Response

Not Accepted

The extraction of water from wells is regulated, in compliance with the “Reglamento del Dominio Público Hidráulico” (RDPH), in Articles 47 and 32 of the regulations of the Plan. These articles set the distance applicable between uses. With these articles there is an intention to control the authorization of concession for new wells according to the criteria set out in RDPH and considering that priority is given to the quality conservation and regulation of groundwater resources as set out in the fourth chapter of the Plan.

COMMENT NO. 019.02

Comment Summary

The respondent requests the limitation of authorizations for the construction of more hydroelectric exploitations in small rivers, in order to avoid further dam construction on small flow rivers which modifies river walls transforming the water body from natural to highly modified. It is also important to note that many of these mini-hydraulic plants are of limited interest because of the low power generated. It is also requested the strict control of minimum flows required by the mini-hydraulic plant.

Furthermore, the respondent requests the consideration of the Sardiñeira River as a protected environmental area, as well as to include as a priority of water use the recovery of environmental values in Chapter IV of the regulations in the Plan.

Argued Response

Not Accepted

In regards with the limitation of authorizations for the construction of new hydroelectric exploitations in small rivers, it is important to note that the new RBMP attempts to promote the use of the existing exploitations, establishing more restrictive conditions for granting new hydroelectric exploitations, according to Article 46 of the regulations in the plan, favouring environmental conservation. With respect to the control of minimum flows, the RBMP's aim is the maintenance of environmental minimum flows in the rivers with preference to other water uses, except for urban water supply, therefore this observation is being considered.

On the other hand, note that the area in the Sardiñeira River from upstream Portillo River has been included as a protected area for environmental interest in the register of protected areas of the RBMP (Annex IV).

Regarding the consideration for the recovery of environmental values in order of preference of uses, it should be noted that such use is implicit in Article 25 section 12 a) "Other environmental uses" as well as article 26 section 10 which considers priority this use:

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

"10. Regardless of the order of preference of uses defined above, within each class of use as equal, priority will be given to:

a) The actions directed towards a policy of saving water, improving the quality of resource recovery and environmental values. [...]"

COMMENT NO. 021.07

Comment Summary

The respondent indicates that the River Basin District Authority is able to review existing irrigation concessions and impose such conditions and seasonal flow that will make them unviable.

The respondent requests the withdrawal of the conditional clauses prohibiting irrigation in July and August.

Argued Response

Not Accepted

In fact, Article 56 specifies that the concessions for irrigation will be reviewed in the cases where it is established that the purpose of the grant can be accomplished with less water resources or with technical improvement of resource utilization and helps to saving thereof.

COMMENT NO. 021.03

Comment Summary

The Water Register of the River Basin District must be updated to reflect the reality of current water consumption. Without this previous work is impossible to balance resources and demands.

Argued Response

Not Accepted

The Water Register is a major source for demand calculations. However, besides this source of information there have been used municipal surveys, statistical reports made by the National Statistics Institute and the information provided by SINAC, among others.

Nevertheless, the River District Authority is working on updating and improving this Water Registry.

COMMENT NO. 021.04

Comment Summary

The Plan must address the problem of the irrigations existing since time immemorial which were not recognized in due course. These should be recognized today in the Water

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Register.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority must ensure compliance with the law and legal certainty, which, being sensitive to particular concerns, must apply the rules equally to everyone. If there has not been a previous legalization of the irrigations mentioned, this does not mean that the RBD Authority should now grant a privilege against those who had their irrigations legalized in due course.

Furthermore, the RBD Authority recommends the irrigators who are not legalized to correct their situation which will result in mutual benefit.

COMMENT NO. 021.08

Comment Summary

The respondent indicates that furrow irrigation systems should be permitted if there is an agronomical study which supports them as the only possible method of sustainable irrigation.

Argued Response

Not Accepted

With regards to concessions for irrigation it is considered, in Article 44, that any new application for water concessions must be accompanied by a study to assess how much water can be used for irrigation without causing damage to the water environment, respecting the environmental flows identified in the RBMP and without reducing the availability to meet other existing concessions. This study shall include, in a clearly differentiated section, measures to minimize the environmental condition of the use on surface water and groundwater. If these risks comply with those requirements it may be authorized without having to include any regulations article ad-hoc for them.

COMMENT NO. 021.09

Comment Summary

The respondent requires the prohibition of unit type collectors, imposing only systems which collect sewage for its treatment in WWTP and drainage and rapid infiltration systems for rains stormwater.

Argued Response

Not Accepted

It is considered an interesting proposal, but sanitation is not a direct matter for the River Basin District Authority therefore we will inform the Committee of Competent Authorities for its consideration.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 023.02

Comment Summary

Section 5 of Article 45 refers to mills, indicating that the maximum flow to be granted will be established by a formula. Section D of this formula means the diameter in meters of the biggest millstone. The flow rate should differ if the mill consists of one or more millstones and it should be somehow introduced into the expression the number of millstones in the mill.

Argued Response

Not Accepted

Is not considered necessary to make a distinction between mills with one or more millstones, it is considered that the given formula is suitable for the calculation. However, a possible mathematical modification of it will be studied.

COMMENT NO. 023.03

Comment Summary

Article 32 of the Miño-Sil RBMP regulates the private use by law, setting in sections a) and b) the distances to be respected in the opening of wells according to the flow and soil type. The respondent suggests adding a new section c) to read as follows: "For purposes of this Plan, the land for traditional rural settlement and the expansion area will be considered urban"

Argued Response

Not Accepted

The Law 9/2002 of 30 December, Urban Planning and Environmental Protection Rural Galicia, Article 10 indicated that the general plans of municipal organization shall classify the municipality in all or some of the following land types: Urban, rural settlement, building land and rustic. This means that a water sectoral regulation cannot change the considerations identified in Law Land of Galicia (Law 2/2010 of 25 March, on urgent measures to amend Law 9/2002 of 30 December, urban planning and protection of rural Galicia). However, and understanding the reality of traditional settlement in Galicia, and since Article 87.2 of the "Reglamento del Dominio Público Hidráulico" allows the RBMP to set minimum distances between wells and between wells and springs, the regulations document of the RBMP will be revised. Soil defined as rural settlement in accordance with the urban planning regulations of the region of Galicia and the traditional rural land settlement defined as such by the urban planning regulations of the region of Castilla y Leon, have minimum distances equal to those under the consideration of urban or urban development soil defined.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 025.05

Comment Summary

Forecasts for construction of new fish ladders or steps and other measures which are not imposed on concessional clauses, will affect certain aspects such as the cost of constructing, operating, maintenance and loss of hydropower production.

Argued Response

Not Accepted

Regarding the construction of new fish ladders or steps, not referred to in concessional clauses the Miño-Sil River Basin District Authority is trying, far from doing impositions, to reach agreements with the operators of the reservoirs.

COMMENT NO. 026.01

Comment Summary

The comments raised are referred primarily to recreational and water sports like sailing, floating and leisure activities in the aquatic environment. The respondent highlights the value and importance of this type of use for its tourist and economic effect. Mainly it detects a lack of information on recreational uses in the basin and the possibilities of enjoyment. The respondent proposes the addition of more detailed regulations on the activities of navigation and flotation to supplement Article 48, where there should be indicated the suitable and not suitable areas for navigation, differentiating between rowing and sailing dates and times. It is also suggested the development of specific regulations on the management and regulation of sports and recreational uses in the aquatic environment. Finally, the City Council of Pantón requested the addition to the RBMP of a list of claims to be conducted in the waters of the Maiorga's yacht club.

Argued Response

Not Accepted

Regarding the proposal to include a detailed list of suitable areas for navigation and the development of specific regulations in the Plan, the River Basin District Authority in Annex 2 of the Responsible Declaration to exercise Navigation and flotation in the Miño-Sil Basin specifies the general conditions of navigation to be applied in every reservoir in the District. It also specifies those reservoirs and rivers, where navigation is prohibited or permitted and the type of navigation supported for each one of them.

With regard to the request of the claims to be conducted in Maiorga's Yacht Club's waters, the legislation proposed in the draft RBMP does not prohibit the navigation with electric motor. It is not the subject of this Plan to authorize this specific proposals, however, as reflected in Article 48, floating navigation and special common uses are subject to declaration of responsibility by the owner of the business and will be processed through any authorized use in connection with navigation and floating in the waters of the Miño-Sil River Basin District which, for its special intensity, can affect the use of public water by others. Therefore, the particular issues to be carried out in Maiorga's Yacht Club's water

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

should be sent to the Miño-Sil River Basin District Authority, by any of the ways described in Law 30/92 on the Legal Regime of Public Administrations.

COMMENT NO. 027.01

Comment Summary

The respondent suggests including the definition of "abandoned catchment" and "test drilling or negative catchment" to complete section 6 of art.47.

It is suggested that for the authorization of the abandonment of a catchment should at least be met one of the following conditions:

- The catchment lacks a continuous use to ensure their maintenance in good condition.
- Water abstraction is causing some damage to the aquifer or it is a source of potential water contamination.
- The catchment exploits contaminated or of poor quality waters.
- The catchment is causing the deterioration of water quantity and/or quality in other nearby catchments.
- The catchment involves a potential risk to the physical safety or welfare of people and animals.
- The catchment is not built according to current regulations.

The report to be submitted by the holder of the catchment on the of abandonment authorization procedure should include the following four specifications:

- "Characterization of the well or sounding: it is necessary to gather as much information about the structural characteristics, subsurface geology and hydrogeologic data as possible."
- "Disinfection: it is necessary to proceed with the disinfection of materials used in the sealing work and of the current catchment if there are public supply catchments in the surroundings or if it is within the scope of protection of such supply catchments . "
- "Removal of foreign elements to drilling: any pump, tubing (if not cemented the extraction is recommended), obstructions, etc."
- "The hydrogeological conditions should be considered when the seal is permanent. If it is a free aquifer the percolation of surface water by the annular space should be prevented. If the aquifer is confined or semi-confined, the aim is to prevent the hydraulic connection between different water levels. "

Argued Response

Accepted

This comment is considered appropriated and, therefore, Article 47.6 is being completed with, in the first place, the conditions for authorizing the abandonment of a catchment

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

and secondly the specifications which should be submitted by the holder of the resource exploitation for processing authorization abandonment.

COMMENT NO. 028.12

Comment Summary

When there are soft or low impact alternatives to achieve the objectives of improving the status of a body of water, the measure proposed by the competent Administration should be replaced by this alternative.

Argued Response

Accepted

This comment is considered appropriate. Therefore, the Miño-Sil RBD Authority will assess the application of soft or low impact alternatives to achieve environmental objectives when they are technically and economically viable.

COMMENT NO. 028.37

Comment Summary

It should be included the possibility for the Miño-Sil RBD Authority to require a compulsory study of incidence and environmental effects in those cases where, although not being included in the rules of the Environmental Impact Assessment, it may make significant deterioration in the status of water bodies and condition their concession and/or authorization to the result of that study.

Argued Response

Accepted

This possibility is already foreseen in Article 18.3, where it is established that technical documentation relevant to study the environmental effects of actions on the financial effects of water bodies may be required.

COMMENT NO. 028.17

Comment Summary

The extension of concessional terms should not worsen the water body status. When there are applications for the extension of concessional terms the Miño-Sil River Basin Authority should require the implementation of environmental and efficiency improvements in order to grant the extension, such as the installation of devices to improve river connectivity, protocols for monitoring the recolonization by different species or native species reintroduction plans, or measures to improve efficiency or to minimize water contamination.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Accepted

The Miño-Sil River Basin Authority accepts the argument for the inclusion of a new condition in Article 52 of the regulatory text where it is required the implementation of environmental and efficiency improvements for the extension of concessionary terms, respecting in any case, the conditions of the new concessions.

COMMENT NO. 028.18

Comment Summary

Significant impact on the morphological conditions of the stream or in the status of the water body, such as loss of habitat or species, should be considered grounds to proceed automatically to the review/revocation of concessions

Argued Response

Accepted

This comment is accepted, and it will be included as a reason to review of concessions the inference of significant morphological alterations in the river conditions or environmental status, provided that is these are not covered by the concession and that they cause irreversible worsening.

COMMENT NO. 028.21

Comment Summary

In the processing of concessions, should require the applicant to include a declaration of commitment where it is accepted to undertake the necessary actions for the restitution of the environment to its initial status.

Argued Response

Accepted

Article 57 of the regulations in the RBMP includes this requirement for the processing of concessions: "The revocation of the concessions which have works done in the public water for the operation of the water resource exploitation shall involve the reversion to the State, free of charge, of such works and the restoration of the environment in harmony with the original status."

COMMENT NO. 028.23

Comment Summary

Environmental flow should not flow through turbines in order to prevent fish mortality from decompression sickness Moreover, energetic concession for small plants it should be established that in the case of small hydropower plants with self-regulation, the exploitation operation called "hydro-peaking" should not be authorized because of the im-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

pact it has on aquatic ecosystems.

Argued Response

Accepted

It is considered appropriate to add a section in "Chapter III, Environmental flow regime" of the Regulations document, which specifies that until exchange rates and maximum flows are determined to complete the environmental flow regime (with a deadline of January 1, 2016) the exploitation "hydro-peaking" would be banned, except the applicant has submitted a study demonstrating its compatibility with the maintenance of environmental flows defined in Annex 6.3.

On the other hand, regarding turbines, the River Basin District Authority agrees with the comment and believes that the environmental flow is an essential tool in the management of basins and continuity must be maintained.

Moreover, in the Miño-Sil basin running through the region of Galicia there is currently a regulation prohibition for getting environmental flows through turbines, since, in accordance with Decree 130/1997 which approves the regulation of river fisheries and inland aquatic ecosystems of Galicia, "the environmental flows cannot be subject of exploitation. The procedures for its determination, shall apply a mandatory report from the General Directorate of Forestry and Natural Environment. "

Therefore, the Miño-Sil River Basin District Authority considers appropriate that at least some environmental flow is not subject of exploitation.

COMMENT NO. 028.24

Comment Summary

The return of flow, on minihydraulic power plants, should be done tangential to the main axis of the stream, not perpendicular, to avoid the call effect, for which, if necessary, there should be built a channel Landfill to dissipate this effect.

Argued Response

Accepted

The suggestion made by the respondent is accepted, provided that it is environmentally favourable and technically feasible. It will, therefore, be included in the regulations, a section which states that the return flow in minihydraulics plants operations is conducted tangentially to the main axis of the stream in order to avoid the effect call.

COMMENT NO. 028.27

Comment Summary

The regulations document should include as a requirement the installation of devices to prevent fishes from entering the bypass canal on water resources exploitations.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Accepted

The plan's regulatory text includes a section on this subject, section 3 c) of Article 46, however, the RBD Authority considers this proposal appropriate, therefore, this section will be completed by mentioning the bypass canals, leaving the section as follows: "The addition of the devices needed to prevent fish reaching the turbines and bypass canals."

COMMENT NO. 028.30

Comment Summary

The intrusion into police and easement areas of entertainment infrastructures, such as walkways, bike paths, etc. usually has a very negative impact on the conservation of the public domain. The plan should require that this infrastructure should, preferentially, run outside the easement area, except in the case of consolidated urban areas.

Argued Response

Not Accepted

This comment cannot be accepted because according to the *Reglamento de Dominio Público Hidráulico* (Public Water Regulations) in Article 7. (Writing by Royal Decree 9/2008 of January 11): "1. The area of easement for public use (...) shall have the following purposes: (...)

2. Pedestrian and public path for the development of monitoring services, conservation and rescue, unless for safety or environmental reasons the basin authority deems appropriate limitation. "The Miño-Sil River Basin District Authority, as competent authority may, in each case, consider a limitation of the area, but can not make a blanket ban.

Furthermore, the Miño-Sil River Basin District Authority is committed to monitor and control the proceedings are always conducted with the utmost respect for the environment.

COMMENT NO. 028.31

Comment Summary

The plan should give priority to the restoration measures rather than rehabilitation, especially in perfluvial spaces, for its importance as reservoirs of biodiversity. On the other hand, when measures for restoration/rehabilitation of the environment are considered, the applicant should be required guarantee or deposit in the amount that in each case will be set by the Hydraulic Administration.

Argued Response

Not Accepted

With respect to the first question, the River Basin Authority is always in favour of the restoration actions rather than the rehabilitation, as far as practicable.

Law 26/2007 Environmental Responsibility addresses this issue in Chapter IV therefore it is necessary to include an obligation in the plan documents as it is provided in other regu-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

lations. It is repetitive and can get to future inconsistencies between the two regulations in the case of a modification of any of them.

COMMENT NO. 029.07

Comment Summary

With respect to limitations on the water use for extractive mining activities, exceptionalities cannot be permitted under any circumstances.

Argued Response

Not Accepted

According to Article 51 of the Regulations Plan any extractive mining activity will take place outside of public water and water restricted-use area, unless justified reasons. It is considered appropriate to admit exceptionalities if these are force majeure or of general interest and benefits to the environment and society outweigh the harm caused.

COMMENT NO. 029.13

Comment Summary

The amount of hydropower plants is sufficient, hence, there should not be granted any new licenses. Furthermore, Administration should be demanding in terms of compliance with environmental regulations, particularly in waters close to resource exploitations, both upstream and downstream.

Argued Response

Accepted

The Miño-Sil River Basin District Authority is aware of the large number of existing hydropower plants, which is why the conditions imposed in the rules of the Plan are more stringent environmentally. In any case this Authority is in favour of studying and evaluating the new concessions, since the advancement of new technologies can lead to greater energy efficiency.

COMMENT NO. 042.03

Comment Summary

The respondent proposes the addition of two paragraphs, 4 and 5 (as detailed in the contribution document), to Article 35 referred to actions that do not require authorization.

Argued Response

Not Accepted

This proposal cannot be accepted, all actions which not require authorization are detailed in Article 35 and it is not necessary to include additional exceptionalities.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 042.01

Comment Summary

This observation refers to Law 54/1997 of 27 November, approving Law Electricity Sector, and is detailed in Articles 52, 54 and 57 of this Act relating to public utility of electric generation facilities, transmission and distribution of electrical power and the need to occupy the property and the compulsory acquisition of land.

There is a lack of reference in the specialties of the procedure for issuing both the maintenance and conservation of them; therefore it is proposed to amend the articles of the rules of the Plan. The respondent suggests to include a new article: Article 34 bis approval of electrical installations in easement of access area and in restricted-use area and details the contents of the article.

Argued Response

Not Accepted

Article 34 of the Miño-Sil regulations of the RBMP, defines the general rules on concessions, the modification indicated in this comment refers to authorizations so it does not fit in this section.

The RBD Authority believes that it is not necessary to include a particular item for the authorization of electrical installations in easement of access area and in restricted-use area, since Article 35 of the rules of the Plan details the actions that do not require authorization; any action which is not framed in this article will require prior authorization.

COMMENT NO. 045.07

Comment Summary

It is requested to change the wording of section b) of Art. 51.4 as follows: "Prior to discharge, to avoid potential contamination of surface waters due to the dragging of suspended solids by water flow in modified areas, it should be designed a water collection system by means of channels built in low areas which lead them to sediment and settling ponds for proper treatment before discharge. In any case, it should be ensured the stability and tightness of the containments of the ponds to prevent breakdown and leakage."

Argued Response

Not Accepted

The proposal cannot be accepted, since it does not contribute substantially to the current wording.

COMMENT NO. 045.06

Comment Summary

It is requested to modify the art. 51.4, section a), eliminating "To reduce water consumption in the industrial process it will be worked in-circuit" in the first line, because this con-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

cept is developed in section f).

Argued Response

Accepted

The proposal is accepted since it is considered and included in the condition of section f) of this art. 51.4, therefore the proposed modification will be done.

COMMENT NO. 045.08

Comment Summary

Some of the wording of section d) of Art. 51.4 should be deleted, leaving the article as follows: "A plan to control accidental discharges with implications on public water should be submitted.", since the construction, management, maintenance and restoration of mining waste facilities, ponds, dams and tailings are already regulated by Royal Decree 975/2009 on waste management of extractive industries and the protection and rehabilitation of areas affected by mining activities.

Argued Response

Not Accepted

Even though it is true that the mining authority is the one who must approve the restoration of a waste facility plan, which includes measures for exploitation and monitoring in accordance with Royal Decree 975/2009, this does not prevent the River Basin Authority to be informed of such measures under the submitted project.

Therefore, it is necessary to maintain the current wording of the article.

COMMENT NO. 045.09

Comment Summary

It is requested to reorder the constraints of Art. 51.4, placing the current paragraph e) after b).

Argued Response

Not Accepted

It is not understand the reason for the change; therefore the existing order will be maintained.

COMMENT NO. 045.10

Comment Summary

The respondent proposes to amend Art. 51.4, in section f), removing the final phrase "irrigation controllers and taps timers shall be installed ", because it is considered that this is not always the best technical solution for reducing water consumption.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Accepted

In response to the request made by the respondent is considered appropriate to amend this section indicating that it will be installed the best technical solution for reducing water consumption.

COMMENT NO. 045.11

Comment Summary

The respondent proposes to modify section b) of Article 51.5, to read as follows "In the restorations that involve the filling and revegetation of areas affected by mining activities the resulting gradient of the plot terrain is above the stable water table, depth of root revegetation proposal." It is considered that not all rehabilitation of areas affected by mining activities involves their filling and revegetation, and the restoration plan is regulated by Royal Decree 975/2009.

Argued Response

Accepted

It was considered appropriate to amend the wording of this section by adding the phrase "except technically documented justification" to make more flexible its application.

On the other hand, it is important to note that the restoration plan should claim back the public water easement area and restricted-use area to a state as close as possible to the natural one, that is way it is considered restoration and not only rehabilitation. The indicated Royal Decree regulates the restoration plan at any location, in the case of the article of regulations in the RBMP it is introducing additional conditions as it is referred to public water, good status and preservation of which is a matter of the RBD Authority.

COMMENT NO. 045.03

Comment Summary

The respondent requests the elimination of Art. 42.1 on the grounds that these provisions may not be appropriate, considering it is sufficient with what is stated in art. 42.2, having to analyze the demanded flow individually.

Argued Response

Not Accepted

The specific study should justify the requested water resource, but always within the range indicated on art. 42.1, in order to meet art. 40.2 of *TRLA* objective, that any authorization, concession, or future infrastructure should be conditioned by the rational and sustainable management of the resource. The assigned water resource values in Art. 42.1 are considered suitable since they were established based on Ministry of Industry surveys and in consultation with industry experts.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 046.14

Comment Summary

The respondent proposes to amend Art. 51.4, in section f), removing the final phrase "irrigation controllers and taps timers shall be installed ", because it is considered that this is not always the best technical solution for reducing water consumption.

Argued Response

Accepted

In response to the request made by the respondent is considered appropriate to amend this section indicating that it will be installed the best technical solution for reducing water consumption.

COMMENT NO. 046.19

Comment Summary

Article 19.3 is contradictory to what is provided in art. 56 of the proposed regulations of the RBMP. The respondent believes it is worrying that a farm with a concession and, depending on environmental flow, can be modified or restricted by application of this article.

Argued Response

Not Accepted

According to art. 59.7 of the *TRLA* the ecological flow is a restriction imposed on water resource systems, without character of water use and fixed by the RBMP. Additionally, art. 59.2 of the *TRLA* provides that the concessional clauses do not guarantee the availability of the flow rates granted.

COMMENT NO. 046.06

Comment Summary

The respondent suggests to change the title of art. 51, replacing "extractive uses of extractive open-pit mining "to "mining exploitations."

Argued Response

Accepted

The River Basin District Authority accepts the suggestion and will modify the title of the article.

COMMENT NO. 046.09

Comment Summary

The respondent suggests the removal of art. 51.3 because it is contained in section 4 and 5 of this article.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Accepted

The suggestion is accepted and the section will be deleted.

COMMENT NO. 046.10

Comment Summary

It is requested to modify the art. 51.4, section a), eliminating "To reduce water consumption in the industrial process it will be worked in-circuit" in the first line, because this concept is developed in section f).

Argued Response

Accepted

The proposal is accepted since it is considered and included in the condition of section f) of this art. 51.4, therefore the proposed modification will be done.

COMMENT NO. 046.11

Comment Summary

It is requested to change the wording of section b) of Art. 51.4 as follows: "Prior to discharge, to avoid potential contamination of surface waters due to the dragging of suspended solids by water flow in modified areas, it should be designed a water collection system by means of channels built in low areas which lead them to sediment and settling ponds for proper treatment before discharge. In any case, it should be ensured the stability and tightness of the containments of the ponds to prevent breakdown and leakage."

Argued Response

Not Accepted

The proposal cannot be accepted, since it does not contribute substantially to the current wording.

COMMENT NO. 046.13

Comment Summary

It is requested to reorder the constraints of Art. 51.4, placing the current paragraph e) after b).

Argued Response

Not Accepted

It is not understand the reason for the change; therefore the existing order will be maintained.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 046.05

Comment Summary

The respondent requests the elimination of Art. 42.1 on the grounds that these provisions may not be appropriate, considering it is sufficient with what is stated in art. 42.2, having to analyze the demanded flow individually.

Argued Response

Not Accepted

The specific study should justify the requested water resource, but always within the range indicated on art. 42.1, in order to meet art. 40.2 of *TRLA* objective, that any authorization, concession, or future infrastructure should be conditioned by the rational and sustainable management of the resource. The assigned water resource values in Art. 42.1 are considered suitable since they were established based on Ministry of Industry surveys and in consultation with industry experts.

COMMENT NO. 046.15

Comment Summary

It is proposed to change the title of art. 51.5, being: "The plan of restoration of these exploitations, as for what is affecting channels, easement area and restricted-use area, will establish the following."

Argued Response

Accepted

The proposal is consistent and accepted; therefore it will be amended in the regulations.

COMMENT NO. 046.16

Comment Summary

The respondent proposes to modify section b) of Article 51.5, to read as follows "In the restorations that involve the filling and revegetation of areas affected by mining activities the resulting gradient of the plot terrain is above the stable water table, depth of root revegetation proposal." It is considered that not all rehabilitation of areas affected by mining activities involves their filling and revegetation, and the restoration plan is regulated by Royal Decree 975/2009.

Argued Response

Accepted

It was considered appropriate to amend the wording of this section by adding the phrase "except technically documented justification" to make more flexible its application.

On the other hand, it is important to note that the restoration plan should claim back the public water easement area and restricted-use area to a state as close as possible to the natural one, that is way it is considered restoration and not only rehabilitation. The indi-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

cated Royal Decree regulates the restoration plan at any location, in the case of the article of regulations in the RBMP it is introducing additional conditions as it is referred to public water, good status and preservation of which is a matter of the RBD Authority.

COMMENT NO. 046.18

Comment Summary

The respondent suggests to delete Art. 54 as it is not in accordance to the rule of "first in time first in right"

Argued Response

Not Accepted

Article 54 of the regulations of the RBMP is perfectly legal reserve on the basis of the provisions of Royal Legislative Decree 1/2001 of 20 July, approving the "*Texto Refundido de la ley de Aguas*" (Revised Water Law).

Indeed, Article 79.2 of the Revised Water Law states that the normal procedure for granting concessions shall conform to the principles of openness and processing competing, giving preference, on equal terms, to those who foresee a more rational use of water and better protection of their environment. The principle of competition can be removed in the case of water supply to villages.

The rules are not sources of Spanish law. There are, in this order, Law, Traditionalists and General Principles of Law and are not valid the provisions which contradict others will superior rank, as it is provided in Article 1 of the Spanish Civil Code.

COMMENT NO. 046.12

Comment Summary

Some of the wording of section d) of Art. 51.4 should be deleted, leaving the article as follows: "A plan to control accidental discharges with implications on public water should be submitted.", since the construction, management, maintenance and restoration of mining waste facilities, ponds, dams and tailings are already regulated by Royal Decree 975/2009 on waste management of extractive industries and the protection and rehabilitation of areas affected by mining activities.

Argued Response

Not Accepted

Even though it is true that the mining authority is the one who must approve the restoration of a waste facility plan, which includes measures for exploitation and monitoring in accordance with Royal Decree 975/2009, this does not prevent the River Basin Authority to be informed of such measures under the submitted project.

Therefore, it is necessary to maintain the current wording of the article.

COMMENT NO. 047.47

Comment Summary

Article 57.2. It is considered that the "restoration of the environment in harmony with the original state" is an additional obligation to those imposed by law (art. 53.4 *TRLA*), it is also not understood how to reconcile the review of the works to Administration with the restoration to original state.

Argued Response

Accepted

In response to this contribution and others received the text of the article will be changed so that the "restoration of the environment in harmony with the original state" is not identified as a mandatory requirement in every case.

COMMENT NO. 047.46

Comment Summary

Article 56.2 provides environmental flows the status of "essential characteristic" of the concession which is in conflict with Article 144.2 of RDPH.

Furthermore, according to the wording of section 1 of this article it is clear that this is a concessional modification in adaptation to water planning, which is, according to Article 65 of *TRLA*, financially compensable.

Argued Response

Accepted

To avoid conflict with the provisions of Article 144.2, the consideration of environmental flows as an essential characteristic will be removed in section 2 of Article 56. On the other hand, the first section of this article will be deleted so that it will not lead to error.

COMMENT NO. 047.45

Comment Summary

Article 54 establishes that the RBD Authority may choose to process as required by RDPH or in an alternative way, the respondent thinks this alternative mode may lack legal support.

Argued Response

Not Accepted

Article 54 of the regulations of the RBMP is perfectly legal reserve on the basis of the provisions of Royal Legislative Decree 1/2001 of 20 July, approving the "*Texto Refundido de la ley de Aguas*" (Revised Water Law).

Indeed, Article 79.2 of the Revised Water Law states that the normal procedure for granting concessions shall conform to the principles of openness and processing competing, giving preference, on equal terms, to those who foresee a more rational use of water and

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

better protection of their environment. The principle of competition can be removed in the case of water supply to villages.

The rules are not sources of Spanish law. There are, in this order, Law, Traditionalists and General Principles of Law and are not valid the provisions which contradict others will superior rank, as it is provided in Article 1 of the Spanish Civil Code.

COMMENT NO. 047.44

Comment Summary

Article 52.4. It goes against the article 59.6 of the *TRLA*.

Argued Response

Not Accepted

In relation to the concession terms it must be taken into account the provisions of the "*Texto Refundido de la Ley de Aguas(TRLA)*" which provides in its Article 59.4 that "The concession will be granted according to the provisions of River Basin Management Plans o temporarily and with a valid period of no longer than seventy-five years. The grant will be discretionary, but any decision will be substantiated and adopted in public interest. "

Article 59.6 of *TRLA* sets a maximum value for this period, but there is no reason to set a shorter period if the competent authority considers it appropriate.

Therefore, what this Law does is establishing a maximum term (75 years) duration of the concession but not a minimum, which is a matter (and motivated in public interest) of the competent authority, that is, the Miño-Sil RBD Authority, which should always grant it based on the provisions of the current River Basin Management Plan.

COMMENT NO. 047.43

Comment Summary

Article 46. Section 4, 5 and 7.

The respondent criticized the technique to take advantage of the solicitations to modify concession in order to impose conditions as the ones expressed in section 4. Moreover, these investments would require additional concession period in accordance with Article 59.6 of *TRLA* and the application of Article 65.1 of *TRLA*.

The requirement set on Section 5 can make new hydroelectric exploitations economically viable.

At the end of section 7 it should be added: "for reasons attributable to the owner", as provided in Article 66.2 of *TRLA*.

Argued Response

Not Accepted

Section 4 of Article 46 deals with the case of new applications for modification of existing

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

hydroelectric exploitations, therefore the RBD Authority can impose the necessary conditions in order to meet the objectives of the RBMP without involving any compensation, because the concessional review established under Article 65.1 does not apply, because it is a request to modify the concession.

The possible extension of the concession contract, pursuant to the provisions of art. *TRLA* 59.6, for a maximum period of 10 years shall be admitted when it is proven conclusively by the grantee the existence of damage.

In the case of section 5 of Article 46, the requirement is deemed necessary in order to ensure compatibility of existing uses downstream.

With respect to section 7 is considered appropriate to incorporate the correction "for reasons attributable to the holder" as defined in the *TRLA*.

COMMENT NO. 047.42

Comment Summary

Article 46.3 of the regulations. The implementation of this article to power increase, or use of existing facilities for new pumps, should be considered within the provisions of Article 65.3 of *TRLA* as entitled to compensation and Article 59.6 of *TRLA* for extending the concession period.

Furthermore, section k) of this article requires the concessionaire to take "eutrophication control measures caused by agricultural pollution, farming, urban and industrial pollution, especially based on the empowerment of macrophytes." This imposition is unfair. Finally, this section set a requirement to take "corrective measures on water management," without specifying what measures need to be taken.

Argued Response

Not Accepted

In the case of new applications for modification of existing hydroelectric plants, as well as new projects for upgrading and improving hydroelectric facilities. The RBD Authority can impose the necessary conditions in order to meet the objectives of the RBMP without involving any compensation, because the concessional review established under Article 65.1 does not apply, because it is a request to modify the concession.

The possible extension of the concession contract, pursuant to the provisions of art. *TRLA* 59.6, for a maximum period of 10 years shall be admitted when it is proven conclusively by the grantee the existence of damage.

On the other hand in relation to eutrophication control measures, it is important to note that, although the contamination is not originated in the hydroelectric exploitation, it is because of the dam that it concentrates and cannot dilute in the water supply. Therefore it is considered appropriate to require the control of this risk by the owner of the dam. On the other hand, it must be considered that in the case of applying for a modification, this

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

change must adapt to the new rules, in this case to accomplish the WFD.

COMMENT NO. 047.41

Comment Summary

Article 46.1. At the end of this article it should be added the following text: "... and without reducing the availability to meet other existing concessions that precede in order of priority," as it is set on Article 60.2 of *TRLA*.

Argued Response

Not Accepted

It is considered that this comment is redundant with the preference order of uses provided in Article 26. Therefore, the current wording of the article will be kept.

COMMENT NO. 047.03

Comment Summary

The investment made by the concession holder in order to build or adapt infrastructure to enable the effective implementation of environmental flows, thereby meeting the requirements of the new River Basin Management Plan should be considered in the terms provided in art. 59.6 of *TRLA* in relation to the extension of concessional period. Within these terms there should be considered the necessary investments to evacuate the ecological minimum flows, adaptation of infrastructure to maintain exchange rates and the following articles of the regulations on the plan: art. 46 (sections 3 and 4), 58 (sections 3 and 4) and 22 (section 6).

Argued Response

Not Accepted

The possibility for the extension of the concession period in relation to existing concessions will be analyzed case by case. In each case it will be determined whether it meets the requirements of Art. *TRLA* 59.6 for allowing such extension, for a maximum period of 10 years. Nevertheless, the RBD Authority is initiating a Concertation Process with regard to environmental flows, where each case is analyzed.

COMMENT NO. 047.40

Comment Summary

Article 33.3 of the regulations. The integration of effective control systems in the volume of water used in the monitoring networks established by the River Basin District Authority is not covered by Order ARM 1312/2009.

Argued Response

Not Accepted

The "*Texto Refundido de la ley de Aguas*" in Article 55.4 entrusts the water administration

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

with the establishment of rules to regulate the systems in order to ensure effective control of the water used and waste discharges to public water. It specifically mentions that the owners of the water concessions and all those who, for any reason, are entitled to exclusive use of the resource shall be required to install and maintain appropriate systems to ensure accurate measurement of water flows consumed or used, and, if appropriate, returned.

COMMENT NO. 052.01

Comment Summary

It should not be given the possibility of building any power plant downstream of Frieira, due to the need to preserve the environmental, economic and cultural values of the Miño River and its tributaries.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority is demanding with the fulfilment of the environmental objectives for water bodies. For this reason, new concessions and modifications of existing ones will require conditions respectful with environment.

This River Basin Authority does not support to make a blanket ban on every concession, but to require the necessary conditions for achieving good status and protection of public water, analyzing each case objectively and leaving an open the door to new technologies which may produce less damage to the environment.

Currently there is a concessional application in environmental processing in this area which should continue its current procedure. However, in this case, as there are trans-boundary waters, the procedure must be coordinated with Portugal making it more difficult to grant new concessions.

Furthermore, it is important to remember that in this case the procedures for concessions are initiated by the Ministry of Environment and not the by the River Basin District Authority.

COMMENT NO. 054.05 AND 055.05

Comment Summary

The respondent suggests to remove the text "unless justified reasons" in Article 51.1. Additionally, Article 51.2 should not allow dumping of materials from activities, without any exception.

Argued Response

Not Accepted

According to Article 51 of the Regulations Plan any extractive mining activity will take place outside of public water and water restricted-use area, unless justified reasons. It is

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

considered appropriate to admit exceptionalities if these are force majeure or of general interest and benefits to the environment and society outweigh the harm caused

COMMENT NO. 054.02 AND 055.02

Comment Summary

The River Basin Management Plan should state the Galician rivers as areas free of new hydroelectric plants. New hydroelectric plants concessions should be stopped, as they are responsible for the major effects on rivers, reflected in the Preamble of the Law 5/2006. There should be started proceedings for revocation and revision of the concessions. There should also be prevented the re-powering or uses of other flows.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority is aware of the large number of existing hydro-power plants, which is why the conditions imposed in the rules of the Plan are more stringent environmentally. This authority is currently working hard on the review of expiration proceedings, review of concession rights and the study of the clauses. In any case this Authority is in favour of studying and evaluating the new concessions, since the advancement of new technologies can lead to greater energy efficiency.

The evaluation criteria for the study of new concessions are environmentally much more stringent and there are much more stringent concessional clauses. Thus this River Basin Authority does not support to make a blanket ban on every concession, but to require the necessary conditions for achieving good status and protection of public water, analyzing each case objectively and leaving an open the door to new technologies which may produce less damage to the environment.

COMMENT NO. 054.03 AND 055.03

Comment Summary

The respondent suggests a water resource of 150 l / person urban supply.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority considers this value for urban supply resources as desirable value which should be achieved in the future. However, currently it is not an appropriate value due to the limitations imposed. Nevertheless, this Authority is considering an amendment to Article 37 of the River Basin Management Plan rules in order to establish a single value of the resource assignation for urban supply which should not depend on population ranges.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 057.02

Comment Summary

Article 38, section 4, reflects the need to justify, through an agronomic study to evaluate the crop evapotranspiration (Etc) at the implantation area for a minimum period of 10 consecutive years, the increase in the value of average unit resource assignation in concessions proceedings or reviewing of features. The respondent considers that this period is excessive and may slow the introduction of new crops in the area. Therefore it is suggested to reduce the number of years.

Argued Response

Not Accepted

Most of the agronomic studies are set with a period of 10 years. This period is considered appropriate. This period has been estimated as the necessary to reduce the error as it is considered further variability of meteorological data.

COMMENT NO. 057.03

Comment Summary

Article 39 indicates the water resource values for livestock. It specifically indicates a value of 120 litres/head/day for cattle. In the *Valle de Lemos* livestock consists mainly of bovine oriented to milk production, whose productive capacity is high, with yields above 36 kg milk/day. It therefore seems necessary to increase the average water assignation to 150 litres/head/day

Argued Response

Not Accepted

Regarding livestock water consumption, as expressed in Annex III, according to literature review and expert judgment, it is concluded that dairy cows are the ones which consume most water between cattle, in proportion to their body size. This is because they have large water requirements to maintain milk production, as 85 to 87% of milk is water.

This is the reason for choosing 120 litres/head/day as the maximum value for the general cattle water requirements, a much higher value than that provided in the "*Instrucción de Planificación Hidrológica*" which is 80 litres/head/day for cattle.

The value of 120 litres/head/day has been established to maintain the value which is currently in force by the North River Basin Management Plan I (*Plan Hidrológico del Norte I - 1998*).

COMMENT NO. 057.04

Comment Summary

Article 44, section 2, states the obligation for the Irrigation Community to establish control measures on water consumption and binomial rates in the case of modification of ex-

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

isting concessions. The respondent suggests adding a section on the article where it is considered an adjusting period to install a control system.

Argued Response

Not Accepted

The River Basin District Authority does not consider appropriate to establish a specific period for the adaptation of consumption control systems. This should be analyzed for each application for new concession or modification of an existing concession in any Irrigator Community.

COMMENT NO. 057.05

Comment Summary

Article 44, section 3, indicates that irrigation communities over 1000 Ha must periodically submit quality analytics for collected water as well as water returns of its drainage network. The respondent considers that the irrigation communities should not be responsible of these analytics which correspond to domain of the River Basin District Authority.

With regards to the frequency of analysis of the drainage water it should not be established unilaterally by the District Authority.

Argued Response

Not Accepted

Article 55 of *TRLA* empowers the River Basin Authority to determine the effective control systems for water flow used and water discharges to public water that should be established in order to ensure respect for the existing rights, to measure the volume of water actually consumed or used, to allow proper planning and management of resources and to ensure water quality.

Additionally, under Article 98 of the *TRLA* (Environmental constraints for authorizations and concessions): "the River Basin District Authority, when granting concessions and authorizations, should take the necessary measures to support the use with respect for the environment and ensuring environmental flows or demands under water planning. "

According to food safety requirements it is necessary to require these analytics to the irrigation communities. Furthermore, it is important to note that the establishment of the frequency for sampling is the responsibility of the River Basin District Authority.

COMMENT NO. 057.06

Comment Summary

Article 44, section 4, states that only new concessions will be authorized for irrigation when the systems used are localized high frequency. The respondent considers that this limitation should not be set due to the type of crops grown in the Miño-Sil River Basin District. Therefore, the respondent considers that it should be allowed the use of sprin-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

kler and border irrigation systems if their agronomic and hydraulic design allows to make a rational use of water.

Argued Response

Accepted

Regarding new concessions for irrigation, Article 44 in section 4 establishes that for other types of irrigation system different from drip irrigation systems or localized high frequency, there can be water concessions granted if it comes from urban or industrial treated wastewater, or else if the new inlet allows fully respect of environmental flows for at least nine months a year, so that the months in which it cannot comply with these flows (i.e. when the estimated average flow rate during that month is less than the environmental minimum flow for that point) there should be no irrigation.

Furthermore, the River Basin District Authority has considered, in response to this and other contributions, to include sprinkler irrigation system with the localized high frequency among those listed in section 4.

COMMENT NO. 059.24

Comment Summary

The respondent requests the inclusion of some projects in the RBMP:

- Project improvement of water use Belesar-Peares Concession.
- Project improvement of water use Conchas-Salas Concessions.
- Project improvement of water use Mao integral Concession.
- Project improvement of water use Arnoia River integral Concession.
- Project modification Concession "Bajo Miño" between levels 108.428 m.a.s.l. - 35.207 m.a.s.l. environmental improvement.
- Project modification Concession "Bajo Miño" between levels 40.50 m.a.s.l. - 6.50 m.a.s.l.
- Project improvement of the resource exploitation El Pelgo Concession.

Argued Response

Not Accepted

Collecting this information in its documents is not a subject for the River Basin Management Plan.

COMMENT NO. 059.29

Comment Summary

With regard to art. 56 of the rules, the respondent considers that the phrase "without prejudice" should be replaced by "in accordance to" the Concertation Process referred to in Article 19.3 of the Regulations of the RBMP.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

Moreover, the respondent considers that art. 56.2 does not make sense, as it provides that when the review of the concession results in a modification on the essential characteristics, it shall be conducted by a proceeding for modification. Furthermore this article states that the environmental flow is considered as an essential feature. Concessional revision procedure should be performed as set on the "*Reglamento del Dominio Público Hidráulico*" (*RDPH*) and therefore this section should be deleted.

Argued Response

Not Accepted

Regarding the first suggestion to replace "without prejudice" by "in accordance to" it is not considered appropriate, so it will be kept the current wording.

Art. 56.2 will be modified since the environmental flow is not considered an essential feature of the concession. The article will be kept, by these means, according to art. 143.2 of the *RDPH*: "The River Basin District Authority may open proceedings for characteristics modification, in the case of adjusting the granted flow to the real needs of the exploitation, restricting its flow or keeping it."

Similarly, first section of Article 56 will be deleted.

COMMENT NO. 059.28

Comment Summary

The respondent considers that art. 53 for resolving concessions proceedings should apply only to new concessions.

Argued Response

Accepted

This comment is considered appropriate therefore the article will be modified.

COMMENT NO. 059.27

Comment Summary

The respondent considers that concession's period length cannot be set as in the art. 52.1 of the regulations. It is also considered that art. 52.4 is against art. 59.6 of *TRLA*.

Argued Response

Not Accepted

In relation to the concession terms it must be taken into account the provisions of the "*Texto Refundido de la Ley de Aguas(TRLA)*" which provides in its Article 59.4 that "The concession will be granted according to the provisions of River Basin Management Plans o temporarily and with a valid period of no longer than seventy-five years. The grant will be discretionary, but any decision will be substantiated and adopted in public interest. "

Article 59.6 of *TRLA* sets a maximum value for this period, but there is no reason to set a shorter period if the competent authority considers it appropriate.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Therefore, what this Law does is establishing a maximum term (75 years) duration of the concession but not a minimum, which is a matter (and motivated in public interest) of the competent authority, that is, the Miño-Sil RBD Authority, which should always grant it based on the provisions of the current River Basin Management Plan.

COMMENT NO. 059.25

Comment Summary

The respondent considers that, in regard to art. 33 of the regulations, hydroelectric plants water flow can be controlled by measuring the electrical energy produced, as provided in art. 12.2 of Order ARM/ 1312/2009 and in any case, it may be also subject of the Concertation Process.

Argued Response

Accepted

For the application of art. 12.2 of Order ARM/ 1312/2009, the concessionaire must submit different applications for each particular case which will be evaluated for approval by the President of the Miño-Sil River Basin District Authority.

COMMENT NO. 059.12

Comment Summary

According to the respondent, water concessions in Spain have a legal system characterized by the balance between security and flexibility of the titles. Flexibility is essential in water management, harmonizing environmental protection with the satisfaction of uses. It is also considered that the Spanish Water Law determines that water planning supports the revision of the concession titles; however this requires that, in the case that these changes cause an economic harm to concessionaires, they should be compensated. To resolve this, the respondent refers to art. 65 of the *TRLA* and to the *IPH*, considering that through the concertation process the compensation may not be in cash.

Finally, the respondent considers imprecise the wording of Art. 56.1 and he suggests to replace "without prejudice to the arrangements provided for in Article 19.3", for "according to a concertation process."

Argued Response

Not Accepted

On the process to be followed for the implementation of environmental flows in existing concessions, both legal practice and doctrine have adopted different criteria depending on the factual situation presented, and hence it must be stated that, contrary to the contribution, the route of review under Article 65.1.c) of *TRLA* is not the only procedure for incorporating these environmental measures in existing uses.

With regards to water concessions it should be clarified that, despite its setting, they are

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

public therefore the concessionaire is subject to a number of important constraints, among which are environmental. In this sense, even when there is no doubt that the government, in exercising their powers, act fully in compliance with the Constitution, Laws and Regulations, it should be noted that following the established legal channels, it would be possible for the River Basin Authority to include new environmental conditions for concessions. It will not result in right to accept the claim that the only way to carry out this implementation is by concessional review.

The contributions made to this River Basin Plan state that the course of the review provided for in Article 65.1.c) of *TRLA* (review for consistency with the River Basin Management Plans) is the only procedure for incorporating these new environmental requirements in the existing concessions. However, it should not be forgotten that the catalogue of existing water concessions in the Miño-Sil Basin District is very wide, therefore, that for the incorporation of environmental measures on existing concessions, there may be another way. It could be started a review procedure since the original assumptions for granting the concession have changed (Article 65.1.a) of *TRLA*) and even a modification procedure for the concessions characteristics. Note that, as evidenced in *STS* of September 28, 2005, "(...) there is no entitlement to the entire flow of a river at times and circumstances in which it is not even possible the survival of fauna and flora of the surrounding area as a result of excessive use, besides being prohibited by Water Law".

In any case, under current regulations and as required by Article 19.3 of the Plan, the implementation of environmental flows is being developed under a concertation process which takes into account the uses and existing demands, as well as the concession regime and the good practices.

As for the possible existence of indemnity or compensation, it should be analysed for each case, resulting not in accordance with law the claim that such compensation must be done for every existing concessions on which have been implemented environmental flows. And, contrary to the comment, the establishment of these measures would not necessarily affect the economic and financial equilibrium of the concession, but that fact must be analyzed case by case.

With regard to Article 56.1, the first section of the article will be deleted so that it does not lead to error.

COMMENT NO. 059.08

Comment Summary

Regarding the Plan documents, it is considered that the Plan does not include water demands for electricity production nor reserves. The respondent considers that the plan establishes exaggerated requirements for repowering projects, improvement of existing and new concessions (Article 46.3 of the proposed Regulations). The respondent indicates that some of devices that are intended to be required can not be installed or are ineffec-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

tive which determines stopping of improvement projects or denial of new uses.

Argued Response

Not Accepted

The Draft River Basin Management Plan, as well as the current Plan in force, makes an assignment and resource reserve for consumptive demands, leaving the rest of resources available for non-consumptive uses, in compliance with environmental flows and existing concessions.

The establishment of the new requirements for new exploitations, re-powering of existing facilities and improvements, is done to meet the objectives of the River Basin Management Plan, combining uses with resource protection. The Miño-Sil River Basin District Authority considers these requirements necessary to achieve the reconciliation of new uses or changes to existing uses in compliance with the environmental objectives of water bodies in a highly regulated District.

Finally, it should be noted that this River Basin District Authority is optimistic about the technical capacity and the potential for installation of devices and solutions to improve the continuity of the stream.

COMMENT NO. 059.26

Comment Summary

The requirements of Article 46.3 of the regulations are considered unjustified. This requirements set on sections a), b), h) and J) of this article are considered to be beyond what is supported by the art. 98 of *TRLA*.

Argued Response

Not Accepted

The River Basin District Authority believes that these requirements are justified with environmental conservation.

The requirement to install measuring devices of different flows in Article 46.3.a) of the future RBMP is covered with the power contained in Article 55 of *TRLA* which allows the basin authority to determine the effective control systems for water flow used and discharged into public water in order to ensure respect for existing rights, measure the volume of water actually consumed or used, etc.

Furthermore, the *TRLA* indicates in article 42 that the River Basin Management Plan should include the establishment of requirements for the implementation of energy exploitations, therefore these requirements would be justified.

COMMENT NO. 069.09

Comment Summary

The respondent proposes to modify section b) of Article 51.5, to read as follows "In the

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

restorations that involve the filling and revegetation of areas affected by mining activities the resulting gradient of the plot terrain is above the stable water table, depth of root revegetation proposal." It is considered that not all rehabilitation of areas affected by mining activities involves their filling and revegetation, and the restoration plan is regulated by Royal Decree 975/2009.

Argued Response

Accepted

It was considered appropriate to amend the wording of this section by adding the phrase "except technically documented justification" to make more flexible its application.

On the other hand, it is important to note that the restoration plan should claim back the public water easement area and restricted-use area to a state as close as possible to the natural one, that is way it is considered restoration and not only rehabilitation. The indicated Royal Decree regulates the restoration plan at any location, in the case of the article of regulations in the RBMP it is introducing additional conditions as it is referred to public water, good status and preservation of which is a matter of the RBD Authority.

COMMENT NO. 069.03

Comment Summary

The respondent suggests to equalize water assignation for ornamental granite with the one for slate.

On summer days and dry periods the daily maximum consumption should be increased, respecting, in any case, the maximum annual consumption.

Argued Response

Accepted

The proposal to equalize water assignation for granite with the slate is considered inadequate, and it is therefore not accepted.

Furthermore, the Miño-Sil River Basin District has considered the second comment appropriate and consequently water assignations for extractive industry will be reviewed in order to establish an annual maximum.

COMMENT NO. 069.05

Comment Summary

Is requested to modify the art. 51.4, section a), eliminating "To reduce water consumption in the industrial process it will be worked in-circuit" in the first line, because this concept is developed in section f).

Argued Response

Accepted

The proposal is accepted since it is considered and included in the condition of section f) of this art. 51.4, therefore the proposed modification will be done.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 069.06

Comment Summary

It is requested to change the wording of section b) of Art. 51.4 as follows: "Prior to discharge, to avoid potential contamination of surface waters due to the dragging of suspended solids by water flow in modified areas, it should be designed a water collection system by means of channels built in low areas which lead them to sediment and settling ponds for proper treatment before discharge. In any case, it should be ensured the stability and tightness of the containments of the ponds to prevent breakdown and leakage."

Argued Response

Not Accepted

The proposal cannot be accepted, since it does not contribute substantially to the current wording.

COMMENT NO. 069.07

Comment Summary

Some of the wording of section d) of Art. 51.4 should be deleted, leaving the article as follows: "A plan to control accidental discharges with implications on public water should be submitted.", since the construction, management, maintenance and restoration of mining waste facilities, ponds, dams and tailings are already regulated by Royal Decree 975/2009 on waste management of extractive industries and the protection and rehabilitation of areas affected by mining activities.

Argued Response

Not Accepted

Even though it is true that the mining authority is the one who must approve the restoration of a waste facility plan, which includes measures for exploitation and monitoring in accordance with Royal Decree 975/2009, this does not prevent the River Basin Authority to be informed of such measures under the submitted project.

Therefore, it is necessary to maintain the current wording of the article.

COMMENT NO. 069.08

Comment Summary

The respondent proposes to amend Art. 51.4, in section f), removing the final phrase "irrigation controllers and taps timers shall be installed", because it is considered that this is not always the best technical solution for reducing water consumption.

Argued Response

Accepted

In response to the request made by the respondent is considered appropriate to amend this section indicating that it will be installed the best technical solution for reducing wa-

ter consumption.

3.7. PROTECTION OF PUBLIC WATER

COMMENT NO. 001.02

Comment Summary

The wetland inventory includes for the Limia area the "VEIGA DE LIMIA" wetland, which is nowadays completely drained and cultivated.

Argued Response

Accepted

After reviewing the plan, "Veiga de Limia" was not included in the register of protected areas as wetland, since, as stated in this comment, it is completely drained and dried.

The management of wetlands is a matter for the regional authorities; therefore this issue will be transferred to the Committee of Competent Authorities.

COMMENT NO. 001.03

Comment Summary

The respondent suggests including the SCI "Veigas of Ponteliñares" as a wetland, because its statement as a Site of Community Importance is due to the presence of "*Eryngium viviparum*", species in need of flood periods of 6 to 8 months. It is consequently necessary to include some resource to maintain its temporary hydromorphy character when the rainfall does not guarantee it.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority, after analyzing the proposal, has found that this area is not included as a wetland in the wetland inventory of the Xunta Galicia; hence its inclusion in the register of protected areas as a wetland is rejected.

COMMENT NO. 001.01

Comment Summary

There have not been found any reference, not even historic, to Lagoa Antela which enables future restoration actions on it.

Argued Response

Not Accepted

The recovery and management of wetlands is the responsibility of the autonomous regions and it is therefore outside the Miño-Sil River Basin District Authority scope of competence. However, the importance of the wetland is recognized so this issue will be transferred to the competent agency, within the Committee of Competent Authorities.

COMMENT NO. 003.24

Comment Summary

Household waste or similar from housing developments and industrial areas or sectors not included on the public sanitation planning should be treated together, if they are technically and economically viable. Likewise, polygons or industrial sectors forming a unit should have integrated sanitation. User communities or companies responsible for spills should be promoted for both approaches and the proceedings should be done as a single discharge authorization for the set.

Argued Response

Accepted

This proposal is interesting, however, due to population dispersion in the District it is considered impractical for the treatment of isolated centres. Nevertheless, the implementation of joint processing will be considered if it is technically and economically feasible for housing and industrial estates.

Everything as provided in Article 71.4 of the regulatory text of the Plan "It may be required the establishment of discharges communities in accordance with Article 90 of the *Texto Refundido de la Ley de Aguas* (Revised Water Law) and article 253.3 of the *Reglamento del Dominio Público Hidráulico*. "

COMMENT NO. 003.38

Comment Summary

With regards to sediment transport, the measures proposed are technically very complicated and environmentally delicate. It would be important, therefore, to limit its application to small new dams on Article 59 of page 56, as long as their environmental objectives are justified. This should be done through a programme where physicochemical quantity and quality will be recorded, as well as timing of sediment discharge, so as not to affect the life cycles of organisms that develop downstream.

Argued Response

Accepted

The Miño-Sil River Basin District Authority, to respond to this comment and others received in relation to Article 59 of the regulatory text of the Plan, has decided to keep this article only for the case of new exploitations.

COMMENT NO. 003.31

Comment Summary

The maintenance of environmental flows on the donor basin of a transbasin diversion should be a requirement. Furthermore, since there is a risk of spreading invasive species

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

the necessary control mechanisms should be established.

Argued Response

Not Accepted

First, it is important to clarify that the maintenance of environmental flows is a general limitation of every water use, with the exception of population supply; therefore there is no need to specify this for transbasin diversions, because the established environmental flows must be respected, if the population supply is met.

Secondly, the responsibility of controlling the risk of spreading invasive species is for the Autonomous Regions. However, the River Basin District Authority will monitor the introduction of invasive exotic species within the Miño-Sil River Basin District. Therefore, within the rules of the Plan, a new article will be added to prevent the introduction of invasive exotic species in the transbasin diversions.

COMMENT NO. 003.30

Comment Summary

The regulations should restrict the granting of logging authorizations and indiscriminate cuts in the easement area, allowing only those properly justified cases.

Argued Response

Accepted

The regulation of logging authorizations in the easement area is already covered by Article 63 of the regulations of the Plan,

"Logging and tree planting

1. Logging and/or planting of tree species in restricted-use stream area and easements areas require prior authorization of the Miño-Sil River Basin District Authority, in accordance with the provisions of the *Reglamento del Dominio Público Hidráulico*. (...)".

COMMENT NO. 003.29

Comment Summary

In general, direct discharge to groundwater of any liquid except for geothermal exploitation from open system should not be allowed.

Argued Response

Not Accepted

It is not necessary to introduce a specific prohibition of discharge to groundwater since it is recognized in Article 50 of the *RPH*.

Article 50 of the *RPH* establishes the following

"1. Without prejudice to the prohibition of discharges regulated in Article 100.1 of the *Texto Refundido de la Ley de Aguas* (Revised Law Water), the river basin management plan will identify, if any, the cases where direct discharges are authorized to groundwater

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

bodies, and the conditions of that authorization.

2. Measures in Title III, Chapter II of the Public Water Regulations, and in particular those contained in Section IV of discharges to groundwater would be applied.

This article establishes the possibility that, notwithstanding the general prohibition of discharge to public water, the water plan may identify, if any, the cases where direct discharges are authorized to groundwater bodies and the conditions of that authorization.

COMMENT NO. 003.28

Comment Summary

It should be included in the Plan the obligation of WWTPs managers to send information to the River Basin Authority on self-monitoring, monitoring plans, etc.

Argued Response

Not Accepted

This is a matter to be discussed and required as a result of the discharge authorization dossier for each WWTP, considering powers, risks and specific problems of each WWTP.

COMMENT NO. 003.25

Comment Summary

It should be included in the Plan the obligation of the discharge authorization holder to install a measurement system which ensures the registration and verification of discharge flows. Except for justifiable cause, the effectiveness of discharge authorizations is conditioned to the installation of an appropriate measuring device. This would not be required for discharges of minor dangerousness.

Argued Response

Not Accepted

Discharge flow control by the holder is referred to in Order ARM/ 1312/2009 of 20 May. This order regulates systems for effective control of the volumes of water used by water exploitations in public water, the returns to that public water and discharges thereto.

COMMENT NO. 003.43

Comment Summary

Although the characterization of salmonid and cyprinid waters or has no basis in biological science, and are absolutely inadequate terms, many of the river stretches shown in Figure 3 and Annex 4 are misclassified and should be classified as salmonid almost entirely. However, due to deteriorating water quality may, according to these criteria, which the respondent insists have no ecological support, be considered as cyprinid. Hence this classification appearing in the tables referred to.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

This comment is perfectly justified, however, it is important to clarify that the classification of waters as salmonid or cyprinid is only due to a criterion of water quality as set out in Annex 3 of Royal Decree 927/1988.

COMMENT NO. 003.23

Comment Summary

In general, camping should not be allowed in flood areas with return periods of less than 100 years.

Argued Response

Accepted

Although Article 61.4 generally established that "permitted uses in the preferential flow area (...) are the ones which do not show vulnerability to floods," camping will be specifically included in the list for leaving no doubt.

COMMENT NO. 003.22

Comment Summary

The obligation to incorporate sustainable drainage systems in new housing developments, industrial parks, urban development and infrastructure should be included in the Plan regulations.

Argued Response

Not Accepted

The River Basin District Authority will promote sustainable development in all spheres of influence. Nevertheless, the points indicated by the respondent exceed the River Basin District Authority's competence, therefore in response to this comment this issue will be transmitted to the Committee of Competent Authorities for its consideration.

COMMENT NO. 003.20

Comment Summary

Authorizations of activities with risk of introduction of invasive species should require to guarantee prevention measures and best practices for non-introduction of these species.

Argued Response

Accepted

The River Basin Authority welcomes the participation of the respondent in the elaboration of the River Basin Management Plan and it will control, within its competence, the introduction of invasive exotic species within the Miño-Sil River Basin District. Hence, within the regulations of Plan, a new article will be added to prevent the introduction of invasive

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

exotic species in every activity undertaken in public water or restricted-use area.

COMMENT NO. 003.18

Comment Summary

The plan should promote the restoration measures rather than rehabilitation. And planting and cultivation of exotic tree species in the river stream and 5m of easement area should be prohibited.

Argued Response

Accepted

With respect to the first question, the River Basin District Authority is always in favour of the restoration actions rather than the rehabilitation, as far as practicable. Furthermore, in relation to the risk of spreading invasive species, the RBD Authority will control, within its competence, the introduction of invasive exotic species within the Miño-Sil River Basin District. Hence, within the regulations of Plan, a new article will be added to prevent the introduction of invasive exotic species in every activity undertaken in public water or restricted-use area.

COMMENT NO. 003.11

Comment Summary

The respondent suggests encouraging the reuse of treated water to urge the holder of the water concession or discharge authorization to study, alternatively, the reuse of treated water when the achievement of good status of water body on time is compromised. Additionally, a new application for water concession should be redirected to an application for regenerated water concession where concessional uses support it.

Argued Response

Not Accepted

The legal regime of reusing treated water is established by Royal Decree 1620/2007 as indicated in Article 78 of the regulatory text of the draft River Basin Management Plan.

COMMENT NO. 003.03

Comment Summary

The respondent suggests including the obligation to conduct a transverse barrier inventory in the River Basin District with an objective assessment of their passableness, and indexes design: passableness, partitioning, longitudinal continuity, and propose a prioritization of permeabilization actions.

Argued Response

Accepted

Article 58 section 2 of the regulations states that: "During the validity period of this plan,

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

the Miño-Sil River Basin District Authority will prepare a barrier inventory in those river streams which alter the natural ecological and hydromorphological conditions with the goal of ecological restoration of public water." Furthermore, in this Article it shall be required to the new water exploitations to present an transverse barrier study which shows their passableness index, therefore it have been added to the regulatory text an annex indicating the criteria for calculating this index.

COMMENT NO. 003.27

Comment Summary

Discharge authorizations for business where flora and fauna species are collect or reproduce should incorporate appropriate measures to prevent introduction of invasive species in order to be granted.

Argued Response

Accepted

The River Basin Authority welcomes the participation of the respondent in the elaboration of the River Basin Management Plan and it will control, within its competence, the introduction of invasive exotic species within the Miño-Sil River Basin District. Hence, within the regulations of Plan, a new article will be added to prevent the introduction of invasive exotic species in every activity undertaken in public water or restricted-use area.

COMMENT NO. 006.06

Comment Summary

An error has been detected in the wording of section 1 of Article 65. There is a reference to special protection areas when it should be protection areas.

Argued Response

Accepted

This comment is, indeed, correct, therefore the error will be corrected.

COMMENT NO. 006.07

Comment Summary

Section 2 of Article 65 refers to what should be included in the River Basin Management Plan and, as the article is part of the plan itself, it should be amended in order to include directly the content mentioned.

Argued Response

Accepted

This comment is accepted. Therefore section 2 of Article 65 will be modified by stating that the River Basin Management Plan includes in its Annex IV a protected area register with maps indicating the location of each area, environmental information and conserva-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

tion status, if applicable.

OBSERVATION NO. 046.20

Comment Summary

The respondent requests for flexibility in the possibility of altering the course of the water bodies' streams in certain circumstances. He also considers that it is essential to distinguish between high and low river or streams basins. It is considered that the conditions set in Article 18 for new alterations or modifications are unachievable when altering the course of the river streams for mining.

On the other hand, the respondent indicates that an undefined legal criterion was used in section c) of Art. 18.2, "superior public interest".

Argued Response

Not Accepted

No alterations and modifications on the riverbeds can be allowed if they adversely affect the status of water bodies and involve the impediment of achievement of environmental objectives, provided that the conditions described in Article 18, which reads as section 6.5 of Instruction Water Planning (*Instrucción de Planificación Hidrológica -IPH*), are not met.

With regards to article 18.2 of the regulations of the plan, the language used is identical to that of *IPH* in section 6.5.

COMMENT NO. 006.04

Comment Summary

The content of Article 60 is subject to regulation in the National Water Plan; hence, inconsistencies may arise with the provisions therein.

Argued Response

Accepted

This comment is considered appropriate, therefore a comment such as "without prejudice to what is established on the National Water Plan" will be added to the final text of the article, to avoid contradictions.

COMMENT NO. 006.05

Comment Summary

The content of Article 61.7 and 62 should be regulated in Royal Decree 903/2010; hence, inconsistencies may arise with the provisions therein.

Argued Response

Accepted

To avoid the emergence of contradictions between the regulations in the Plan and the RD

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

903/2010, it will be added an expression similar to "without prejudice to what flood management plans establish."

COMMENT NO. 008.02

Comment Summary

The respondent requests a catalogue of wetlands.

Argued Response

Not Accepted

The regulation of wetlands is responsibility of the autonomous communities so the request will be transferred to the Committee of Competent Authorities for its consideration. In any case, it should be clarified that in the protected areas register of the River Basin Management Plan, Annex IV, there is a list of wetlands considered of special protection.

COMMENT NO. 011.04, 012.04, 013.04, 014.04, 015.04, 016.04, 040.04, 041.04, 043.04, 044.04, 049.04, 058.04, 060.04, 061.04, 062.04, 063.04, 064.04, 065.04, 066.04, 067.04, 069.11, 070.04 AND 045.13

Comment Summary

The respondent requests for flexibility in the possibility of altering the course of the water bodies' streams in certain circumstances. He also considers that it is essential to distinguish between high and low river or streams basins. It is considered that the conditions set in Article 18 for new alterations or modifications are unachievable when altering the course of the river streams for mining.

Argued Response

Not Accepted

No alterations and modifications on the riverbeds can be allowed if they adversely affect the status of water bodies and involve the impediment of achievement of environmental objectives, provided that the conditions described in Article 18, which reads as section 6.5 of Instruction Water Planning (*Instrucción de Planificación Hidrológica -IPH*), are not met.

On the other hand, smaller rivers cannot be underestimated for the assessment of their status alterations and it is inadequate to perform such exceptions.

COMMENT NO. 019.06

Comment Summary

Regular testing of water quality at the outlet of the treatment plants of industrial points, to avoid further disasters on fauna and flora, of slow and costly environmental remediation.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

Industrial effluents' characteristics should conform to the rules set in the Discharge Ordinances, to ensure that the operation of purification plants is not hindered. On the other hand, under sections 251 and 252 of the "Reglamento del Dominio Público Hidráulico", discharge authorizations must establish the conditions under which there should be carried out: control elements of the treatment facilities and systems of flow measurement and sampling; as well as the frequency in which it is required to analyze and establish the parameters and conditions of discharge. Therefore, it must be indicated that all these testing activities are being carried out today.

COMMENT NO. 020.11

Comment Summary

The proposal made to analyze shortages and droughts is very positive. However, in Appendix 11.1, related to the Special Drought Plan organization it is detailed that "Water Planning Office is the responsible for monitoring evolution of drought indicators and surveillance of the Albufeira Convention". According to the respondent the document could be better explained by taking into account the provisions of the Albufeira Convention in relation to the operability of the Commission to Application and Development of the Cooperation Convention for Protection and Sustainable Use of Water in the Spanish – Portuguese Basins.

Argued Response

Not Accepted

This observation will be considered in the review to be conducted on the Special Drought Plan.

COMMENT NO. 021.10

Comment Summary

Section 1 of Article 59 concerning the transport of solids should be reviewed because it states that the transport of solids is recognized as an integral part of the natural flow of rivers, essential for its morphological development and evolution. This claim ignores the existence of open-pit mining exploitations which generate large volumes of tailings that are deposited without environment guarantee outside the public water area and restricted-use area, which in heavy rain situations produce polluted waters of suspended materials ending on public channels.

Argued Response

Accepted

The Miño-Sil River Basin District has considered appropriate to modify this article for its only application to new uses, because the benefits involved in the case of existing uses, did not outweigh the cons that may result. Moreover, in regard to this comment, article

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

51 considers that to prevent potential water pollution resulting from mining activities in the Miño-Sil River Basin District, it will be required for new projects to add suitable drainage systems serving the needs of sewer and drainage of each exploitation, based on previous hydrological and hydrogeological studies.

COMMENT NO. 021.11

Comment Summary

The River Basin Management Plan must deal with the issue of slate exploitations, therefore, it should be allowed the use of the valleys to deposit tailings from slate, coal, etc. with the appropriate environmental safeguards for the temporary alteration of the river stream and its final restoration to the primitive channel axis.

Argued Response

Not Accepted

Article 8 of Water Law in terms of the alterations arising from the works authorized by law, shall be governed by the provisions of the concession or authorization. In consequence Article 58 of the regulations of the Plan states that the longitudinal and lateral continuity of the channels is a natural value which must be preserved. In particular, this continuity cannot be limited when it leads to the deterioration of the water body involved, without prejudice to the provisions of Article 18 related to new modifications or alterations.

COMMENT NO. 021.02

Comment Summary

The respondent considers that Article 62, which requires local and regional authorities to submit information about public water and flood risk areas, is unfounded since this information is owned by the River Basin Authority. Additionally, this requirement is considered as an attempt to charge the costs of this information to these entities.

Argued Response

Not Accepted

Article 62 is neither giving nor transferring responsibilities to the autonomous communities or local entities. What is covered by that provision is a mechanism of administrative coordination, so that regional and local authorities with responsibility for urban planning take into account the risks of flooding in such planning.

Thus, the Ministry of Environment and Rural and Marine Affairs and the Miño-Sil River Basin Authority are making an effort in the delimitation of the thousands of miles of public water by means of the project LINDE, which due to its size means that it will require prioritizing sections, effort and time. This does not mean that the River Basin Authority is transferring or not assuming its responsibilities.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

These tasks must have a logical transfer to administrations with responsibility for territorial and urban planning so they study and respect such studies, consistent with the principles of the administrative coordination.

Authorities with responsibility for urban planning should specifically consider the risks of flooding, as provided in Article 12 of Royal Legislative Decree 2/2008 of 20 June; approving the revised Law Soil in relation to basic soil conditions which establishes that:

1. All the soil is, for the purposes of this Act, in one of the basic situations of rural land or urban land.

2. It is in the situation of rural land:

a) In any case, land preserved by urban planning for its transformation through urbanization, which must include at least, the sites excluded from such transformation by the protection laws, the nature or cultural heritage, which should be subject to such protection under the regional and town planning by the values occurring in them, including ecological, agricultural, livestock, forestry and landscape as well as those with natural and technological risks, including flood or other serious accidents, and such other legislation providing for the zoning.

COMMENT NO. 025.13

Comment Summary

Sediment transport or dry flow: In some plans its regimen is not established. There must be done a detailed analysis of the concession requirements and feasibility of disposal through drainage systems. In addition to considering the possible effects to water quality.

Argued Response

Accepted

The Miño-Sil River Basin District Authority, to respond to this comment and others received in relation to Article 59 of the regulatory text of the Plan, has decided to keep this article only for the case of new exploitations.

COMMENT NO. 025.06

Comment Summary

There is an excessive increase of the requirements and restrictions on water uses in thermal power plants either in the availability of water for cooling and processes, or characteristics of the discharge, which can seriously affect the security of national power, in terms of quantity.

Argued Response

Not Accepted

The Miño-Sil River Basin Management Plan assigns water resources to thermal power plants in accordance with the actual water demand required by power plants. On the

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

other hand, the regulation document of the RBMP has not introduced additional constraints on the characteristics of discharges.

COMMENT NO. 027.10

Comment Summary

The respondent does not share the proposal to make only superficial type catchments for populations over 500 people while for systems serving fewer than 500 people there are surface and underground catchments.

The use of groundwater should not be conditioned by the number of inhabitants to supply, but by the resource availability and quality for its intended use, the consideration given to them suggests that they are only considered as reserves for isolated cases. It would be much more efficient a real integration of groundwater exploitation schemes of the operating systems using the regulatory properties of aquifers.

Argued Response

Not Accepted

The RBD Authority agrees with the consideration that groundwater use should not be conditioned by the number of inhabitants to supply, but by the availability of the resource. Conversely, this section refers to Supply Plan in Galicia, responsibility of the Xunta Galicia. Nevertheless, the issue will be transmitted to the Committee of Competent Authorities and considered for the next revision of the Plan.

COMMENT NO. 027.02

Comment Summary

It is proposed to remove the vulnerable areas from art. 65, since there have not been designated any protected areas of this type, by RD 61/1996, in the territory of the Miño-Sil River Basin District.

Argued Response

Not Accepted

The inclusion of vulnerable areas within special protection areas, although there are none designated in the District, is considered appropriate since may be possible that any area not designated as vulnerable happens to be before 2015.

COMMENT NO. 027.04

Comment Summary

The respondent suggests incorporating a section to the regulations for protection perimeters of mineral and thermal waters bounded due to existing legislation in Annex 8 of the regulations document.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Accepted

Despite mineral and thermal waters is responsibility of the Autonomous Communities, it is considered appropriate to include in the River Basin Management Plan information about these provided by the competent authority. Hence, Table 11: Protection Zones mineral and thermal waters of Annex IV of the Plan report will be updated with this information. However, it is considered unnecessary to include this information in the regulatory text of the Plan.

COMMENT NO. 027.09

Comment Summary

The origin of the information used is, as stated in the plan, IMPRESS 2 which was made for surface water. Even though one of the premises from which it starts, setting that pressure inventoried can be applied for surface water and groundwater, is true; it is happening that activities of both diffuse and point source nature likely to produce a deterioration on the GWBs quality have not been considered as they were unrelated to surface water bodies and as it have not been elaborated an specific list of pressures on GWBs.

Hence, it would be of great interest, in order to make a proper assessment of the status of GWBs, to make an inventory of point and diffuse contamination sources which may affect the achievement of environmental objectives on GWBs.

Argued Response

Not Accepted

After the completion of the study of the human activity impact in the status of surface waters (IMPRESS 2), thanks to knowledge of the district and relationship and connection between surface water and groundwater, the pressures which have been identified affecting groundwater bodies and listed in Chapter 3 are sources of contamination, sources of diffuse pollution and water extraction. Nevertheless, the RBD Authority agrees with the proposed implementation of a particular groundwater bodies pressures' inventory, which will be carried out, depending on budget availability, for future revisions of the Plan.

COMMENT NO. 027.12

Comment Summary

Section 6.2.1.4: Areas to include related to catchment for water supply, as set in *IPH*, should be those over 10 m³/day, but not over 100 m³/day.

Argued Response

Not Accepted

Indeed, the areas included in the register of protected areas as catchments for water supply are those which provide an average of more than 10m³ per day. However, there are only being controlled, as established in *IPH* section 5.1.1.4., the areas over

100m³/day. This is explained in section 6.2.1.4 of the RBMP report.

COMMENT NO. 027.16

Comment Summary

Section 11.3.3.2: The respondent suggests replacing "the flow rate or corresponding volume of water flow. In the case of floods ... "by " the current speed or corresponding water flow, sediment load and other related hazards, as well as any other useful information, as for example, an indication of areas where flooding with high sediment and debris flows may occur. In the case of floods ..."

Argued Response

Not Accepted

There have been considered in section 11.3.3.2 that hazard maps will only include the information required in Article 6.4 of Chapter III of Directive 2007/60/EC: "the extent of the flood, the water depths or water levels, flow rate or volume of water flow."

COMMENT NO. 027.17

Comment Summary

Section 11.3.4.1.2: The main difficulty of these studies is the standardization of information. It is therefore proposed to amend the line "... municipal level, etc. Therefore, we have applied ..." by "... the municipal level, etc. But before making such a qualitative classification of the different zones (OH, 1H, 2H, 3H), there will be a standardization of historical information to avoid the effect of documental bias availability in some stretches and localities against other, and that can update the cases of danger to the current situation.

Information expressed is on Guide "Díez-Herrero, A, et al. 2008. Flood hazard maps. Methodological guide for processing. Geological and Mining Institute of Spain Publications, Geological Hazards/Geotechnical Series No. 1, Madrid, 190 pp." And an example can be seen in the Civil Protection Plan of the risk of flooding in Castilla-La Mancha.

Argued Response

Not Accepted

This observation is appreciated and the information of the guide will be taken into account in future revisions of the plan. However it is unnecessary to make the proposed change, since the methodology that has been carried out for the historical analysis of the Miño-Sil basin is explained in that paragraph.

COMMENT NO. 027.18

Comment Summary

The respondent suggests changing one of the paragraphs of Section 11.3.4.1.3. "Preliminary analysis: geomorphologic study" by the following:

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

"Floodplains have been identified by a geomorphologic study. Danger has been qualitatively assessed attending the following scheme:

0G: River stretch with no active dynamic geomorphology

1G: Minimum hazard: attenuated dynamic with high return period

2G: Moderate hazard: current dynamic with recent return period (last century)

3G: Maximum hazard: active dynamic at human scale

For torrents, hazard, exposure and risk is assessed by the presence of houses or buildings in the torrential area, identified by detail mapping review according to the following scheme:

0G: Inactive cones

1G: Active cones where there is no building in the torrential area

2G: Active torrent and cones where there are fewer than 20 buildings in the torrential area

3G: Very active torrent and cones where there are more than 20 buildings in the torrential area"

Where it says "... *Instituto Geológico y Minero (IGME) ...*" it should read" ... *Instituto Geológico y Minero de España (IGME) ...*"

Argued Response

Not Accepted

We really appreciate this contribution, however it is unnecessary to make the proposed change, since the methodology that has been carried out for the historical analysis of the Miño-Sil basin is explained in that paragraph. The River Basin Management Plan, on its section about floodplain studies and public water definition, indicates what is contained in the conducted studies; it is therefore suggested to the IGME reviewing of "Preliminary Assessment Risk Flood" and "Identification Areas with Significant Potential Flooding Risk", currently under public consultation.

As for the error detected on t" ... *Instituto Geológico y Minero de España (IGME) ...*", it will be corrected.

COMMENT NO. 028.29

Comment Summary

The introduction of invasive species is a major problem which has a negative impact on the water bodies' status. Authorizations of activities with risk of introduction of invasive exotic species should guarantee, in order to be granted, actions, preventive measures and good practices for the non-introduction of these species. It should be included in the approval document of the authorization the requirement to certify compliance with proto-

cols for prevention, eradication and control of these species, technically rigorous and contrasted.

Argued Response

Accepted

The River Basin Authority welcomes the participation of the respondent in the elaboration of the River Basin Management Plan and it will control, within its competence, the introduction of invasive exotic species within the Miño-Sil River Basin District. Hence, within the regulations of Plan, a new article will be added to prevent the introduction of invasive exotic species in every activity undertaken in public water or restricted-use area.

COMMENT NO. 028.32

Comment Summary

In general, camping should not be allowed in flood areas with return periods of less than 100 years, because of the risk to people's safety.

Argued Response

Accepted

Although Article 61.4 generally established that "permitted uses in the preferential flow area (...) are the ones which do not show vulnerability to floods," camping will be specifically included in the list for leaving no doubt.

COMMENT NO. 028.28

Comment Summary

Any action which affects public water and riparian vegetation should establish the condition of taking soft solutions and naturalistic or biological engineering techniques.

Similarly, when species at risk are found on the authorized area, before the introduction of machinery in the river channel, these should be removed and transferred to another stretch of the river not affected by the works. Planting and cultivation of exotic tree species in the river stream and 5m of easement area should be prohibited.

Argued Response

Accepted

The adaptation of biological engineering is established in Article 50.7 of the rules of the Plan: "The works for river bank protection, if necessary for conservation and restoration, except in very justified cases, they should allow the development of indigenous river bank vegetation and help to improve their river ecosystem, hence, it should preferably use bioengineering techniques. "As for the removal of species at risk in public water activities, it is not competence of the Miño-Sil River Basin District Authority and should form part of the environmental processing.

In relation to invasive species, the RBD Authority will control, within its competence, the introduction of invasive exotic species within the Miño-Sil River Basin District. Hence,

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

within the regulations of Plan, a new article will be added to prevent the introduction of invasive exotic species in every activity undertaken in public water or restricted-use area.

COMMENT NO. 028.13

Comment Summary

Longitudinal permeability of rivers is essential to its ecological status and for the proper running of the aquatic ecosystem. It is also a fundamental indicator of hydromorphological alterations on water bodies. It would be necessary to include the obligation to conduct a transverse barrier inventory in the River Basin District with an objective assessment of their passableness, and indexes design: passableness, partitioning, longitudinal continuity, and propose a prioritization of permeabilization actions. It should be also included the limits between classes on water bodies status for these indicators.

Argued Response

Accepted

Article 58 section 2 of the regulations states that: "During the validity period of this plan, the Miño-Sil River Basin District Authority will prepare a barrier inventory in those river streams which alter the natural ecological and hydromorphological conditions with the goal of ecological restoration of public water." Furthermore, in this Article it shall be required to the new water exploitations to present an transverse barrier study which shows their passableness index, therefore it have been added to the regulatory text an annex indicating the criteria for calculating this index.

COMMENT NO. 028.33

Comment Summary

The regulations in the RBMP should restrict the granting of logging authorizations and indiscriminate cuts in the easement area, allowing only those cases which are adequately justified by a sufficiently detailed technical report.

Argued Response

Accepted

The regulation of logging authorizations in the easement area is already covered by Article 63 of the regulations of the Plan,

"Logging and tree planting

1. Logging and/or planting of tree species in restricted-use stream area and easements areas require prior authorization of the Miño-Sil River Basin District Authority, in accordance with the provisions of the *Reglamento del Dominio Público Hidráulico*. (...)"

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 029.26

Comment Summary

The respondent proposes the implementation of a removal plan for obstacles in the river environment, including dams which do not meet the rules on environmental protection or have low productivity (installed power).

Argued Response

Accepted

Article 58 section 2 of the regulations states that: "During the validity period of this plan, the Miño-Sil River Basin District Authority will prepare a barrier inventory in those river streams which alter the natural ecological and hydromorphological conditions with the goal of ecological restoration of public water." Furthermore, in this Article it shall be required to the new water exploitations to present a transverse barrier study which shows their passableness index, therefore it have been added to the regulatory text an annex indicating the criteria for calculating this index.

Studying the priority of action of each inventoried barrier may help to take decisions on the actions to be carried out.

COMMENT NO. 029.25

Comment Summary

Because of the serious problem of hydrocarbon supply, among other substances, in urban runoff water, and direct discharges of rainwater to water bodies, these waters should receive some form of physical treatment prior to discharge.

Argued Response

Not Accepted

We will analyze this proposal; however, under Article 71 about waste discharges on the Regulations of the Plan, these authorizations will establish the conditions that must be met for the discharges, in order to achieve the environmental objectives. Therefore the River Basin District Authority will study each of the authorizations particularly.

COMMENT NO. 029.02

Comment Summary

Miño-Sil River Basin Management Plan considers forest fires as accidents, however, due to the high number of forest fires (9000 fires per year), their effects could act as pressures in the pressures inventory which should be evaluated and corrected. Thereby adopt specific structural and preventive measures.

Argued Response

Not Accepted

According to Article 38 of the RBMP Regulations, temporary deterioration of the status of

water bodies may be permitted if it is due to natural causes or force majeure which are exceptional or could not reasonably be foreseen. Particularly they are extreme floods and prolonged droughts, or the result of circumstances due to accidents which may not be reasonably foreseen. This is why forest fires should be considered accidents, since they are treated as exceptional and unforeseeable circumstances responsible of a temporary deterioration of the water bodies' status.

With respect to specific preventive and structural measures to be taken, the Measures Programme of the RBMP incorporates related measures for hydrological-forestry restoration, which are aimed to restore the channels, shorelines, riverbeds, wetlands and forests.

COMMENT NO. 029.08

Comment Summary

Measures for special protection areas should be taken not only in the surface area defined as special protection but in the entire water body. Natural protected areas defined by the Galician legislation and international treaties should be considered.

Argued Response

Not Accepted

As for the special protection areas, the RBMP Regulations, Article 23, considers that the classification and conditions for their protection will be collected in the river basin management plans explicitly or concretely referring to the existing rules of environmental legislation which may affect.

In response to this article the Miño-Sil RBMP indicates in its regulations the special protection areas and the environmental laws which govern them. That is why it is not responsibility of the RBD Authority to delimit the area affecting each of the protective measures since these areas are established by the local competent authority.

Finally, in regards to the consideration of natural protected areas defined by the Galician legislation and international treaties, Annex 8.1 of the Plan Regulations refers to each of the protected areas and legislation to which they belong.

COMMENT NO. 029.10

Comment Summary

With reference to Article 72.1 of the RBMP regulations it is considered that it has a diffuse and vague wording, in relation waste discharges from urban areas. The respondent proposes a strict and rigorous wording to avoid exceptionalities.

Specifically, it is top priority to establish separate networks for wastewater sanitation and rainwater runoff in both, urban development projects and established areas. Both net-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

works should have the appropriate treatment.

Argued Response

Not Accepted

This is an interesting proposal, however sanitation is not a direct responsibility of the River Basin District Authority, and therefore this issue will be transferred to the Committee of Competent Authorities for its consideration.

Similarly, and as highlighted in that article, the RBD Authority, within the planning instruments framework, will always support the solution which is environmentally appropriate in order to protect and safeguard public water.

COMMENT NO. 029.11

Comment Summary

With regard to discharges from industrial areas, each industry should carry out waste pre-treatment and afterwards a general treatment of the whole industrial area.

Argued Response

Not Accepted

In relation to authorizations for waste discharges in industrial areas, the Miño-Sil River Basin District Authority requires to present a report on the characteristics of the industrial process, clearly indicating those phases which originate discharges. A diagram of the collecting lines will be presented, with the identification of the final discharge point or connection to the general collectors' network. Additionally, the Regulation text requires discharge authorizations to establish conditions which must be met in order to achieve the environmental objectives.

COMMENT NO. 029.21

Comment Summary

The respondent suggests formulating a regulation where the water quality returned in industrial uses, aquaculture, hydroelectric, energy exploitation and thermal plants, must have the same quality parameters (including temperature) than it had before his capture.

Argued Response

Not Accepted

Every water use with a discharge authorization shall be governed by the waste discharges rules.

COMMENT NO. 029.24

Comment Summary

Demand in the discharges authorizations for flood spillways to have a solid discharges as

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

well as proper devices to prevent the leak of fats and oils.

Argued Response

Not Accepted

This proposal will be analyzed, however, under Article 71 about waste discharges on the Regulations of the Plan; these authorizations will establish the conditions that must be met for the discharges, in order to achieve the environmental objectives. Therefore the River Basin District Authority will study each of the authorizations particularly.

COMMENT NO. 032.01, 033.01, 034.01, 035.01, 036.01, 037.01, 038.01 AND 039.01

Comment Summary

The respondents request to include protection areas of thermal spring which flow from the municipality of Ourense.

Argued Response

Accepted

Regarding the request to include in the Plan protection areas for thermal springs in Ourense, the RBD Authority has included in Annex IV of the RBMP a list of protection areas for mineral waters and thermal springs in this District, in compliance with the Water Framework Directive, and according to the information provided by the Xunta Galicia. The regulation system for granting, development and protection of mineral waters, thermal springs whose place of birth is located within the territory of the autonomous community of Galicia and the regulation of bathing sites within the territory of Community, are responsibilities of the Regional Administration (Xunta Galicia). Therefore, it is not a matter for the Miño-Sil River Basin District Authority nor it is a subject of the Plan, the definition of areas of thermal springs, being as defined by the Xunta Galicia. That is why, as requested, the RBD Authority has carried out a new request to the Xunta Galicia to verify and update the current protection perimeters of from the thermal springs, which are considered in Annex IV of the RBMP, which belong to the District.

COMMENT NO. 042.02

Comment Summary

The respondent suggests adding two new sections 5 and 6 to Article 63 relative to logging and tree planting:

"5. - The felling, cutting and/or pruning of trees and/or vegetation in the easement area for electric power air crossing of the transmission and distribution facilities licensed after the entry into force of this decree will only require communication on its implementation to the competent authority.

6 - The felling, cutting and/or pruning of trees and/or vegetation in the easement area for electric power air crossing of the transmission and distribution facilities existing before

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

the entry into force of this decree will need obtaining administrative authorization, without the need to submit the application to public information. "

Argued Response

Not Accepted

This proposal is not considered appropriate. As stated in the first paragraph of Article 63: "The cutting and/or planting of tree species in restricted-use area channels and easements areas require prior authorization by Miño-Sil River Basin District Authority, in accordance with the provisions of the *Reglamento del Dominio Público Hidráulico*. "

COMMENT NO. 045.14

Comment Summary

The respondents suggest modifying Art. 51.1.b, leaving the wording as follows "2. Solid or semisolid landfill, which may cause contamination of inland waters, will have a system for rainwater diversion outside the enclosure and leachate collection which ensures total control of them and prevent their infiltration into the ground, which shall be supported by the corresponding study. If there was discharge to a surface channel, it would have to get the perceptual discharge authorization from the Miño-Sil River Basin District Authority"

Argued Response

Not Accepted

There is an error in the contribution and it is referring to art. 74.2 of the regulations. However, the proposed change is unacceptable because it undermines the purpose of the original wording, which is requiring the use of controlled landfill for waste which may cause contamination of inland waters.

COMMENT NO. 046.21

Comment Summary

Art. 73.3 is suggested to be modified as follows: "The arrival to flood spillways of waters with dangerous substances from Annex IV of the *RPH* and process water won't be allowed. Consequently, the interior rainwater in the industrial implementation which is not incorporated in the water process, must be collected, purge and evacuate independently of the remaining wastewater from activity, although their characteristics could be likened to some them."

Argued Response

Not Accepted

The River Basin Authority after analyzing the proposed wording of Article 73.3 of the Regulations in the Plan it is considered that it does not provide new information or improvements to the existing one, which says: "The arrival to flood spillways of waters with dangerous substances from Annex IV of the *RPH* and process water won't be allowed.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Consequently, the interior rainwater in the industrial implementation, must be collected, purge and evacuate independently of the remaining wastewater from activity, although their characteristics could be likened to some them.”

COMMENT NO. 046.22

Comment Summary

The respondent suggest to Art. 74.2, leaving the wording as follows "Solid or semisolid landfill, which may cause contamination of inland waters, will have a system for rainwater diversion outside the enclosure and leachate collection which ensures total control of them and prevent their infiltration into the ground, which shall be supported by the corresponding study. If there was discharge to a surface channel, it would have to get the perceptual discharge authorization from the Miño-Sil River Basin District Authority”

It is not the Miño-Sil River Basin Authority’s responsibility to tell where waste must go.

Argued Response

Not Accepted

The proposed change is unacceptable because it undermines the purpose of the original wording, which is requiring the use of controlled landfill for waste which may cause contamination of inland waters.

The Miño-Sil River Basin Authority has jurisdiction in public water and must ensure the good status and adequate protection its waters. Furthermore, any direct or indirect discharge of water which may contaminate fresh water or any other element of public water must have administrative authorization.

COMMENT NO. 047.48

Comment Summary

In reference to Article 58, sections 3 and 4, it is the same as said in comment No 047.43. concerning the extension of the concession period and the right to compensation.

Section 4 requires impassable less than 10 meters height dams to ensure continuity by 2016, which means works under Article 59.6 of *TRLA*.

Argued Response

Not Accepted

As it has been discussed in previous sections, the provision referred to in section 4 of Article 58 does not necessarily have to correspond to the cases or works which are referred to in Article 59.6 of *TRLA*, nor involves any compensation. It will need to analyze each case and see if this is one of those listed in Article 59.6, and study, when appropriate, if there is a review and to what case it matches.

Therefore, it should be considered each specific case and, depending on it, follow the criteria indicated in both the RDPH and *TRLA*, without being reasonable to cover and to re-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

spond in this rule to all possible factual circumstances that may occur.

The potential right for extending concession's period or for compensation will arise from the rules set both in RDPH and *TRLA* and from the particularized analysis of each case in light of those standards.

Notwithstanding the foregoing, regarding the construction of new fish ladders or steps, in the cases in which they are not referred in the concessional clauses, the River Basin Authority, far from doing impositions, is trying to reach agreements with the operators of the reservoirs.

COMMENT NO. 047.49

Comment Summary

Article 59, sections 2 and 3. The requirement for existing dams to proceed to do a "periodic discharge of sediments" may lead to possible situations without reasonable technical solution, in addition to the fact that this release of sediment can affect downstream conditions, both fauna and visual.

Argued Response

Accepted

The Miño-Sil River Basin District Authority, to respond to this comment and others received in relation to Article 59 of the regulatory text of the Plan, has decided to keep this article only for the case of new exploitations.

COMMENT NO. 047.50

Comment Summary

Regulations. Article 60. By saying "inter-basin transfers of this or another District" it sets a competence problem since the district is not competent to limit transfers from other basins.

Argued Response

Accepted

Indeed, article 60 will be modified, in response to this comment and other received, to avoid this competence problem by adding a phrase to the text which says "without prejudice to what the National Water Plan establishes."

COMMENT NO. 048.04

Comment Summary

As the only wetland in the region, Veigas do Limia is in Trasmiras, stands out; which is drained and dried. Neither Galician Administration nor the River Basin Authority have done anything to protect it.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Accepted

After reviewing the plan, it was decided not to include the wetlands "Veiga de Limia" in the protected areas register as wetland, since as stated in the comment it is completely drained and dried. Since the management of wetlands is a regional responsibility, this matter shall be transferred to the Committee of Competent Authorities for its consideration.

COMMENT NO. 048.07

Comment Summary

The respondent believes that it is possible to support the development of modern agriculture with respect to the environment. Therefore the environmental heritage of the region of Limia should not be overlooked in the plan.

Argued Response

Accepted

The River Basin District Authority, within its responsibilities, will require the sustainable management and efficient use of Limia's water resources, as well as the compliance of environmental objectives of its water bodies.

COMMENT NO. 048.05

Comment Summary

There are about three hundred acres of water surface ("Areneras da Limia"), because of aggregate exploitations, which, although with significant differences with respect to a pond, they can partially become in that recovered Lagoa Antela which is claimed by many sectors of society in A Limia. It is requested that both Canle Antela and the "areneras" themselves are declared and incorporated as part of Public Basin Domain.

Argued Response

Not Accepted

This proposal will be studied and transmitted to the competent authorities, since it is no direct competence of the RBMP.

COMMENT NO. 048.03

Comment Summary

Throughout the project it is not spoken in any section, even at level of historical review, about the existence of Lagoa Antela. There is no reference to its partial recovery and it is ignored the existence of numerous seasonal wetlands which are interrelated with Limia river and its aquifer.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

The recovery and management of wetlands is the responsibility of the autonomous regions and it is therefore outside the Miño-Sil River Basin District Authority scope of competence. However, the importance of the wetland is recognized so this issue will be transferred to the competent agency, within the Committee of Competent Authorities.

COMMENT NO. 048.06

Comment Summary

The River Basin Authority must give special protection to “As Veigas of Ponteliñares” and “SCI Veigas of Ponteliñares”, because they still keep intact their wetland characteristics.

Argued Response

Not Accepted

The Miño-Sil River Basin Authority after analyzing the proposal has found that this area is not included in the official Wetlands Inventory of Galicia. Therefore it cannot be included in the register of protected areas as a wetland. Since the management of wetlands is a matter for the regional authorities, this issue will be transferred to the Committee of Competent Authorities.

COMMENT NO. 054.08 AND 055.08

Comment Summary

The seven water bodies considered as River Nature Reserve are insufficient. Ribadetea Wetland should be included, at least. Which is in Pontearreas within the SCI River Tea, included in the Wetlands Inventory of Galicia (Decree 127/2008 of 5 June that develops the legal framework for protected wetlands and creates the wetlands inventory of Galicia).

Argued Response

Not Accepted

The River Basin District Authority defines the nature reserves in order to preserve, unaltered, those river stretches with little or no human intervention.

Royal Decree 907/2007 of 6 July, which approves the Regulation of Water Planning, Defines the conditions for declaring River Nature Reserves, which are:

- ◆ The ecological status of these reserves will be very good, so they may be considered as reference sites.
- ◆ These reserves correspond to water bodies in the river category with little or no human intervention. To identify these water bodies the naturalness of its basin must be considered, as well as the existence of human activities which could affect their physico-chemical and hydrological characteristics, the ecological status, the incidence of water flow regulation and the presence of morphological alterations.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Therefore, despite Ribadetea wetland is within a protected area, it cannot be defined as a River Nature Reserve since it is not a water body itself but belongs to one of them.

COMMENT NO. 054.09 AND 055.09

Comment Summary

The RBMP should include management plans (conservation/restoration), in collaboration with the administration of Galicia, of the following endangered species: “auganeira (*Galemys pyrenaicus*) give escribenta canaveiras (*Emberiza schoeniclus lusitanica subsp*) salamántiga rabilonga (*Chioglossa lusitanica*); estroza (*Hyla arborea*) sapo esporóns (*Pelobates cultripes*) ra patilonga (Iberian frog) Vermella ra (*Rana temporaria subsp. parvipalmata*) esgonzo ibérico (*Chalcides bedriagai*) mexillón river (*Margaritifera margaritifera*) and caranguexo de río autóctono (*Austropotamobius pallipes*)”

Argued Response

Not Accepted

The Measures Programme in the Miño-Sil River Basin Management Plan includes various actions for the species conservation. For some species there are restorations and conservation plans, for other, situation studies and in other cases the elaboration of the plans basis. The following are sample measures incorporated in the program of measures, with a budget of 148.443.97 €:

- Technical Assistance (T.A.) for the elaboration of the basis of the conservation plan of the Iberian frog in Galicia
- T.A. for the elaboration of the basis of the conservation plan of *Hyla arborea* in Galicia
- T.A. for the elaboration of the basis of the conservation plan of *Rana temporaria subsp. parvipalmata* in Galicia
- T.A. for the elaboration of the basis of the conservation plan of *Chioglossa lusitanica* in Galicia
- T.A for the elaboration of the basis of the recovery plan for *Emys orbicularis* in Galicia
- T.A. for the development and implementation of control measures for the American mink
- Crayfish Recovery plan
- *Margaritifera Margaritifera* Recovery Plan
- *Galemys pyrenaicus* Conservation Plan
- Study of the population status of the salmon rivers of the Iberian Peninsula
- Study of the spatial ecology of “sapoconcho”
- Service for coordination, year 2010, of the monitoring programme of amphibian reptiles in Galicia (Sarga)

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

- Status monitoring of trout populations and evolution of population status of the species in the five recent preserves in Lugo
- Study of the sea lamprey populations in the Galician rivers 2010
- Maintenance and analysis of the sanitary quality of the fish fauna and sanitary quality in Galician rivers for salmon restocking
- T.A. or the elaboration of the basis of the conservation plan for *Pelobates cultripes* in Galicia

COMMENT NO. 056.04

Comment Summary

The respondent requires the establishment of protection criteria for endangered species, taking into account the special protection areas, and the declaration of River Nature Reserve covering the whole water body and not just a stretch.

Argued Response

Not Accepted

The River Basin District Authority recognizes the importance of protecting endangered species within the District. However, the management of protected areas is responsibility of the regional authorities, therefore this comment will be transferred to the Committee of Competent Authorities.

COMMENT NO. 059.30

Comment Summary

Regarding Art. 58, the respondent states that any obligation established by water planning on existing concessions will require the review these under the *TRLA*, although its implementation can be agreed.

Argued Response

Not Accepted

It should be clarified that Article 58 deals with new works to be performed on the stream.

COMMENT NO. 059.31

Comment Summary

The respondent considers that art. 59 on sediment transport has not been sufficiently analyzed and should only be imposed to new concessions. It is also indicated that the deadline for its implementation is not appropriate and, finally, that in any case its implementation should be agreed.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Accepted

With regard to sediment transport, the Miño-Sil River Basin District Authority, to respond to this comment and others received in relation to Article 59 of the regulatory text of the Plan, has decided to keep this article only for the case of new exploitations.

COMMENT NO. 068.04

Comment Summary

Section 5.8 "Habitat or Species Protection areas", should include the Peripheral Protection Zone (PPZ) of the SPA "A Limia". Additionally, Annex IV shows the SPA A Limia without defining its degree of dependence. On the other hand, the wetland with the number 1130218 inventory in the Catalogue of Wetlands of Galicia would have been included.

"Veigas de Porqueira", "Rairiz de Veiga" and "Sarreaus" of which are within the SPA "A Limia" should also be included.

Argued Response

Not Accepted

Regarding the inclusion of the Peripheral Protection Zone (PPZ) of the SPA "A Limia" in section 5.8 "Habitat or Species protection areas", the Miño-Sil River Basin District Authority has considered the areas specified in Section 4.7 of the *IPH*, in which it is detailed that the areas to be defined are SCIs and SPAs, where the maintenance or improvement of water status is an important factor in their protection, not mentioning the Peripheral Protection Areas even if they are included in the Master Plan of Natura Network 2000 in Galicia.

Considering the approach to define wetlands in the RBMP, the "Xunqueira de Ambia" wetland cannot be defined as such because it does not belong to the SPA "A Limia", but to its Peripheral Zone.

With regard to the degree of dependence the SPA "A Limia" it will be considered high, therefore the Plan documents will be corrected.

"Veigas de Porqueira", "Rairiz de Veiga" and "Sarreaus" are not listed in the wetlands inventory of Xunta Galicia, therefore these cannot be considered as wetlands.

COMMENT NO. 068.02

Comment Summary

Chapter 5 of the RBMP states that in this river basin have not been declared vulnerable protected areas but in Chapter 8 there are sampling points where nitrates are over 50 mg/l.

It is indicated at page 45 that "A special case is the GWB 011.006 in which the last available sampling campaigns (February 2009) obtained high nitrate values in two of the sam-

pled points "when there are actually 4 points (values of 51, 69, 114 and 220 mg).

Argued Response

Accepted

The River Basin Authority is currently carrying out a specific monitoring programme for nitrates in order to improve the knowledge of the water bodies' status and to allow performing a better track of its progress. This surveillance network which control plan applies from 2011, aims to respond to the needs of control arising from the new Water Framework Directive. On the other hand, it must be considered that the sampling data points are not considered individually, but the different time values are examined, as well as the trends in order to consider the possible effects of nitrate contamination.

As for the observation of the page 45, in the campaign of February 2009 high values were obtained at two points. Figure 17 shows four points with higher values since it is referred to the last two sampling campaigns. The wording will be revised in order to not cause confusion.

3.8. ECONOMIC ANALYSIS OF WATER USE

COMMENT NO. 003.48

Comment Summary

Regarding the economic aspects covered in Chapter 9 and corresponding annexes, as a negative element, there is a certain lack of harmony, possibly in both directions between the two planning agencies: "Augas de Galicia" and the Miño-Sil River Basin District Authority. In this regard it must be noted that we will meet with some city councils, with full power in terms of "water supply, sewerage and wastewater treatment" (Regulatory Law of the Local System) which are affected by two different River Basin Management Plans adopting different solutions to similar problems in the same area of application.

Argued Response

Not Accepted

This concern will be raised for consideration and discussion within the Committee of Competent Authorities.

COMMENT NO. 003.47

Comment Summary

In the section about cost recovery of water uses there is no environmental cost analysis, just a financial one.

Argued Response

Not Accepted

Both Chapter 9 and its corresponding annex (Annex IX) have a section in which environmental costs are considered. These are costs of avoidance, prevention or repair of dam-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

age to ecosystems resulting from water, evaluated by the cost of measures taken for that purpose. The Miño-Sil River Basin District Authority is currently working to complete this information.

COMMENT NO. 006.08

Comment Summary

Jurisdictional issues have been identified in the content of Articles 80 and 81 since the Miño-Sil River Basin District Authority has no power to set tariff structures.

Argued Response

Accepted

Indeed, as discussed in the comment, the Miño-Sil River Basin District Authority has no power to set tariff structures, therefore the contents of these articles will be modified so that there are no jurisdictional problems.

COMMENT NO. 008.15

Comment Summary

Irrigation Communities. It is considered appropriate to define and analyze the cost for water use. The same applies to the drought plan where the plan looks very descriptively over areas but measures which will be taken in case of drought or flood in the basin are unknown.

Argued Response

Not Accepted

First, it is important to note that both in the regulations (Chapter VIII) and in the report (Chapter 9 and Annex IX) it has been performed an economic analysis on the cost of water use. Secondly, in relation to the drought plan, section 11.2.2.2. of Chapter 11 in the River Basin Management Plan describes the mitigation and preventive measures developed in the action lines of the drought plan.

COMMENT NO. 029.14

Comment Summary

Regarding the water charges, we must clearly define what type of bet we do, rationalize whether or not there is reason to set it, analyze which sectors and activities should be targeted and, finally, explain openly and widely to society.

Argued Response

Not Accepted

In regard to water charges, the developing Plan has followed the patterns set in the *TRLA* on Articles 112 to 114 which govern the fee for the use of public water assets, the discharge fee, control fee, and the water use rate, respectively.

COMMENT NO. 047.30

Comment Summary

There was found an error in section 9.9.1 of the plan's report.

Argued Response

Accepted

The error identified will be corrected.

COMMENT NO. 051.08

Comment Summary

The respondent requests the inclusion of an article in the regulations which establishes that the aid granted by national or regional administration for the creation or renovation of supply/sanitation infrastructures must be awarded only to entities who justify the application of the principles of transparency and retrieval costs.

Argued Response

Not Accepted

The requirement that the beneficiaries need for a subvention should be set in the rules for it, as required by Law 38/2003 of 17 November, General Subventions.

In relation to other forms of assistance, such as tax, those requirements should be introduced in the governing rules for taxes on which you want to apply a bonus/deduction.

In the case of contracting by the authorities to carry out the creation or renovation of these infrastructures, clauses or provisions in this regard should be included in the relevant Contract documents and other tender documentation.

It is therefore outside the responsibility of water planning the consideration of this proposal.

COMMENT NO. 051.07

Comment Summary

Art. 80 should include the upgrade pricing in general by the criteria of cost recovery and incentives for saving water, deleting minimum consumption quotas, etc; promoting awareness and information campaigns for users and consumers to enable them to understand their water consumption through the bill, and other information and awareness actions; and promotion of opportunities for participation for a new water culture.

Argued Response

Accepted

Article 80 is being amended since the River Basin District Authority has no competence in the pricing policy, therefore it will simply recommend such actions and suggest them to

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

the Committee of Competent Authorities. Regarding information and participation, however, it will attempt to conduct the most of the initiatives proposed.

COMMENT NO. 057.07

Comment Summary

With regards to Annex 9 of the Plan, the respondent considers necessary to apply exceptions to the principle of cost recovery. Additionally he requires a greater discount on service charges for “Valle de Lemos” irrigation because it is an area with a high degree of depopulation and aging of the population.

Argued Response

Not Accepted

As a proposal that goes beyond the powers of the River Basin District Authority and the Plan itself, it will be transferred to the Committee of Competent Authorities for discussion.

COMMENT NO. 059.32

Comment Summary

The services provided by the private sector should be considered in the economic analysis of water use.

Thus, the respondent says that Article 80 of the rules of Miño-Sil RBMP indicates the general principle of cost recovery but it does so in restrictive terms, when neither the WFD nor the *TRLA* restrict its application to publicly funded services such as evidenced by Article 111 of *TRLA*. Therefore the Miño-Sil Plan must include all services related to water provided by the private sector, since the Art.40bis *TRLA* defines the services related to water and it does not restrict those which are provided by the Basin Authority.

It is said that the aim of this claim is "to take into account in the economic and financial analysis of the plan, and where appropriate in concertation regime, that the company carries out a service and that it has to be valued and remunerated."

In addition, the contribution states that "... the plan should lay the foundation for defining how the assessment of the environmental and resource costs will be done, ..."

Regarding Article 81, it says: "... we cannot see justification for the exceptions referred to, when the Art 114 of *TRLA* specifies that payment affects every user and includes the application of correction factors to the discretion of basin authority but not the total exemption for some users"

Finally the respondent suggests that this article should be deleted because "... it is impossible to understand and for the sake of the principle of legal certainty ...".

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

As for this comment to Article 80 of the proposed regulations in the Miño-Sil RBMP:

It should be noted that Article 111.bis of *TRLA* joins the section about economic and financial system of the use of public water as previous forecast which function is to be a general principle for existing taxes on that matter and which are regulated subsequently.

Article 40.bis of *TRLA*, defining water services, does not distinguish between who perform them, public or private and the *IPH* in Article 7 includes an analysis of the costs of water services, both public and private, but it should be noted that these estimates should be interpreted in relation to those subjects which main activity is the conduct of such service. That is, for example, supply service and / or distribution of water may be provided by a municipality, either directly, by their own means, or indirectly through a public service dealer as private subject indirectly provided this service. Thus, the costs incurred by the concessionaire must be considered for determining the appropriate fee or user tax, to encourage, as established in art. 111.bis.2 of the *TRLA* an efficient use of water.

This does not mean that hydroelectric plants should receive compensation for alleged services rendered, while its activity is not providing the service of storage and conveyance to other users, but the production of electricity, and that the user could use that water even if there were not on that infrastructure (for example, a bypass channel).

Regarding the comment about Art.81 of the regulations in the RBMP, note that while Article 114 of *TRLA* describes the exception to be carried out, Art.81 establishes conditions to carry out these exemptions.

Finally, considering Art.82, it must be differentiated between regulated flow, a concept referred to in the contribution, which would be that volume of water required to perform a particular use of it, and the environmental flow which is a regulated flow restriction defined according to Article 19.2 of the regulations in the RBMP as "the flow which helps to achieve good ecological status or good ecological potential in rivers or in the transitional waters and keeps at least fish life which naturally inhabit or could inhabit the river and its riparian vegetation "

However the purpose of this article is to define the beneficiary of regulatory measures which result in the Canon of Regulation and Rate Utilization of Water.

In any case, the River Basin District Authority attempts to conduct bilateral meetings with the affected entities to address issues like this. Furthermore, the data which companies want to contribute to the economic study of the plan will be accepted.

3.9. PUBLIC PARTICIPATION

COMMENT NO. 003.52

Comment Summary

The respondent suggests promoting spreading and awareness activities, which are usually made in urban areas, and there is usually an important gap in rural areas.

Argued Response

Accepted

In the public participation process the Miño-Sil River Basin District Authority has considered as one of its main objectives to increase environmental awareness of citizens regarding the management of water resources, as described in Annex XI of the River Basin Management Plan on Public Participation. Therefore, during this period there were carried out county participation sessions, which have also approached the Plan to rural areas. However, this recommendation will be considered in order to promote such awareness campaigns in rural areas transferring the recommendation to the Committee of Competent Authorities.

COMMENT NO. 051.06

Comment Summary

The respondent misses an article referencing to agents of the plan similarly to the previous plan, which included user associations, the social and environmental organizations.

Argued Response

Not Accepted

The agents of the plan are listed in Annex XI of the Plan's report, section 4.7, so it is not considered necessary to add an article referring to this.

COMMENT NO. 051.05

Comment Summary

The respondent requires a new article in the regulations which ensure the continuity of the public participation process for implementing the new water plan.

Argued Response

Accepted

It is considered that this proposal is consistent with the guidelines of the WFD and the Spanish law, therefore, a new section will be added to the regulations document.

COMMENT NO. 051.04

Comment Summary

The respondent demands greater precision in the process described for the monitoring

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

and revision of the RBMP. They request the inclusion of a new article which includes, first conducting an annual report of performance of the Measures Programme and environmental objectives, which would be available to the general public and, furthermore, that the authorities or agents responsible for implementing the actions foreseen in the plan should provide the Basin Agency, annually, through the coordination mechanisms established, information on the development of measures and actions named in the previous section, indicating planned investment and effectively executed, timely completion, cost recovery actions and indicators of cost effectiveness of the measure.

Argued Response

Not Accepted

Regarding the first part of the proposed article, it should be noted that the requirement to write a report on the degree of implementation or enforcement of the plan is redundant to the one indicated in Article 85.3, as it is only differs in the agency developing it. Therefore it is not considered appropriate to include this new requirement.

Regarding the second part of the proposed article, it seems useful to consider this provision in order to be able to carry out the monitoring of the plan and the drafting of the report required under that Article 85.3. However, it should be noted that any mechanism of coordination with other services must be done by the Committee of Competent Authorities, attending the tasks set out in Article 36.bis of *TRLA*. Therefore the suggestion will be transferred to the committee.

COMMENT NO. 051.02

Comment Summary

The development of informative publications on the most important aspects of planning is considered successful and this work should be continued after approving the plan to involve citizens in meeting their goals.

Argued Response

Accepted

The Miño-Sil River Basin District Authority appreciates the comment considering these publications as positive and attempts to continue these activities in the future.

COMMENT NO. 051.01

Comment Summary

It is considered that despite the provisions of the Water Framework Directive, the public participation processes have not been enough, there were missing some workshops in the basins of A Limia and Cabe. The respondent also calls for the continuity of the information process and public participation after approval of the plan.

Argued Response

Accepted

The River Basin Authority has made an effort to cover as much territory as possible, noting this increase after the creation of the Miño-Sil River Basin District. However, as claimed in the contribution, the information process and public participation will be continued after approving the plan.

Finally, new paragraph will be added to Article 84 of the regulations in the Plan which specifies the continuity of the public participation process.

COMMENT NO. 054.10 AND 055.10

Comment Summary

The River Basin Management Plan should have plans for Environmental Education, Environmental Volunteers in rivers, raising awareness on invasive species led to both the general public and key sectors such as tourism, trade, transport, etc.

Argued Response

Not Accepted

The Miño-Sil Measures Programme includes several actions in terms of awareness, despite this the Miño-Sil River Basin Authority agrees with the proposals made by the respondent, and it will therefore consider including these actions within the Measures Programme which will be developed according to the agency budget availability.

3.10. WATER RESOURCES INVENTORY

COMMENT NO. 004.02

Comment Summary

The respondent recommends to include a summary table or total precipitation and runoff variables comparing de different periods in Chapter 2. Also, it should show the expected absolute values using the coefficients estimated by the CEDEX reducing climate change.

Argued Response

Accepted

The recommendation to include summary tables for the variables of precipitation and total runoff is considered adequate and Chapter 2 will, therefore, be completed with them.

On the other hand, regarding the effects of climate change it should be noted that the information is limited. Hence, the Miño-Sil River Basin Authority attempts to perform a specific and detailed study on the effects of climate change over the District in future, in order to complete existing information for a new planning cycle.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 004.01

Comment Summary

The respondent recommends showing monthly statistics of the hydrological series in Annex 2, not only for each water resource system, but for each surface and groundwater body.

Argued Response

Not Accepted

Article 2.4.4 of the *IPH* only requires the calculation of intra-annual statistical distribution for each month of the year in each water resource system and the whole basin, "in order to know the distribution of the main intra-annual flows, the mean values of precipitation, potential evapotranspiration and actual aquifer recharge and total runoff for each month of the year in each water resource system and the whole district will be indicated." Therefore, it is considered that, not being required by *IPH*, it is an excessive level of detail which is not needed in the River Basin Management Plan. However, in any case, the applicant may request information to the River Basin District Authority for it to be sent.

COMMENT NO. 020.12

Comment Summary

The respondent considers that the factor for the reduction of water resources in order to increase certainty about water availability, it is just justified by reference to a CEDEX study on the impact assessment of climate change on water resources in which it is established an overall reduction ratio of contributions in the Miño-Sil Basin District for the time horizon of 2027, considering it 3%.

Argued Response

Not Accepted

This observation has been made in other contribution; therefore, since it is considered appropriate, the Miño-Sil River Basin Authority attempts to make a specific and detailed study on the effects of climate change in the River Basin District within the budgetary possibilities of the organism.

COMMENT NO. 030.04

Comment Summary

The model used for simulation of water resources is the CEDEX SIMPA model and it was not considered that Galicia has very different orographic and climatic conditions from the rest of Spain and the model should be fitted to the Galician reality. Additionally, assuming the method is adequate for its application to Galicia, the necessary parameters for the application of the SIMPA method in different Galician watersheds have not been detailed within the proposed calibration of the Miño-Sil River Basin Management Plan.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

The SIMPA CEDEX model was validated for the District's territory and improved to SIMPA II. Furthermore, the Miño-Sil River Basin Authority is aware of the constraints, therefore it is in contact with CEDEX to continue working on improving the model for its application in the future.

As for the consideration of the model's calibration in the district, it should be noted that in section 4.3.3 of Annex II of the Plan it is shown a calibration stage for the modelled natural inflows. The flows have been tested so that they are satisfactorily reproduced at the points where this information is known. These points correspond to model calibration reservoirs and gauging stations spread in the river District where flow rates are measured on a non-natural regimen, but least modified. In total, there have been selected 2 reservoirs and 2 control points for calibration.

COMMENT NO. 047.28

Comment Summary

Comparing the values in Appendix VI.2 for the short series, in Pumares reservoir, with natural input values according to the respondent's data in the same series, it is found that although annual contributions coincide in both series, there are significant differences on monthly basis.

Argued Response

Not Accepted

The series listed in Appendix VI.2 have been performed on the model SIMPA (Integrated System for Modelling Precipitation Process Contribution), updated by the Centre for Hydrographic Studies CEDEX. If the data used by Iberdrola for the comparison are from flow gauging stations there are under a misconception "natural flow is the river that would flow if there were no regulatory structures", not considering the demands withheld.

COMMENT NO. 047.06

Comment Summary

The respondent performs a series of observations to Annex II:

- With respect to section 4.3.3 it is considered, in general terms, that SIMPA model calibration is not adequate, in terms of the Upper and Lower Sil systems. Therefore, the respondent requests to perform a monthly and daily calibration, include other non-regulated checkpoints in addition to Cabrera, include more control over the course of Sil and, if calibration is kept for Bárcena, correct the flows' series having into account the variation in reserves of Matalavilla and Las Rozas reservoirs.
- There has been found an error on page 17 relative to the surface of the Sil basin.

Argued Response

Accepted

The SIMPA CEDEX model was validated for the territory of the Miño-Sil District and improved to SIMPA II. Furthermore, the Miño-Sil River Basin Authority is aware of the constraints, therefore it is in contact with CEDEX to continue working on improving the model for its application in the future.

On the other hand, the error identified will be corrected with the value of surface Sil basin which appears in other sections (7930km²).

3.11. CONTROL NETWORK

COMMENT NO. 003.56

Comment Summary

It would be advisable to establish a control network for cyanotoxins, since the Belesar, Peares, Cachamuíña, Limia reservoirs have problems with Cyanobacteria. This will make it possible to send early warning which would improve the health service. Moreover, in these cases, clearance protocols should be adapted.

Argued Response

Accepted

The Miño-Sil River Basin Authority considers successful the recommendation on the establishment of a monitoring network of cyanotoxins therefore, depending on the needs observed and the available budget of the agency, it will study the possible introduction of this network in District for consideration at a future River Basin Management Plan.

COMMENT NO. 003.54

Comment Summary

The reference stations network in which the Plan is based is clearly insufficient, since the reference values are not adequate, and the EQR values obtained often exceed unity, therefore it should be reviewed.

Argued Response

Accepted

The Miño-Sil River Basin Authority is aware of the shortcomings and is working to improve both the monitoring networks and the model for the status assessment within existing constraints. We are grateful, therefore, for the observation and we will transferred it to the Committee of Competent Authorities in order to consider it when conducting a review of the reference network for the new planning cycle.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 003.40

Comment Summary

The respondent recommends increasing the number of piezometric control points.

Argued Response

Not Accepted

The Miño-Sil River Basin Authority intends to improve the whole control networks, including piezometric control network by adding new piezometric points in a new planning period according to budget availability of the Basin Authority.

COMMENT NO. 004.06

Comment Summary

There is no mention to quality and piezometric control networks nor is there a map in which points represent these control networks. There is a reference to a map of the piezometric network in the District but the map is nationwide and there are no points on the Miño-Sil Basin.

Argued Response

Not Accepted

Section 6.2.2. in sixth chapter describes groundwater quantity (piezometric points) and chemical control programs. Maps are also included in Figures 11 and 12 representing both control networks.

COMMENT NO. 008.03

Comment Summary

It is considered necessary to establish a specific monitoring program for water bodies where there is a need to implement new stations, such as Vilasouto reservoir, setting dates, budget, territorial planning, strategic location, etc..

Argued Response

Accepted

Currently for some of the reservoirs in poor status there has not been specified an operational monitoring program, however, work is being done for its implementation in short term. The River Basin Authority attempts to complete control network in order to make them as effective as possible, always within the budgetary possibilities of the Agency.

COMMENT NO. 027.14

Comment Summary

The Plan should set the network design for operational control in the “Aluvial del Bajo Miño” GWB, in order to collect the number and distribution of control points, the nature

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

thereof, the control parameters and frequency of sampling so to address without delay the measures needed to reverse the trend and mass capacity to meet the environmental objectives.

Regarding the implementation of specific operational network of nitrates in the “Xinzo de Limia” GWB (011.006), even though it was not considered in poor chemical status, the respondent suggests that it should be taken into account for its design the peculiar characteristics of the aquifer formations which constitute it.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority is working hard on improving the monitoring networks and increasing control points in such networks, hence, although the current plan cannot establish a monitoring network specific for the “Aluvial del Bajo Miño” GWB, it will be considered for future revisions as well as the work of expansion and improvement of networks being carried out.

Regarding the specific operating network for nitrates on the “Xinzo de Limia” GWB (011.006) they will be taken into account as far as possible, in the current work being undertaken.

COMMENT NO. 027.13

Comment Summary

In accordance with the requirements of the WFD density of quality and quantity control networks on groundwater is currently inadequate. There should be a study which should at least consider the fundamental characteristics of the aquifer (permeability, type, partitioning if multilayer, quality, etc.); the location and characteristics of the pressures; land use and supply situation as well as other uses of interest. The frequency of measures should also be studied in order to determine trends; as well as their appropriate investment for the following review horizons.

Argued Response

Not Accepted

This contribution is considered appropriate and it will be taken into account, according to budget availability, for future revisions of the Plan.

COMMENT NO. 027.11

Comment Summary

The established network for vulnerable areas control, which in the district has not been designated (RD 261/1996), should be deleted since you cannot control or protect something which is not yet defined. This nitrate control, essential to determine whether there are affected waters or not and if so the Galician Autonomous Community shall designate

or not vulnerable zone, could join any of the established networks (or basic research)

Argued Response

Not Accepted

Thanks to the observation, it was detected an error in the sixth chapter, since the references to a vulnerable areas control network should be referred to the sensitive areas control network; because, as noted by the respondent, the District has no vulnerable zones defined. This error on pages 35 and 37 of the sixth chapter of the report has been corrected.

COMMENT NO. 029.15

Comment Summary

Workers to perform their functions both in control networks, such as processing, information and all other functions which are relevant to this Plan shall be personal of the water administration transferred to the Autonomous Community of Galicia. Especially regarding the inspection and surveillance staff which should be occupied by a public official, endowed with the presumption of truth he deserves as law enforcement officer.

Argued Response

Not Accepted

Staff nomination for the work to be performed is not a subject to be indicated in the Plan. The Draft RBMP aims to achieve good and adequate protection on water bodies in the basin, meeting the water demands and balance and harmonize regional and sectoral development.

3.12. MEASURES PROGRAMME

COMMENT NO. 003.34

Comment Summary

The Measures Programme should prioritize actions on water bodies in bad or poor status, especially those related to the pressures which cause deterioration, pushing for that coordination between administrations.

Argued Response

Accepted

The prioritization of measures is provided in the third additional provision of the regulations in the Plan: "Measures Programme. Within the measures programme, which forms inseparable part of this river basin management plan, there will be prioritized, depending on available funding, those actions carried out on water bodies which have a worse than good status or potential, in order to achieve the proposed environmental objectives and good status or potential within the established deadline."

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 003.35

Comment Summary

The Measures Programme should consider the increase in control networks SAIH-SAICA, especially of the SAICA network (quality), since the thirteen automated and continuous measurement stations are currently very few for the size of the Miño-Sil basin.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority attempts to complete the SAIH-SAICA network with new stations through time, depending on the needs observed and in accordance to the agency's budget availability.

COMMENT NO. 003.33

Comment Summary

The Measures Programme should budget actions to restore the riparian vegetation and the public domain, as steps needed to get a good status on time.

Argued Response

Not Accepted

Currently there have been over 200 projects included in the Measures Programme of the RBMP regarding restoration of rivers and riverbanks.

COMMENT NO. 004.04

Comment Summary

Generally, many deficiencies have been detected in the developing of the Measures Programme regarding its effectiveness. No details on the status of water bodies after applying the basic package of measures are included. There is also no relationship between measures and water bodies' quality status.

Argued Response

Accepted

The various authorities involved and the current economic environment makes the development of a coordinated Measures Programme a complex task, being essential to prioritize actions. Therefore, an analysis of the measures' effectiveness was completed in relation to water bodies affected, in order to correct deficiencies in this respect which will be included in the final version of the Plan.

COMMENT NO. 004.11

Comment Summary

The effectiveness of measures to be taken in the groundwater bodies in poor quality

status is not assessed.

Argued Response

Accepted

Assessing the effectiveness of measures in the groundwater in poor status was, indeed, not included in the Plan. Following the respondent request the efficiency of measures on groundwater bodies is being studied, as well as surface water bodies, and the Measures Programme Annex will be completed with this analysis.

COMMENT NO. 008.18

Comment Summary

The respondent requests for a good water management and channelling plan for the basin which has a monitoring team composed of technicians and members of local authorities. This plan regulates itself through Environmental Impact Statement (EIS) and Environmental Report, both texts to be written by staff from the Vigo's or Santiago's Universities or by interuniversity agreements of academic institutions. The petition claims that the body which instrumentalize the EIS or the Environmental Report should be as independent as possible for the work to count legal and technical safeguards implementation.

Argued Response

Not Accepted

The River Authority cannot accept such a request because the actions and targets are not defined. On the other hand, it must be remembered that the environmental assessment process is defined and it is a responsibility of the environmental agency.

COMMENT NO. 008.06

Comment Summary

The respondent requests regeneration of river basins prohibiting river basin pathway involving cement or cut of existing species. He also calls for the afforestation of species on the banks with an investment established in a 5 year plan and the replacement of diseased species. Additionally, it is requested the creation of cleaning and surveillance brigades for the river banks of the basin.

Argued Response

Not Accepted

The River Basin Management Plan includes within its Measures Programme a number of restoration actions which are in line with the respondent's proposals. The use of biological engineering to achieve those objectives is also encouraged.

However, these proposals will be assessed with a view to their possible inclusion in the Measures Programme based on agency budget availability.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 008.08

Comment Summary

The respondent requests the withdrawal of tailings from the slate quarries in the industrial estate of Quiroga on the left bank of the Sil River and weeds in the Sil through San Clodius.

Argued Response

Not Accepted

One of the objectives of the River Basin Management Plan is the restoration of water bodies' good status in the District, therefore there have been included tailings restoration actions in the Measures Programme, since in many cases their effect on riverbeds is causing water bodies' poor status.

However, these proposals will be assessed with a view to their possible inclusion in the Measures Programme based on agency budget availability.

COMMENT NO. 008.09

Comment Summary

The respondent requests the establishment and signalling of the cultural heritage in the river basin, as well as the creation of environmental interest routes such as waterfalls .

Argued Response

Not Accepted

The River Basin Authority considers the outstanding natural beauty and environmental interest of certain areas in the District, such as waterfalls, therefore these areas are proposed as Special Protection Areas in the RBMP (Annex IV of the report, section 3.11.5). Similarly, the River Basin Authority are developing actions aimed at creating routes of environmental concern, however, the creation of cultural Heritage routes, such as monasteries and the like, are not responsibility of the Miño-Sil River Basin District Authority.

COMMENT NO. 008.10

Comment Summary

The respondent indicates the need to bury high-voltage wiring in different protected areas.

Argued Response

Not Accepted

Conducting activities of this nature is not an issue for the River Basin Management Plan or for the public information process.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

COMMENT NO. 008.14

Comment Summary

The respondent requests to perform investment in waste water treatment plants and to establish agreements with local authorities for the treatment of waste discharges.

Argued Response

Accepted

Water treatment is not a River Basin Authorities' responsibility, therefore this issue will be transferred to the Committee of Competent Authorities for its consideration.

However, it is important to note that the Measures Programme, summarized in Annex X of the RBMP report, which compiles the actions of various agencies related to the Plan, collects sanitation and water treatment actions which make up about 40 % of investment, there are considered, therefore, really important this type of actions.

COMMENT NO. 009.01

Comment Summary

The respondent request to include in the RBMP the action on Arganza's Conditioning between the towns of Quilós and Cacabelos (for which it is attached a report).

Argued Response

Not Accepted

The Spanish government is facing severe budget constraints to meet the commitment to reduce the deficit. These limitations force a reconsideration of investment in the Measures Programmes of inter-basin River Management Plans.

The Miño-Sil River Basin Authority, as an agency under the Ministry of Agriculture, Food and Environmental Affairs, must therefore adapt the Measures Programme of the Miño-Sil River Basin Management Plan as to make information as accurate as possible and so there is no discrepancy between the investments under the Plan and those made in the period 2009-2015.

According to the information received from the Ministry, the RBMP should only include, in its Measures Programme, those actions which have secured funding, and those considered as priorities by its basic condition in compliance with the Directive 91/271/EC.

All other measures will be postponed to a new planning cycle, prioritizing, with its cost-effective analysis, those measures which will improve the status of water bodies in the District.

COMMENT NO. 019.03

Comment Summary

In the chapter of recovery of environmental values, and more specifically including meas-

ures to restore the beds and channels, in Saviñao Council would be interesting to do the recovery of “Pesqueiras” river, a trout river which was once a fishing preserve. Currently this river is modified by historical discharges of Escairon WWTP as well as the dairy Industry “CELEGA” . This could be included in the National Rivers Recovery Strategy.

Argued Response

Not Accepted

Currently there are no specific measures included for the recovery of this river in the Measures Programme, since this channel is not considered water body due to its small size and as waters to which it flows are in good condition. Nevertheless, there are generic measures for restoration of streams in Galicia Community, such as the measure of "Proceedings for restoration, rehabilitation and public use of river banks in the Miño-Sil basin in the autonomous community of Galicia."

On the other hand, we will study, in response to your request, the introduction in the Measures Programme of concrete actions on Pesqueiras river according to the analysis of budgetary priorities and the availability of the organism.

COMMENT NO. 019.04

Comment Summary

Within the Conservation and Improvement of Public Water Programme, the respondent proposes to include riverbeds periodic cleaning in the summer seasons, removing debris and tree crops (restoration beds measures). In Saviñao the priority are Sardiñeira, Pesqueiras, Pez, Portiño and Barrantes rivers.

Argued Response

Not Accepted

Although no specific actions have been included on the Sardiñeira, Pesqueiras, Pez, Portiño and Barrantes rivers, there are currently a number of generic measures approved for the Miño-Sil River Basin and Galicia in order to restore riverbeds, which include:

- Improvement of stream morphology, river habitat, continuity and connectivity.
- Cleaning and improvement the composition and structure of riparian vegetation.
- Reduction of negative effects of flooding affecting homes and / or infrastructures.
- Improvement of social use of the river and recovery of associated cultural heritage.

Nevertheless, it will be assessed, depending on budget availability, the possibility of including further concrete measures on these rivers.

COMMENT NO. 019.05

Comment Summary

The respondent suggests carrying out information campaigns to remind the prohibition of

discharges of liquid pig manure and sludge within 100 m. of rivers and water sources.

Argued Response

Not Accepted

The River Basin Authority will consider this suggestion in order to include this issue among information and awareness campaigns currently scheduled.

COMMENT NO. 019.01

Comment Summary

The respondent indicates the need to locate wastewater treatment plants close to rural areas. He informs about the existing problem of diffuse pollution in the region due to discharges from livestock farms and septic tanks of rural housing. The respondent suggests the installation of at least two treatment plants in the Council and recommends including measures from the Galicia's Sludge Management Plan of in the Measures Programme.

Argued Response

Not Accepted

The River Basin District Authority considers these recommendations interesting, and since there are currently no measures concerning wastewater treatment plants for Saviñao Council included the suggestions will be transferred to the Committee of Competent Authorities for their consideration. In relation to Galicia's Sludge Management Plan there is currently no information on the actions to be carried out, however, information from the measures programme is being updated with information provided by relevant agencies.

COMMENT NO. 020.06

Comment Summary

The respondent recommends an analysis of the retention capacity of sediments in reservoirs in Spain and the potential effects of a lower flow of sediments in coastal areas.

Argued Response

Not Accepted

This recommendation will be considered for its inclusion in the Measures Programme for future planning cycles.

COMMENT NO. 022.01

Comment Summary

The respondent claims that the adoption of innovative measures should be put into some scenarios very disturbed by mining activities, particularly in the mining section of the Cua river, where dumps have closed some natural channels. The presence of tailings in that section is the source of serious environmental problems, both for water quality and fish or fauna, one of which causes the greatest environmental impacts in the coalfield.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Finally, the respondent concludes that temporal plans and actions for restoration have limited impact on improving environmental conditions, therefore it is requested to address the problem from a holistic approach, making a complete diagnosis of diseases and addressing the full restoration in the river stretch, for what is required to include this restoration measures within the Measures Programme.

Argued Response

Not Accepted

The Miño-Sil River Basin Authority supports the development of innovative measures in its whole territory, therefore it will work developing initiatives such as new techniques for bioremediation or similar arising in this miner stretch.

Moreover, within the Measures Programme there are some restoration actions included in the area, particularly in the water body Cua II, as well as abandoned tailings recovery. As these are just specific actions, it should be prioritize and manage the available resources, principally in an economic situation like the current one. Therefore these measures have been considered as the most necessary.

However, since a comprehensive and ambitious performance of this type would imply the involvement of several administrations, and valuing positively the proposal, it will be moved to the Committee of Competent Authorities for its consideration.

COMMENT NO. 024.02

Comment Summary

The respondent proposes to implement mechanisms to remove exotic species such as crawfish (*Procambarus clarki*), Perch (*Micropterus salmoides*), carp (*Cyprinus carpio*), American mink (*Mustela vison*), Weasel (*Mustela nivalis*), different types of acacia trees, cat's claw (*Carpobrotus edulis*) or eucalyptus among others.

Argued Response

Not Accepted

Currently projects for prevention, control and eradication of invasive alien species are being carried out under the National Strategy River Restoration, the control program of public water, the Plan and various Regional Plans. Efforts are made to prevent the entry and spread of invasive alien species in the context of public and private civil works for the district, early detection of new entries before the species spread, especially for the most dangerous species, and control the expansion of previously introduced species, especially the most harmful.

In addition, the Measures Programme has included a measure to control American mink and several performances of native species conservation, such as the Iberian frog, *Pelobates cultripes*, *Hyla arborea*, *Rana temporaria*, *Chioglossa lusitanica*, *Emys orbicularis*, crayfish, *Margaritifera margaritifera*, *Gamelys pyrenaicus*, *Sapoconcho*, reptiles and amphibians populations of sea lamprey.

However, this proposal will be discussed and as there are several administrations involved, it will be transferred to the Committee of Competent Authorities for its evaluation.

COMMENT NO. 028.10

Comment Summary

1. An analysis and a summary table and maps should be included, in which measures included in the draft plan are correlated with the water bodies' status; as it appears from the analysis of these measures, that there are water bodies with good status in which there are many measures and poor status water bodies which have few, very few or no action.
2. It should be modelled the contribution of the measures included to improving the status, prioritizing those that contribute more and better case by case.

Argued Response

Accepted

The Miño-Sil River Basin Authority considers adequate this comment and is, therefore, already working to incorporate in the Annex Measures Programme an effectiveness analysis of measures on the status of water bodies.

COMMENT NO. 028.11

Comment Summary

There are measures which do not seem to contribute to improve the water bodies status (for example, supply measures), therefore some of them should be deleted from the Measures programme.

Argued Response

Not Accepted

Article 44 a) of the *RPH* indicates that among the basic measures it should be included " necessary measures to implement legislation on water protection, including those relating to the protection of water for the production of drinking water provided in the final fourth disposition of the revised Water Law (*TRLA*) and in particular those aimed to reduce the necessary treatment to produce drinking water .. ", just as stated in Article 45.2 and Article 47.4 which specifies that " The RBMP shall contain a list of measures on urban water supply leading to a rational and sustainable management of water (...) ".

These considerations are also reflected in section 8.2.1.1.1 of *IPH*.

Therefore, to meet the requirements of current legislation is necessary to consider in the Measures Programme the supply measures.

COMMENT NO. 029.19

Comment Summary

The respondent suggests to include in the Measures Programme regulatory measures to achieve a higher quality riparian ecosystems and ecological corridors. Such as:

- a) In the process of land consolidation it will not be included as agricultural land area to parcel the 25 meters of river banks and streams.
- b) Works cannot be done on Public Water easement area including tasks as fertilization, seeding and application of pesticide treatments.

Argued Response

Not Accepted

After the cost-effectiveness analysis established in the Measures Programme by the RBMP it has been considered that the proposed measures are not a priority. However the River Basin Authority will consider the inclusion of these on a new planning cycle based on the needs and the agency budget availability.

COMMENT NO. 029.16

Comment Summary

The respondent suggests that the Measures Programme should collect and enforce measures to control, surveillance, prevention and eradication of invasive and potentially invasive.

Argued Response

Not Accepted

Currently projects for prevention, control and eradication of invasive alien species are being carried out under the National Strategy River Restoration, the control program of public water, the Plan and various Regional Plans. Efforts are made to prevent the entry and spread of invasive alien species in the context of public and private civil works for the district, early detection of new entries before the species spread, especially for the most dangerous species, and control the expansion of previously introduced species, especially the most harmful.

In addition, the Measures Programme has included a measure to control American mink and several performances of native species conservation, such as the Iberian frog, *Pelobates cultripes*, *Hyla arborea*, *Rana temporaria*, *Chioglossa lusitanica*, *Emys orbicularis*, crayfish, *Margaritifera margaritifera*, *Gamelys pyrenaicus*, *Sapoconcho*, reptiles and amphibians populations of sea lamprey.

However, this proposal will be discussed and as there are several administrations involved, it will be transferred to the Committee of Competent Authorities for its evaluation.

COMMENT NO. 029.17

Comment Summary

The Measures Programme should o collect and implement measures aimed at raising awareness of the Galician society about the values of aquatic ecosystems.

Argued Response

Not Accepted

The inclusion of these measures will be studied based on a cost-effectiveness analysis established in the Measures Programme of the RBMP and according to agency budget's availability.

COMMENT NO. 029.20

Comment Summary

The respondent suggests incorporating in the Measures Programme a clogged monitoring programme and sediment removal on reservoirs.

Argued Response

Not Accepted

After the cost-effectiveness analysis established in the Measures Programme by the RBMP it has been considered that the proposed measures are not a priority. However the River Basin Authority will consider the inclusion of these on a new planning cycle based on the needs and the agency budget's availability.

COMMENT NO. 029.27

Comment Summary

It is proposed the completion of a serious statement of the corrective measures of the pressures acting on the River Basin District.

Argued Response

Not Accepted

As remedial measures for the pressures, there are actions in the Measures Programme which primary purpose is to reduce the pressures on water bodies. Therefore, an analysis of the measures effectiveness is being carried out in order to study how they affect on each of the water bodies to improve their state by reducing their pressures. Depending on the needs and the agency budget's availability, we will study the possible introduction of new correcting measures to correct pressures in the District.

COMMENT NO. 029.18

Comment Summary

The respondent suggests including in the Measures Programme an information plan on

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

the implementation of the RBMP and for environment alterations reporting, which must show a telephone and web contact.

Argued Response

Not Accepted

The Miño-Sil River Basin Authority considers interesting this comment and it will be discussed in the Committee of Competent Authorities to try to involve other Administrations.

COMMENT NO. 031.01

Comment Summary

There is an absence of mention and description of the actions taken in recent years by various local administrations, aimed at providing a solution to the problem of treatment and purification of domestic wastewater discharges in small towns of rural Galicia, from which are developed by the Provincial of Ourense and Pontevedra: Daredo Plan I, Daredo Plan II, Deputrans Project, etc.

Argued Response

Not Accepted

The River Basin Management Plan identifies the main plans affecting the Miño-Sil River Basin District and the measures responsibility of the various administrations, which provide information through the Committee of Competent Authorities. The measures mentioned have not been communicated to the River Basin Authority through this channel and therefore they have not been included in the Measures Programme. However, this question will be transferred to the Committee of Competent Authorities.

COMMENT NO. 031.02

Comment Summary

The respondent considers necessary to give significant importance in water planning to the problem of treatment and purification of wastewater in small villages exist in the district, establishing comprehensive strategies and plans for the river basins, in order to achieve the goal set by the European directives for 2015.

To tackle this problem, taking into account the number and type of population centres, wastewater treatment and environmental conditions in the receiving streams of waste water, it is proposed as a the most viable alternative the inclusion in water planning of the use of compact biological treatment plants technology with extended aeration activated sludge process accompanied by a reduction of nutrients and final disinfection before discharge which do not need periodic replenishment of consumables, chemicals, etc. This permits autonomous operation without staff permanently in the plant and its management and control via telematic communication system.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Given the large number of outstanding actions to be undertaken, it is proposed to opt for this type of technology which ensures and certifies both compliance with the discharge parameters required by the regulations to the discharge end, as well as, in order to minimize management costs facilities in the process of operation, s not generate excess sludge which require periodic removal and management.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority is grateful for the suggestion; however wastewater treatment is not its responsibility. Furthermore, despite the contribution is interesting, it is not considered appropriate to choose this technology as the only alternative, since the possibilities should be analyzed for each case.

COMMENT NO. 031.03

Comment Summary

To date, sludge management is based on the reaction method (removal of sludge by a tank vehicle belonging to any local authority or privately, and send to conventional treatment plants located in larger towns) against action (formal complaint of waste discharge, odors, networks collapse or the system itself, etc.) without planning, which generates a high cost of these actions, primarily logistical (tank vehicles transporting mostly water , septic tank lacks of sludge management system, for its own type) and control.

It is therefore necessary to establish a management model of septic tanks installed in the micro-populations of the province which may ensure a proper state of operation of these systems at low costs, making it possible to reduce and / or eliminate the environmental impact currently generated. The technical solution suggested is geographically studied installations throughout the territory consisting of combined biological compact aerobic-anoxic systems, with nutrients reduction, designed for sludge treatment in many septic tanks of each region or geographical area. Therefore through the collection and periodic removal of accumulated sludge in each septic tank by tank vehicles, a proper control may be done, as well as monitoring and maintenance of facilities scattered, reaching a high degree of treatment of generated sludge.

Argued Response

Not Accepted

As in the previous comment, we appreciate the suggestion however wastewater treatment is not its responsibility, therefore the issue will be transferred to the Committee of Competent Authorities for its consideration.

COMMENT NO. 051.13

Comment Summary

The respondent demands greater transparency in public administrations, requiring: more

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

available information on the costs of water management to public through new technologies of information and communication; as well as maintenance and modernization costs and benefits, community use, resources status monitoring, quality indicators understandable by public, etc.; greater transparency from river basin authorities, budgets, investments, actions, objectives and results obtained with the measures executed, recommending performing, at least annually, a management report of the River Basin District Authority, with public character and objective indicators; and development of a new model for public water management which encourages civic responsibility from public participation and transparency, in line with what has been called democracy 2.0.

Argued Response

Not Accepted

Water planning will always promote transparency, information and active participation. However, the requests made are beyond River Basin Management Plan jurisdiction, so it will be transferred to the appropriate agencies.

COMMENT NO. 051.09

Comment Summary

The Measures Programme should be extended by including administrative measures which take into account socio-environmental, educational and participatory aspects. In this regard, the respondent requests the inclusion of: a transparent pricing policy easy to understand which boosts efficiency; establishment of bonuses for efficiency in order to reduce water consumption by users and promote good practices to reduce contamination; and promote social awareness trying to influence citizens, businesses and institutions behaviour to a better use of water.

Argued Response

Not Accepted

This proposal exceeds the responsibility of the River Basin District Authority and will be, therefore, transferred to the Committee of Competent Authorities for its discussion.

COMMENT NO. 051.10

Comment Summary

The respondent demands the development of educational programs stable and continues in time on: the water cycle, sustainable river management, environmental friendly practices at home, etc., continuing the line of the program "Green Homes" of the Ministry of Environment. This could be implemented through education and training programs and communication campaigns, collaboration agreements between authorities, social organizations or through other means.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

The River Basin District Authority considers worthwhile to develop educational programs so it will study to include this as a measure for the new planning cycle. Additionally, this issue will be transferred to the Committee of Competent Authorities to try to involve other Administrations.

COMMENT NO. 051.11

Comment Summary

The respondent suggests empowering water management infrastructures as educational resources to increase public awareness.

Argued Response

Not Accepted

This proposal is interesting and therefore, environmental education will be empowered through knowledge of water management infrastructures.

COMMENT NO. 051.12

Comment Summary

The respondent suggests the inclusion in the Measures Programme of measures related to a stable program of environmental education on river ecosystems and environment in the District, aimed at promoting public participation in restoration and conservation management of natural and cultural heritage of rivers. He proposes the use of existing infrastructures, such as interpretive centres.

Argued Response

Not Accepted

The Miño-Sil River Basin District will transfer this suggestion to the Committee of Competent Authorities, where it will be studied for its possible inclusion in the Measures Programme depending on the cost-effectiveness analysis and the agency's budget availability.

COMMENT NO. 053.01

Comment Summary

Given the importance, as a protected area, of the Miño estuary, and the necessary information for the development of a planning instrument, the respondent requests for the inclusion in the Measures Programme to conduct the bathymetry and map databases in Miño estuary, based on the topography and geomorphology on an appropriate scale and which sources are accurate and recent.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

Argued Response

Accepted

The Miño-Sil River Basin Authority agrees with the importance of the proposed action and considers it as a priority action to be included in the Measures Programme as a potential measure.

COMMENT NO. 054.06 AND 055.06

Comment Summary

The River Basin Management Plan (RBMP) should propose measures to modernize irrigation, use management and similar.

Argued Response

Not Accepted

The Measures Programme in the RBMP includes measures to modernize irrigation for over 100 million euros. In particular, in the Limia system there are approved and planned actions for irrigation modernization which worth over 50 million euros.

COMMENT NO. 054.11 AND 055.11

Comment Summary

The proposals made in other comments of this contribution, as for example the various plans proposed for restoration, sanitation, environmental education, delineation of public water, etc.; should have specific budget items. Environmental education and volunteer must have a much higher budget with a particular heading of "environmental education activities and volunteerism."

Argued Response

Not Accepted

Regarding the proposed comments, as explained above, there are many actions with budgets already defined in the Measures Programme. As for the proposed environmental education activities and volunteer, the Measures program includes a subtypology within administrative measures named "Awareness and education". The measures proposed related to this area will be studied for their possible inclusion in the Measures Programme depending on the agency's budget availability.

COMMENT NO. 054.01 AND 055.01

Comment Summary

Based on criteria and indicators from the Water Framework Directive, the River Basin Management Plan should include: A Restoration Plan for river ecosystems and surface water bodies, an Improvement Plan for stream ecosystems aimed at the prevention of diffuse contamination from agricultural and livestock activities, Wetlands and hydrologi-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

cal-forest Restoration Plan, a sanitation plan for watercourses and surface water bodies.

The respondents indicate that the surveillance and monitoring networks for ecological rivers status should be significantly expanded, and it should be a priority for this RBMP the completion of the districts delimitation of the Public Water.

Argued Response

Not Accepted

Appendix VII, Pressures Inventory, includes numerous maps which define and locate the pressures identified in the river basin district. Diffuse contamination sources detected in this river basin district are primarily agricultural activities both rainfed and irrigated, as well as different types of livestock. This Annex shows different maps representing diffuse contamination from agricultural and livestock activities. It has been represented by separate maps the diffuse contamination from farming in rainfed, irrigated, heads of cattle, swine, sheep and equine; maps also represent the information of nitrogen and phosphorus loads per acre, diffuse contamination from urban areas, recreation, mining, etc.

Chapter II, describing the river basin district, includes maps representing different water bodies, which have detailed water bodies' status. Annex VIII describes environmental objectives to be met by all water bodies. Annex X, Measures Programme, describes every the action which is underway or planned to improve the status of water bodies in the district, which includes a budget of over 300 million euros related to restoration measures and other budget of more than 300 million euros in sanitation and wastewater treatment measures. This Annex represents geographic distribution maps of measures by type.

For these reasons it is considered that there are plenty of maps and information contained in the RBMP related to the considerations made in this contribution.

Regarding sanitation plans, it is not a subject to be dealt in the River Basin Management Plan nor is it responsibility of the River Basin District Authority, but it is regional competence. Therefore the Measures Programme includes actions defined by the regional plans additionally, the River Basin Authority works together with different regional governments in the definition and prioritization of measures , according to various studies to define the status of water bodies.

Regarding the need to expand the surveillance and monitoring network for ecological rivers status, Chapter VI of the report details the whole control programmes, surveillance networks and status monitoring of water bodies. After reading this Annex you can check the great effort made by this River Basin District Authority to control ecological status in the basin; Annex X (Measures Programme) reflects that as part of the measures which have been considered as administrative there is a measure subtypology which corresponds to control networks. The Measures Programme includes actions worth over 8 million euros regarding control networks. Despite the efforts made and the approved and planned investment in network control, we will try, as far as possible, and depending on agency's budget availability, to continue working in this area for the expansion of networks and monitoring programmes for ecological status in order to monitor and improve

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

the status of water bodies in this region, main objective of this RBMP.

With regards to the delimitation of Public Water, work is being done in the Miño-Sil River Basin District through LINDE project. Due to the thousands of kilometres of the rivers, some areas are given priority and there are working on them primarily, however it will continue to perform these tasks according to budget availability.

COMMENT NO. 056.14

Comment Summary

Regarding environmental costs of the Miño-Sil RBD, for the measure related to planning and control corresponding to regional sectoral plan on open-pit mining at Babia and Laci-ana, which accounts for 24% of the total budget, it should be required to the holders of mining activities which could be distributed in education environment which does not reach 0.01%.

Argued Response

Not Accepted

This proposal goes beyond the responsibility of the Miño-Sil River Basin District Authority and the RBMP itself, it will be transferred to the Committee of Competent Authorities for discussion.

COMMENT NO. 056.05

Comment Summary

It is important that the Plan reflects the commitment to promote corrective and preventive measures in the Barbaña river as it is the most serious case of contamination from constant industrial discharges.

Argued Response

Not Accepted

The Plan reflects the commitment to promote sanitation and wastewater treatment measures as well as hydrological-forestry restoration in the Barbaña river. Currently in Measures Programme there are a total of 22 approved and planned measures located in this river. The total budget for these measures amounts to 34.5 million euros.

COMMENT NO. 056.08

Comment Summary

In regards to the Measures Programme the respondent considers necessary to introduce a section on administrative measures which take into account socio-environmental, educational and participatory on water management.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

Argued Response

Not Accepted

With respect to administrative measures, the Measures Programme includes many administrative measures which main objective is to raise public awareness. However, the need to increase the number of measures related to this typology will be transferred to the Committee of Competent Authorities for its consideration.

COMMENT NO. 056.09

Comment Summary

The respondent suggests developing educational programs on the water cycle and promoting water-saving practices at home, workplace and in the government.

Argued Response

Not Accepted

The River Basin District Authority considers public participation process as one of the main objectives to increase environmental awareness of citizens regarding the management of water resources, as described in Annex XI of the RBMP on Public Participation. Thus, during this period there were carried out regional participation sessions, which have also approached the Plan to rural areas. Nevertheless, this recommendation will be transferred to the Committee of Competent Authorities in order to consider promoting these programs.

COMMENT NO. 056.10

Comment Summary

The respondent suggests boosting water management infrastructures as well as educational resources.

Argued Response

Not Accepted

We will study this proposal and try to promote environmental education through knowledge of water management infrastructures.

COMMENT NO. 056.11

Comment Summary

The respondent suggests to promote a stable program of environmental volunteers.

Argued Response

Not Accepted

The Miño-Sil River Basin District Authority considers this type of action is very interesting, therefore it will be considered to include a measure of this type in a new planning cycle.

COMMENT NO. 056.12

Comment Summary

The respondent recommends including measures to encourage water saving policies.

Argued Response

Not Accepted

This proposal goes beyond the responsibility of the Miño-Sil River Basin District Authority and the RBMP itself, it will be transferred to the Committee of Competent Authorities for discussion.

COMMENT NO. 056.13

Comment Summary

The respondent suggests including measures to promote continuous active citizen participation.

Argued Response

Not Accepted

The River Basin District Authority considers public participation process as one of the main objectives to promote citizen participation, as described in Annex XI of the RBMP on Public Participation. Thus, during this period there were carried out regional participation sessions and roundtables all throughout the District's territory, as well as inform public by making information publicly available through the River Basin Authority's website, the information office, conducting communication publications, etc.

3.13. ENVIRONMENTAL SUSTAINABILITY REPORT

COMMENT NO. 028.46

Comment Summary

There is an error on page 340 of the Environmental Sustainability Report (ESR): it is mentioned that Annex IV describes the processes related to public consultation of the ESR, however, these processes are described in Annex IX of the ESR.

Table 1, Relationship between ESR and sections of the Reference Paper of ESR, found on pages 26 and 27, shows the following errors:

- There should be added all the annexes composing the ESR document, as the number of annexes which compose the report is 10 but the table only considers 5.
- There is an error in nomenclature since Annex IV of the ESR is not the one including the documents which describe the processes related to public consultation, but these are found in Annex IX. The same applies to the non-technical summary, which belongs to Annex X and in the table it is considered to be found in Annex V.

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

- It is advisable to check the relationship between ESR annexes and sections of the Reference Paper.
- Table 5 of Annex IX should be modified, since it has the same errors as the table referred to in section 7.
- Section 2.2.2.4 of priorities and resource assignation of uses in the ESR document and Annex X on your page 12 establish a prioritization of uses which does not match the one shown in Annex III of the Draft River Basin Management Plan.

Argued Response

Accepted

The errors found on the Environmental Sustainability Report will be corrected as described in the contribution.

COMMENT NO. 028.45

Comment Summary

There are two errors on page 56 of Annex X of the ESR:

- Documents related to public consultation on Environmental Assessment Strategic belong to Annex IX, however, section 9.9 of Annex X indicates that these documents belong to Annex IV.
- Section 9.10 of this Annex specifies that the non-technical summary of the ESR belongs to Annex V, however, this document is in Annex X.

Argued Response

Accepted

The errors found on Annex X of the Environmental Sustainability Report will be corrected as described in the contribution.

COMMENT NO. 028.44

Comment Summary

There is an error on the last paragraph in page 7 of Annex IX, as public consultations are located in Appendix XI.6, when they are in fact found in Annex XI of the Plan, in its appendix XI.3.

Section 2.1.1 of Annex IX of the ESR has a mistake from page 9 through 14 as it describes the contributions made to the Scheme of important Subjects of the Plan, when in fact it should only add the results of public consultation undertaken to initial document of the SEA.

Argued Response

Accepted

The errors found on Annex IX of the Environmental Sustainability Report will be corrected as described in the contribution.

COMMENT NO. 028.43

Comment Summary

Section 7 of ESR should include a more detailed explanation of what measures are included in the Plan to offset the significant negative effects on the environment which may cause the implementation of the plan.

Argued Response

Accepted

The Miño-Sil River Basin District Authority welcomes these suggestions and will complete section 7 of the Environmental Sustainability Report with a more detailed description of the measures to counter the negative significant effects on the environment which may cause the plan.

COMMENT NO. 028.42

Comment Summary

It should be studied in more detail section 6.3 of the Environmental Sustainability Report (ISA), dedicated to analyze the likely effects of the Measures Programme of RBMP, especially the unwanted environmental effects caused by some of the measures of the Plan.

Argued Response

Accepted

The Miño-Sil River Basin District Authority welcomes these suggestions and will complete section 6.3 of the Environmental Sustainability Report to contemplate the possible negative effects of the Measures Programme on the environment.

COMMENT NO. 059.07

Comment Summary

The respondent does not agree with the treatment given to the production of hydroelectric power in the ESR, considering that it only highlights the negative aspects, regardless of the positive ones. The respondent indicates that the Action Plan for Renewable Energy in Spain (2011-2020) has not been considered where it is considered necessary to promote development of new reversible or pumping power plants, mainly on existing reservoirs.

He considers that it is a mistake not to refer to the plan's measures on the environment will mean the reduction of hydroelectric power and that this will conduct the need to seek alternative energy sources, which according to the respondent it will be based on fossil fuels.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

Argued Response

Not Accepted

The analysis of water use for hydroelectric power production is done in an objective way in the ESR and every document of the Plan.

In regards to the expected growth of hydroelectric power, as required in the Action Plan for Renewable Energy in Spain (2011 to 2020) it is expected to increase pure pumping, though it is important to note that the 3000 MW planned increase for hydropower are considered throughout the whole Iberian Peninsula. On the other hand, it should also be considered that, according to the same document, "The actual construction of these facilities will depend on the regulatory and mainly technical and economic environment."

Furthermore, it must be considered that the installation of hydroelectric power in the Miño-Sil River Basin District has currently met the energy objectives, as the rate of installed hydroelectric capacity in MW per thousand inhabitants (INE 2009) for the entire Spanish territory is 0.39 while considering the territory of Miño-Sil River Basin District, this ratio increases to 3.26.

Moreover, the ESR document includes a section on interactions with other instruments, as required by the reference document prepared in advance, and which, according to the respondent, has not been performed. Section 4.1.3 of the Reference Paper requires the ESR to analyze the consistency between the objectives of the RBMP and the objectives of various policies, plans or programs, both national and regional, which are interrelated with the Plan. In this regard, the ESR has included in section 4 such analysis, including the energy sector, concluding that the objectives of River Basin Management Plan are consistent with the objectives of most of the plans and programs, without any absolute incompatibility.

In fact, related to "air, climate and energy," the ESR states that there are numerous interactions between objectives, and conflicts can arise between the increase of hydroelectric power production which ,while leading to a reduction of emissions greenhouse gases, involves significant negative effects on water bodies and their associated ecosystems.

COMMENT NO. 059.06

Comment Summary

The respondent considers that the ESR should include a number of considerations which are highlighted in a report published in the Official Bulletin of Parliament dated December 30, 2010, by the Subcommittee Analysis of the Spanish energy strategy for the next 25 years. In this document it is noted that the increase in energy demand in emerging and developing countries, raises the demand for energy, which is closer to the exhaustion of fossil fuel reserves and, on the other hand, the use of more fuel of this kind increases the temperature of the planet and greenhouse gases emissions. It is also indicated in this report that it is essential to have enough resources to accelerate technological change

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

which will make it possible to develop more efficient renewable energies and coordinate actions in several areas, concluding that energy is one of the cornerstones of the economy and the engine of development and stability of society.

Argued Response

Not Accepted

Gas Natural SDG, S.A. refers to a report of the Subcommittee Analysis of the Spanish energy strategy for the next 25 years, with a publication date December 30, 2010, i.e. after the publication of the Draft Miño-Sil River Basin Management Plan.

On the other hand, there is no contradiction with the ESR of the RBMP in the texts provided by this report. It talks about accelerating technological change to make possible the development of more efficient renewable energy, which the Miño Sil River Basin District Authority fully supports. It also considers as an important issue the public awareness and coordination between the different areas, which is also supported by the RBD Authority, considering when doing strategic planning, resource availability, regulatory constraints and compliance of environmental objectives which must also provide water policy.

COMMENT NO. 059.05

Comment Summary

Regarding the Environmental Sustainability Report (ESR), the respondent indicates that it completely ignores the "legal obligation to demands for energy production must be met also in the horizon of the plan."

Argued Response

Not Accepted

As for the "legal obligation" to meet the demands for energy production which are mentioned, this River Basin District Authority recalls reference to art. 40.2 of *TRLA* which speaks of the rational and sustainable management, which will condition any concession, authorization or future infrastructure. It also recalls art. 60.3 of *TRLA*, in which the only use which takes precedence over the other is the supply of population, including where necessary provisions for industries of low consumption of water located in population centres and connected to the municipal network. Finally, based on this aspect it should be mentioned art. 59.7 of *TRLA*, which states that "environmental flows and environmental demands will not have the character of use for the purposes of the provisions in this article and following which must be regarded as a restriction imposed to water resource systems [...] "And of course, art. 59.2 of the *TRLA* which states that "Concessions are awarded taking into account the joint rational surface and groundwater resource exploitation, without guaranteeing the availability of concessional flows granted." Then, in any case is it obliged to ensure flow rates granted.

Moreover, the ESR should contain, in accordance with article 8 of Law 9/2006 of 28 April on the assessment of the effects of certain plans and programs on the environment, identification, description and assessment of the likely significant effects on the environment

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

arising from the implementation of the plan or program, and as reasonable alternatives, technically and environmentally viable, including among others the zero alternative, taking into account the objectives and geographical scope of the plan or program. Thus, while the purpose of ESR is to evaluate the environmental effects of the plan it cannot be required to include a section which deals with the security demands for electricity.

4. RESULT OF THE ANALYSIS OF CONTRIBUTIONS

As described in the previous section we can summarize the subjects raised by the contributions received on the following:

- **01. Territorial Scope and Water Bodies Definition.** This subject covers everything related to the first chapter of the regulations: Competent Authorities; Territorial Scope MSRBD; Definition, identification and delimitation of water bodies; coordination and cross-border cooperation, etc.
- **02. Environmental Objectives and Water Quality.** It covers everything related to water bodies' environmental objectives and the assessment of their quality (indicators, thresholds, status, etc.).
- **03. Environmental Flows Regime.** According to the requests of who has made the contribution we can differentiate between two positions and general comments on this subject:
 - More restrictive: It is requested to increase minimum flows, to generally apply exchange rates and flood flows or to make further restrictions on exploitation of water resources for the implementation of environmental flows.
 - Less restrictive: It is requested to lower the minimum flows, remove its application, ease restrictions for its implementation, etc.
 - General: General observations which are neutral on environmental flows.
- **04. Uses, Demands and Uses Priority:** This subject covers all the contributions related to uses, demands or uses priority.
- **05. Resources Assignment and Reservation:** There are classified under this subject the contributions related to the assignment and reservation of resources, Chapter V of the regulations.
- **06. Use of Public Water.** This subject covers everything related to Chapter VI of the regulations making a distinction between two positions and general comments:
 - More restrictive: It is requested to include more restrictions on the use of Public Water, reduce concessions granted, limit certain types of uses, increase demanding conditions for the granting of concessions and authorizations, etc.
 - Less restrictive: It is requested to decrease restrictions on the use of Public Water, including increasing concessions, removing limitations on the implementation of new uses, making more flexible the application of prohibitions, etc.
 - General: General observations which are neutral on the use of Public Water.

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

- **07. Protection of Public Water.** This subject covers everything related to Chapter VII of the regulations, distinguishing between two positions and general comments:
 - More restrictive: It is requested to include more restrictions on the protection of Public Water.
 - Less restrictive: It is requested to ease restrictions imposed by the protection of the Public Water.
 - General: General and neutral observations which are made on the protection of Public Water, protected areas, pressures, etc.
- **08. Economic Analysis of Water Use.** This subject covers everything related to economic and financial system of the Public Water use.
- **09. Public Participation.** This subject refers to everything related to the public participation process: disclosures, seminars, workshops, etc.
- **10. Water Resources Inventory.** This subject covers those contributions which make reference to the water resources inventory and its development (SIMPA).
- **12. Control Networks.** Everything related to monitoring networks tracking water bodies' status.
- **13. Measures Programme.** Observations for modifications on the Measures Programme.
- **14. Environmental Sustainability Report.** Observations on the Environmental Sustainability Report.

Below is a graphical analysis of the distribution of the comments based on these subjects:

**MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT**

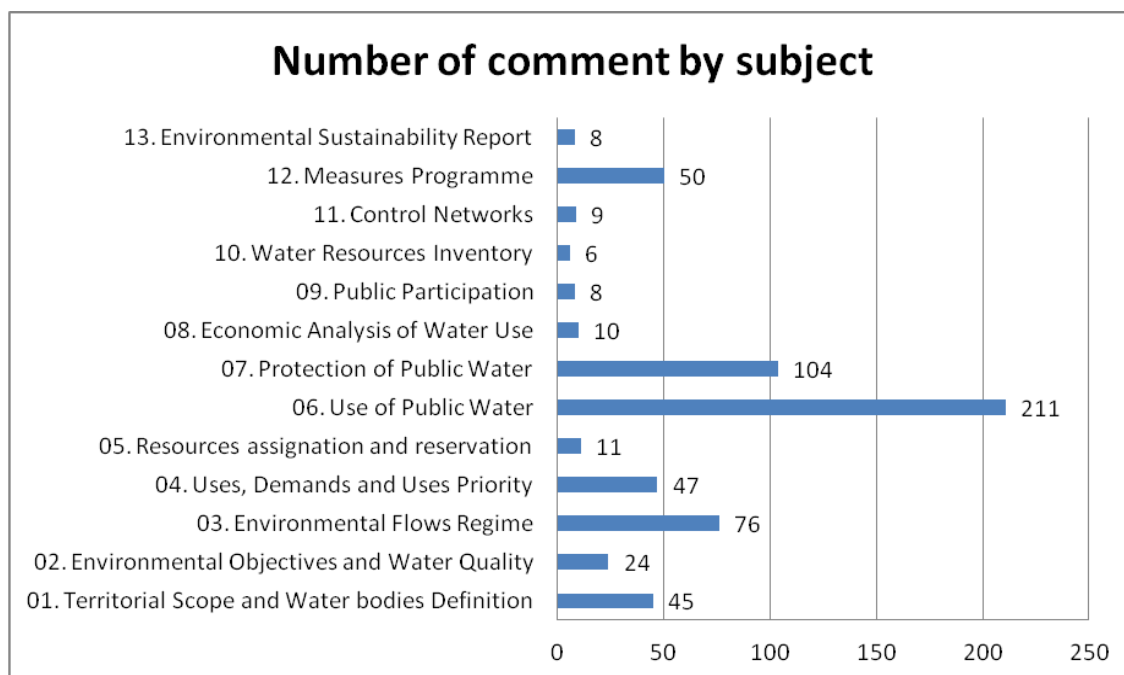


Figura 1: Number of comments by subject

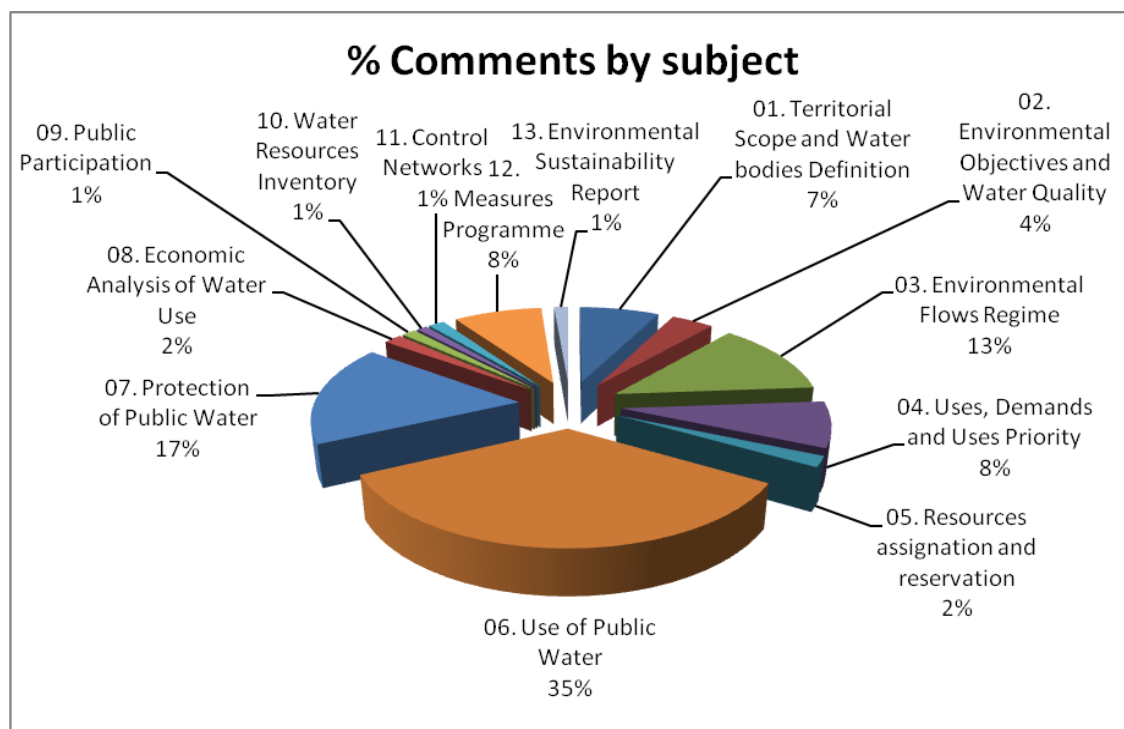


Figura 2: Percentage of comments by subject

As shown in Figures most comments have been referred to Use of Public Water (35%) there are also important references to Protection of Public Water (17%) and Environmental Flows (13%).

The breakdown of these subjects by the number of contributions calling for more restrictions or less restrictions is detailed below.

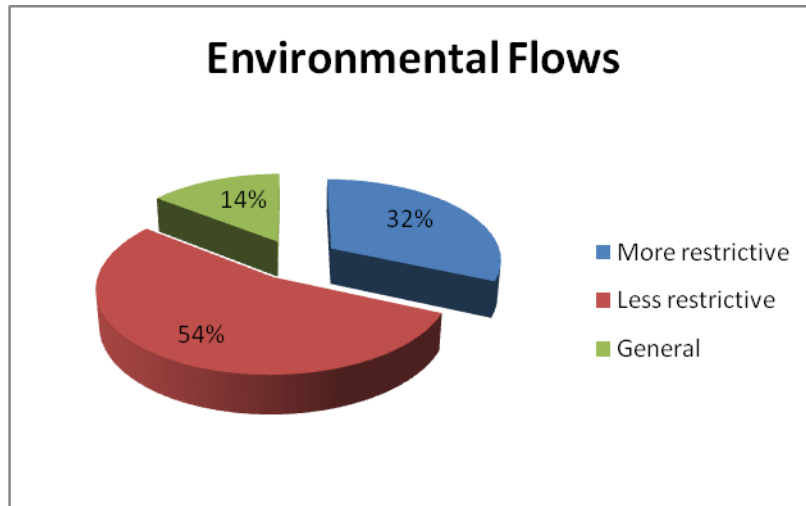


Figura 3: Contributions distribution related to Environmental Flows

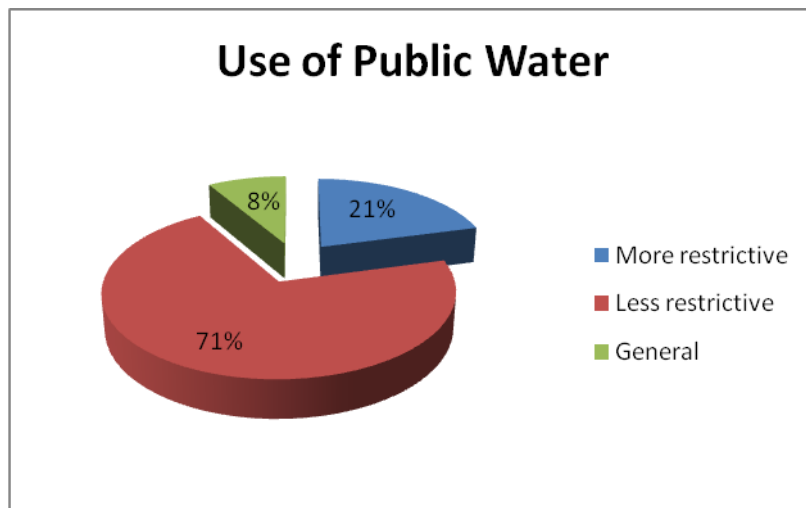


Figura 4: Contributions distribution related to Use of Public Water

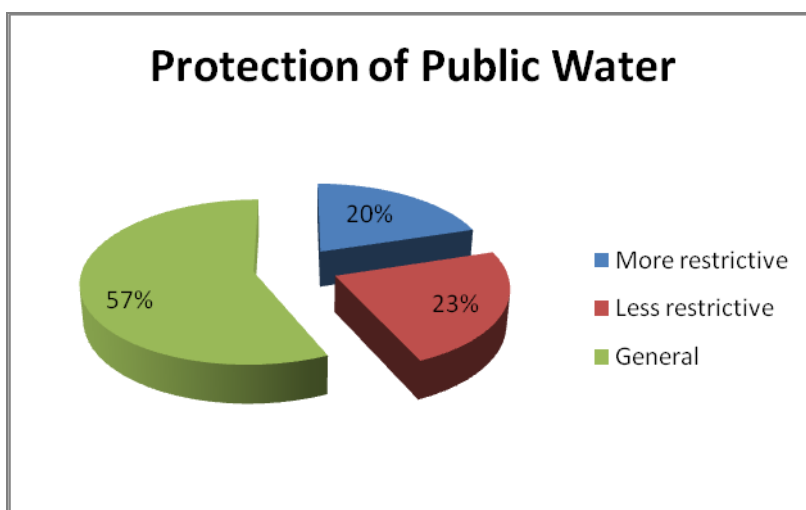


Figura 5: Contributions distribution related to Protection of Public Water

Regarding the responses given to the contributions a summary may be done with the fol-

MIÑO-SIL RIVER BASIN MANAGEMENT PLAN
CONTRIBUTIONS REPORT

lowing chart, which indicates that 33% of the comments have been accepted.

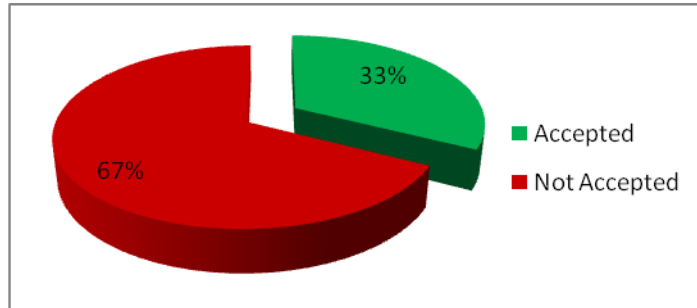


Figura 6: Percentage of accepted comments