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**Consultation in accordance with articles 4 and 5 of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) for the Nord Stream gas pipeline**

Latvia has received environmental impact assessment documentation for the international Nord Stream project. Environmental impact assessment documentation was received in four binders "*North Stream Environmental Impact assessment (EIA) Documentation for Consultation under the Espoo Convention*" and it has been prepared by the developer Nord Stream AG. Information about the project and its EIA documentation has been distributed to relevant ministries, environmental institutions and society. A public meeting was also held on 6<sup>th</sup> of May 2009. The meeting was held in premises of the Ministry of the Environment in Riga, Latvia. Various issues concerning the planned construction of the

pipelines and its relevant environmental aspects were raised and discussed during the public hearing. Information about the possibility to comment on the EIA documentation was published on the website of Environment State Bureau for a period of 2 months. Information was also reflected in mass media and internet.

As the planned pipeline route is not situated in the territorial waters or EEZ of Latvia as well as this route and discussed marine alternatives are not in the direct vicinity of these waters, possible direct impacts to Latvia are comparably less severe than those identified in the countries of origin. Nevertheless, taking into account the size and nature of proposed project, the potential environmental impacts during construction and operation phases as well as potential emergency situations, Latvian experts have carefully evaluated the EIA documentation with particular focus on the potential impacts to Latvia. In this regard we are grateful to all state and nongovernmental environmental or scientific institutions, as well as representatives of society, who have provided their comments and proposals concerning the EIA documentation. We are also grateful to all the institutions from other countries who have sent their comments about proposed development or their findings.

Latvia has addressed the attention of the project developers to the issues of its particular interest with a letter of the Ministry of the Environment of the Republic of Latvia on 16 February, 2007. Issues regarding those matters of Latvian concern and interests were as follows:

1. The possibility that blind shells or dumped chemical weapons could be found in the territories of the planned gas pipeline route. Latvia has asked for the data of detailed investigation about location of such objects in the vicinity of planned gas pipeline route to be included in the EIA report. Taking into account the danger such objects could hold, it was also asked to the project developer that the report must contain assessment of alternatives and possible solution comparisons in case such objects are found, as well as possible impacts of those solutions and impact prevention measures bypassing such territories, neutralizing, or removing explosives. It was also asked to carry out a study about the possibility of finding such objects, their dangerousness and chosen solutions for hazard prevention.
2. The possible impact of the gas pipelaying on the aquatic values. One of the issues asked to be addressed in depth during the assessment was the possible impact on the fish, their spawning grounds and food resources. Impacts on the fishery concerning construction works of sea bed preparation (removing or blasting), inter alia, concerning possible pollution transfer as well as concerning possible fishing, restrictions during the time of construction and operation was also asked to be assessed.
3. Taking into account that pollution can spread during gas pipeline construction works in polluted soil areas, significance of those environmental impact was asked to be assessed and mitigation measures foreseen.
4. Possible route restrictions was another issue that was stressed concerning planned construction of the gas pipeline. Conduction of construction routes was said to be done in connection with specially protected environmental values, inter alia, taking into account Natura 2000 sites.
5. Soil disposal. In addition, possible soil disposal area detection was addressed as a subject to the study, taking in account the areas used for aviation, navy or submarine manoeuvres.
6. Further development. The question of potential further development of the gas pipeline was also assessed - relevant possibilities, plans and conditions of possible construction of side-lines: whether they are planned, technically possible and, what conditions should be followed and what are related environmental impacts and risks in case if

such sidelines are constructed. The conditions for crossing of already existing engineering communications or possible future crossings were detected as significant questions to the study as well.

7. Domino effects. The environmental impact assessment shall be carried in detail concerning possible impacts and domino effects of potential gas pipeline accidents, as well as potential incidents that may lead to such accidents, including inappropriate usage of dud explosives and chemical weapons, ship anchors or fishing nets, as well as other unauthorized activities. Gas pipeline safety measures, inter alia measures against the terrorism were also separate aspects asked to be assessed. A detailed assessment is necessary for possible and necessary deepening, strengthening of the gas pipeline and supplementary safety measures in the shallow sea areas and areas of intense sea traffic, as well as therefore caused restrictions of such traffic, and fishing during the construction, and operation of pipeline.

8. Alternatives. There was only one planned 2km wide gas pipeline route corridor proposed for estimation. Such choice of a one single route is a rather risky approach, as if any significant restrictions would be discovered during the EIA - the further fate of the whole project may be seriously affected. Such restrictions may be, for instance, contradiction with the established or potential aims of the specially protected nature areas, referred to in page 68 of the information document, as the route crosses *Natura 2000* areas close to the German coastline.

As a result of the evaluation of the EIA documentation, it can be said, that most of the issues raised by Latvian side to the project developers, have been addressed satisfactorily in the report. Nevertheless - several issues are still not fully reflected, which we consider as significant. Therefore, in our opinion, such issues should still be addressed prior to the project acceptance and development. During consultations between ministers of environment of the Republics of Latvia, Lithuania and Estonia EIA report prepared by Nord Stream was discussed and concerns were expressed about gaps and uncertainties as well as necessity to fulfil procedures in accordance with the Espoo Convention.

Particular questions and issues of our concern are analyzed below:

1. Several points of concern regarding possible transboundary pollution or other impact on Latvian economical zone were identified at the beginning and during "Nord Stream" EIA procedure. According to Environmental Impact Assessment (EIA) of the Nord Stream gas pipeline carried out under requirements of the Espoo Convention, following impacts to the Latvian EEZ and Latvian territory were identified: emission of polluting gases (construction phase), restriction of vessels to certain zones, disruption of fishing patterns and damage of fishing equipment due to pipeline presence. Unplanned event risks - such as major oil spill and a gas release have been identified as well. Even though these impacts are evaluated to be with minor/low or minor/moderate significance and significant negative transboundary impacts were not identified, it is important to stress, that according to the summary of environmental impacts - some negative trends are still to be expected. Such negative aspects vary from minor to minor or moderate (disruption of current fishing patterns) during construction and operation, as well as low to moderate for marine benthos, fish, seabirds, marine mammals and nature conservation areas or even moderate level for fisheries in the case of unplanned event. It is important that necessary precautionary measures are developed to all negative impacts, so to ensure appropriate measures and avoid possible accidents.

2. Taking into account the fact that several routing alternatives or optimization of the route was performed during the EIA was carried out, it is of great importance that finally selected alternative will be precisely selected, investigated and ensured during the construction works. It is crucial to use dynamically positioned vessel during the building stage

at least in the Gulf of Finland to diminish necessity for mine blasting and possible impacts of anchoring in the territory where mine risk is high. It is of utmost importance especially taking into consideration several places in the Baltic Sea, where mines or chemical ammunition objects are found during investigations, which asks for very precise laying of pipeline to avoid unnecessary additional accidents. It is necessary to find best compromise between necessity to ensure safe laying of pipeline by blasting or removing dangerous objects (founded in the vicinity of pipeline route) and the negative effects of blasting as such. Necessary mitigation measures before and during blasting have to be ensured to minimize the possible negative effects.

3. One of dumping sites of World War II for chemical munitions is partly located in Latvian economical zone. Part of those dumped containers is already corroded and toxic agents have been released. The lack of proper research preclude competent assessment of released agents, however, it is very likely that large proportion is still bound to sediments. Therefore potential risk of release of these agents back to aquatic media via resuspension while constructing pipeline should be considered. Potential threat by conducting measurements of warfare toxic agents in sediments along planned pipeline is addressed in the EIA Documentation. The observed concentrations are mostly very low or negligible. We can conclude that in the case pipe laying will be ensured very accurate to the investigated corridors - there is comparably negligible potential impact in regard to chemical warfare agents to our waters. Nevertheless – the objects found in the vicinity of route ask for very precise routing and continuous monitoring.

4. Since Gotland region bottom waters contain hydrogen sulphide, - some concerns were raised in regard to planned technological solution of pipes. This particular marine environment is more corrosive than others so the pipes life time aspects must be addressed in more detail or they could be more susceptible to accidents. Accidents, in turn, might lead to unwanted pollution events since planned pipeline will be parallel common ship routes. However, the proposed solution with pipe coating solves this issue in large extent. Additionally to that, planned annual safety checks ought to identify possible safety leaks in timely manner.

5. Although the disturbance of sediments during the construction of the pipeline is not planned in the territory or vicinity of Latvia, the release of toxic substances from sediments into the water column, their transportation and accumulation into marine organisms and food chains causes overall concern because of the possible impact scale and long-term effects in the Baltic region. Therefore, the evaluation, prevention and monitoring of these threats should be done in a way that strongly ensures that the realization of the project will not bear any accountable contamination and health risk for living organisms including human. The Gulf of Finland, which is one of main zones of concern, is not bordering with Latvian exclusive economic zone, however potential pollution events might be a subject to Latvian water affecting via water transport across large distances. Therefore some concern regarding dioxins stored in Gulf of Finland sediments was raised also in Latvia. The potential of dioxin release from sediments have been identified. Such risk is identified to have a potential to occur during the construction works and prior to that during destruction of sea mines. It was satisfactory to conclude that during EIA procedure this issue has been considered, although between gaps in understanding of impacts as one of the points is mentioned the following: inherent limitations of models (e.g sediment spreading, nutrient and contaminant release and oil spill modelling) to accurately predict the magnitude and extent of impacts. Conclusions of EIA experts parallel those of ours in that the most of dioxins in sediments are bound to sediment particles. Therefore, resuspension events will of course transfer some portion of sedimentary material along with dioxins to water column. However, due to that dioxins are bound to sediment particles they will resettle shortly back to sediments. At the same time

since construction work of this scale in environment containing dioxin rich sediments is rather new, we would suggest to conduct dioxin concentration monitoring in water media, dissolved phase, during construction works. That will give actual information and possibility to follow these concentrations in practice, what is important taking into account toxicity of these substances.

6. Several precautionary assumptions about significance of certain effects were raised by WWF and some other institutions, e.g Estonian Academy of Sciences and others. Various doubts about accuracy of findings of the report to all focal points of Espoo convention have been raised (eutrophication, impacts to fish and mammal mitigation issues, side effects of fisheries restrictions etc). We consider that precautionary measures are very important for the EIA procedure as such and in this particular case. Our opinion is that those measures have to be looked very carefully, and several adjustments should be considered, especially concerning the precise and more detailed plan for monitoring and mitigation measures during construction and operation phase.

7. Main issue which is still unsolved is question about possible restrictions of fishery (regions, distances) near pipelines and necessary compensation measures in relation to that (ways of compensation). On the other hand, if such restrictions are not established, nevertheless possible fishing nets entanglement may occur with pipeline constructions, thereby risking the loss of fishing nets or even the sinking of fishing vessels in worst case scenario. This aspect has not been considered in an adequate manner to give clear picture about possible restrictions or necessary mitigation /compensation measures. The assessment of impact of the project on fishing and shipping activities is carried out on basis of data of year 2005, however, the situation of Latvian fishing vessel activities (presumably the same also for other countries) since then has been already changed (different fishing areas and catches). Therefore, considering that this issue is socially and economically very sensitive to many coastal communities and bears possible losses there is necessary to use the most updated and complete information when assessing this impact, explaining it to society and offering adequate solutions. This issue about precise "rules of the game" for fisheries is one of the main our concern what have to be sold. At present is stated that if the ongoing studies identify significant long term impacts on fishing activities Nord stream will establish a compensation scheme for the loss of catch. As restriction zones, potential fishing methods and gear adjustments are not yet identified precisely, therefore this issue has to be sold adequately.

8. Another separate issue with great importance is the establishing and ensuring of early warning system for accidents, awareness and possibility of rescue services in the case of emergency to deal with potential accidents. Besides that possible liability and compensation mechanism in the case of accidents, which possibly can influence also Latvian waters during construction and maintenance periods has to be ensured.

Therefore we ask to take into account these concerns and to include them in the finalized report of the environmental impact assessment and evaluate prior development consent is given and project is realized. We also ask to submit final environmental impact assessment report, after its finalisation, to the Latvian Ministry of the Environment, Peldu iela 25, LV 1494, Riga, Latvia.

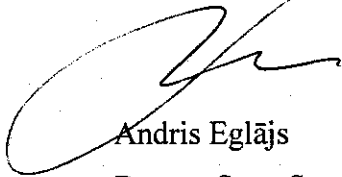
We also enclose comments and opinions obtained during the public hearings.

See in Annex copies from:

1. Valsts vides dienesta Jūras un iekšējo ūdeņu pārvalde (State Environmentl Service, Marine and Inland Waters Administration) letter No.1-30/451 dated by 25 May 2009 (2 pages);
2. Latvijas Hidroekoloģijas institūts (Latvian Institute of Aquatic Ecology) letter No.88 dated by 8 May 2009 (2 pages);

3. Aizsardzības ministrija (Ministry of Defence) letter No.MV-N/1833 dated by 3 April 2009 (2 pages);
4. Reģionālās attīstības un pašvaldību lietu ministrija (Ministry of Regional Development and Local Government) letter No.7.1-04/4454/3424 dated by 19 May 2009 (1 page);
5. Pasaules dabas fonds (World Wildlife Fund) letter No. 11/2009 dated by 7 May 2009 (21 pages);
6. Jānis Ceļmalnieks letter dated by 15 May 2009 (1 page);
7. Estonian Naturalists Society and Estonian Council of Environmental NGOs letter dated by 5 May 2009 (3 pages);
8. Eesti Teaduste Akadeemia (Estonian Academy of Sciences) letter dated by 29 April 2009 (5 pages).

Yours faithfully,



Andris Eglājs

Deputy State Secretary