

Vides pārraudzības valsts birojs
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Rīga

August 24, 2015 No 7-01/1558

Ref. to: March 26, 2015 No (14-1)-D8-5267

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Regarding the strategic environmental impact assessment report for the special territorial plan of the European-standard railway line Kaunas-Lithuanian/Latvian state border

Environment State Bureau (hereinafter referred to as the Bureau), acting as a competent authority on the strategic environmental impact assessment (hereinafter referred to as SEA) and environmental impact assessment in the Republic of Latvia would like to thank the Ministry of Environment of the Republic of Lithuania for the prepared SEA report for the special territorial plan of the European-standard railway line Kaunas-Lithuanian/Latvian state border (hereinafter referred to as SEA Report and the Special Plan).

We express our gratitude for received documentation of SEA. Information about the Special Plan as well as respective documents, including SEA report was made publicly available on the website of the Bureau. Kindly respecting your request to submit our final comments no later than August 24, 2015, public hearing period was announced from 20th of July, 2015 till 21st of August, 2015. The public hearing meeting was held on 30th of July in Riga.

During the public hearing period we received various comments and opinions, including opinions from Ministry of Foreign Affairs, Ministry of Transport of the Republic of Latvia, Ministry of Interior, Ministry of Health, Zemgale planning region, Bauska County Council, Jelgava city local government, Nature Conservation Agency, JSC "Latvijas Valsts ceļi" (Latvian State Roads), Environment State Service.

The Bureau has compiled comments and proposals that were submitted by the public concerned and the authorities and herewith sends you the opinion about the SEA report for the Special Plan.

In addition we enclose to this letter also the full translated text of opinions received from the Ministry of Transport of the Republic of Latvia and from Bauska County Council that we have managed to translate in this short time period.

The Bureau appreciates the SEA Report prepared by the contractor "URS Infrastructure & Environment UK Limited" chosen by AS "Lietuvos geležinkeliai" which is the authorized company of the Ministry of Transport of the Republic of Lithuania. The Bureau considers that SEA report for the Special Plan includes a broad and detailed investigation. Nevertheless we draw your attention to several very important aspects regarding the transboundary impacts and their assessment:

1. The location alternatives for the European standard gauge railway line *Rail Baltica* crossing of Latvian-Lithuanian border (hereinafter referred to as the Border Crossing alternatives) substantially differ from the solutions defined as a result of the "Feasibility study and technical studies of new European gauge line of Rail Baltica section Kaunas-Riga-Tallinn" (hereinafter referred to as the AECOM's feasibility study), which established the basis for a Declaration of Intent by the Ministers of Transport of the three Baltic States signed on 7th of December, 2011. The results of the AECOM's feasibility study have served as a basis for the core principles of a further detailed technical study and territorial planning in the Republics of Estonia, Latvia and Lithuania. These principles were respected when defining the route for the European standard gauge railway line *Rail Baltica* in the territory of the Republic of Latvia at the border with the Republic of Lithuania.
2. It was defined in the notification received from the Ministry of Environment of the Republic of Lithuania (June 25, 2015 No (10-3)-D8-4785) that only two main route alternatives will be considered and that Border Crossing alternatives No. 3 and No. 4 have been eliminated. SEA report of the Special Plan still considers 4 Border Crossing alternatives.
3. As it was identified in the letter sent by Bureau (May 12, 2015 No 7-01/1072) – if new Border Crossing alternatives in addition to the crossing point foreseen in AECOM's feasibility study are considered in the Special Plan - it is necessary to take into account that such changes of route in one country affects location of the railway line in the neighbouring country. It is not only necessary to develop solutions that would ensure connections of the railway line *Rail Baltica* in the territory of the Republic of Lithuania with the line in the territory of the Republic of Latvia, but also assessment of the affected territories and assessment of impacts with regard to the changes of the route in neighbouring country shall be carried out. It is necessary to assess the Border Crossing alternatives with regard to the actual environmental impacts, that would include at least the following aspects: noise and vibration spread, natural values, landscape, cultural and historical objects, hydrologic conditions, including land reclamation systems, geological and hydrogeological conditions, contemporary geological processes, agricultural land, forests, risks, probability of accidents and distribution of pollution caused thereof.
4. Unfortunately SEA report of the Special Plan does not include such solutions and assessment. The assessment of transboundary impacts with regard to the changes of previously assessed route in the territory of the Republic of Latvia is not carried out. The possibly affected territories in the territory of the Republic of Latvia in case of Border Crossing alternatives No. 2-4 are not defined and evaluated; estimation of impacts in the territory of the Republic of Latvia is not carried out. It is also not taken into account that the route options of alternatives No. 2-4 envisage crossing of agricultural areas of national significance rated above 60 points (Regulations of the Cabinet of Ministers of the Republic of Latvia "Regulations of the national importance agricultural lands", approved 28 May 2013) and densely populated areas, thus reinforcing territorial fragmentation and having significant impact on the socioeconomic development processes of Bauska County.

5. The route territory of Border Crossing Alternative No. 1 has been assessed with the highest score in the SEA report. This alternative corresponds with the border crossing point acknowledged in the AECOM's feasibility study and it has been publicly discussed and incorporated in the Territorial Planning of Bauska County Municipality.
6. A meeting of technical researchers was organized in Bauska municipality on 21 April 2015, where representatives of the Ministry of Transport of Republic of Latvia, Bauska Municipality and technical research group from Latvia agreed with representatives of the technical research group from Lithuania, Geology Fund of the Ministry of Environment of the Republic of Lithuania and Lithuanian Railway on additional geotechnical and geophysical study works in border area of the Republic of Latvia and Republic of Lithuania. The aim of geotechnical and geophysical study was to ascertain on potential gypsum layers, which could cause karst processes and which could impact place of the Rail Baltica crossing point, set in the AECOM's feasibility study. Results of the additional geotechnical and geophysical study showed no evidence of gypsum layers, which could form active karstic process, not in Latvian or Lithuanian side in the area of Rail Baltica corridor, set in the AECOM's feasibility study.

In addition we draw your attention to several other aspects that were highlighted by the Ministry of Foreign Affairs, Ministry of Interior, Ministry of Health, Zemgale Planning Region and other stakeholders:

- a) The Ministry of Interior has highlighted the necessity to take into consideration such significant aspects as service infrastructure and accessibility particularly in relation to the accident risks and border control in case of special occurrences.
- b) The Ministry of Health has proposed to amend the SEA report with evaluation of number of people that can be affected by the negative environmental factors.
- c) Zemgale Planning Region has expressed their concerns that the Border Crossing alternatives No. 2-4 do not correspond with the Territorial Planning of Zemgale Planning Region.
- d) Nature Conservation Agency has informed that there are no specially protected areas (of national or European value) in the territory of the Republic of Latvia in the vicinity of defined Border Crossing Alternatives, but there are protected habitats 6450 *Northern boreal alluvial meadows* and 6510 *Lowland hay meadows* identified and registered in our national data base in the territory of possible Border Crossing Alternative No 2 and in its vicinity. Since it was defined in the earlier notification received from the Ministry of Environment of the Republic of Lithuania that Border Crossing alternatives No. 3 and No. 4 have been eliminated - Nature Conservation Agency did not submit information about the alternatives No. 3 and No. 4.
- e) JSC "Latvijas Valsts ceļi" (Latvian State Roads) draws attention to the fact that the railway line *Rail Baltica* in the territory of the Republic of Latvia is planned in a united corridor with the perspective *Via Baltica* road in Bauska County and the only Border Crossing alternative that can be supported by JSC "Latvijas Valsts ceļi" (Latvian State Roads) is the Alternative No 1. In case of alternatives No.2-4 the changes of route for *Rail Baltica* and *Via Baltica* in the territory of the Republic of Latvia would result in crossing of densely populated areas and cannot be supported.
- f) The Ministry of Foreign Affairs supports the Border Crossing Alternative No. 1 that corresponds with the border crossing point acknowledged in the AECOM's feasibility study, that has been chosen as a basis for the environmental impact assessment procedure by the Republic of Latvia and that has also been assessed with the highest score in the SEA report.

- g) The Ministry of Transport of the Republic of Latvia has submitted such additional comments and proposals to the SEA Report and Special Plan (full translated text of proposals is enclosed to this letter):
- i) To add information about the project “*Detailed technical study and environmental impact assessment of the Latvian section of the European gauge railway line Rail Baltica*” in SEA Report.
 - ii) To add information on results of the additional geotechnical and geophysical study that showed no evidence of gypsum layers that could form active karstic processes.
 - iii) The Ministry of Transport of the Republic of Latvia draws attention that the Detailed technical study for Latvia section, following the AECOM’s feasibility study, assumes cargo railways will run all day and night. The Ministry of Transport of the Republic of Latvia would appreciate a synchronized railway operational timetable that could be used in the noise level modelling, definition of noise protection measures and appropriate railway infrastructure in following steps of environmental impact assessment.
 - iv) The Ministry of Transport of the Republic of Latvia also draws attention that the technical solutions (profile) of border crossing point are in the stage of elaboration, including solutions for parallel roads that could be used in case of potential accidents in pre-border areas. At the current stage of the Detailed study of the Latvia Rail Baltica section a border crossing as railway bridge over the river Musu (Mūša) is foreseen. It is also foreseen that the measures for the prevention and reduction of accidents and their consequences will be taken using E57 and other roads.

Therefore, according to the findings in SEA report of the Special Plan, taking into account the scope and detail of SEA report as well as compiled comments and opinions that were submitted by the public concerned, the Republic of Latvia can support only the Border Crossing Alternative No. 1 that corresponds with the solution chosen in the AECOM’s feasibility study and has been evaluated with the highest score in the SEA report.

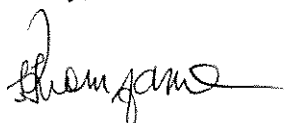
The Bureau kindly asks you to send information mentioned in the Article 9 of the *Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment* and Article 11 of the *Protocol on strategic environmental assessment to the Convention on environmental impact assessment in a transboundary context* when The Special Plan is adopted to conclude the process of the transboundary consultations.

Annexes:

- 1. Letter of Bauska City Council, August, 13, 2015 No. 3 – 14.8/2166 (translation) – 1 page.
- 2. Letter of The Ministry of Transport of the Republic of Latvia, August 21, 2015 No 09-01.3334 – 3 pages.

Looking forward to successful bilateral cooperation in the field of environmental assessments in the transboundary context, yours sincerely,

Indra Kramzaka



Deputy Director of Environment State Bureau of the Republic of Latvia