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<b>Agenda Item</b>	3 – Matters arising from the HELCOM Groups
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<b>Submitted by</b>	Coalition Clean Baltic
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## Background

CCB repeatedly brought to the attention of the Contracting Parties the situation around HELCOM MPA – Kurgalskiy Nature Reserve in Leningrad Oblast. Since early 2000s, when the new port of Ust-Luga has emerged, the area remains under constant anthropogenic pressure in addition to such stress factors as uncontrolled tourism, poaching and poorly managed fisheries. The situation started to aggravate with draft Master Plan for Ust-Luga settlement that could potentially lead to significant conflict of urban development and nature protection. Partly due to international pressure, it was temporarily resolved by postponement of Master Plan's adoption. Meanwhile, yet another serious threat of anthropogenic pressure on the natural amenities has emerged – the proposed route of the Nord Stream II gas pipeline.

After the official launch of the [International Consultations on EIA in a Transboundary Context under the terms of the Espoo Convention](#), it became evident that Nord Stream II AG among three alternative routes has chosen **the route most harmful to the environment** that will tear apart Kurgalskiy MPA, a protected area of dual international importance – both under HELCOM and Ramsar Conventions. Therefore, CCB would like to highlight several points that should be considered by the Contracting Parties that can be affected by the proposed project when deciding about granting construction permits. Besides Russia, it mainly concerns Finland, Sweden, Denmark and Germany, but all HELCOM Contracting Parties should be aware of those facts. More detailed explanation is given in the attachment.

1. In accordance with Russian legislation, **any construction of pipelines within Kurgalskiy nature reserve is prohibited**. For this reason, unidentified 'interested party' actively lobbies for change of the statute and boundaries of Kurgalskiy Nature Reserve – both at Leningrad Oblast and federal levels. By coincidence, the process for changing the statute and boundaries has started at the same time as active development of the Nord Stream II Project.
2. The selection of the **route across Kurgalskiy Peninsula and MPA that is claimed optimal from environmental, economic and social perspective, has been based on either falsified, incomplete or simply ignored scientific data**. Vast amount of research findings prove the significance of the selected area from Baltic-wide nature conservation point of view, due to e.g. numerous protected and red-listed species of flora and fauna, being observed in the area. In spite of that, marking of the pipeline route on spot has commenced even before finalisation of EIA process and obtaining permits. **Description of alternative routes in the Espoo documentation lacks detailisation to assess associated environmental impacts**.
3. Despite preliminary announced national consultations to be held in Kingisepp, Russia on 1 June 2017, **no further information on exact time and place of the hearings was made available to the public till one week prior to the event**.
4. It is important to add that so-called **Ingermanlandsky Marine Reserve** that should have been established as **a compensation measure for Nord Stream I pipeline has never come true**. Even if established, the proposed route would be located just 3 km from its boundary. Hence, trust in compensation for Nord Stream II environmental damage vanishes proportionally to ignoring public and scientific opinion and aggressive PR-campaign by the project developers.
5. In December 2016, a large area on and around the offshore banks in the Baltic Proper was designated by the Swedish government as a Natura 2000 area for the Baltic Proper harbour porpoise. **We would like to express our concern with regards to underwater noise to be produced during pipe-laying and especially during**

**trenching** of the Nord Stream II pipeline. Should the project be permitted, given the biological features of harbour porpoise, we strongly recommend that **no construction activities within recently designated protected area should be allowed during May-December** because of mating, breeding and nursing periods of this critically endangered and highly vulnerable population.

6. **Neither releases of anti-corrosion fluid** during construction and maintenance of the pipeline **nor financial securities for decommissioning of the pipeline are adequately addressed** in Espoo documentation.

### Action requested

The Meeting is invited to:

- consider presented information on violation of international agreements,
- use it as appropriate in the international consultations and national permitting procedures and
- urge the Nord Stream II Project to re-consider mitigation of other anticipated environmental impacts, including the place of pipeline landfall in Russia.

## Information for the International Consultations on EIA of the Nord Stream II Project (coordinated by Greenpeace Russia, WWF Russia and CCB)

The application documents for obtaining permits for the construction and operation of the Nord Stream II Pipeline were [made available](#) for public consultation at several locations in the affected countries. The corresponding documents [were sent](#) by the Ministry of Natural Resources and Ecology of Russia, as the country of origin to the focal points of the Espoo Convention in Estonia, Denmark, Finland, Germany, Latvia, Lithuania, Poland and Sweden.

However, the application documents by Nord Stream 2 AG contained only one route, through Kurgalskiy nature reserve. It means that they finally choose that route as the main to be applied for. According to these plans, the only one route of the gas pipeline will go through the territory of Kurgalsky Nature reserve, the unique natural object falling under jurisdiction of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (it is inscribed in the List of Protected Areas of the Baltic Sea MPAs) and of the Convention on Wetlands of International Importance (Ramsar Convention).

Gas pipeline construction will inevitably lead to the destruction of the unique natural complexes including places of habitat of a big number of rare and endangered species of animals and plants that will represent the violation of as Russian legislation as the standards of the International Law. E.g. the ornitologists who worked for the Nord Stream-2 AG have published information about nestling of white-tailed sea eagle (*Haliaeetus albicilla*), IUCN Red listed raptor in the south part of the Kurgalsky reserve. According to Greenpeace Russia experts the nest is located within 50 meters from the marked route of the pipeline. According to the [NSP2 Espoo Report](#) the pipeline construction corridor (approximately 85 m wide and approximately 3.8 km in length) will pass across the southern part of Kurgalsky Nature Reserve and will inevitably destroy the habitat of that and the other rare species.

“The habitats with the highest bird species diversity are associated with the seaward edge of the old growth forest and the complex habitat mosaic between the relict dune crest and the Kader swamp. The nest of a white-tailed eagle (*Haliaeetus albicilla*) (listed as vulnerable in the Red Data Book of Leningrad region and as of least concern in the IUCN Red List) containing one nestling was recorded within the NSP2 footprint” ([NSP2 Espoo Report](#), p.230).

Another part of the Kurgalsky reserve that might be destroyed by the pipeline construction is the primary forest. “For primary forest and relict dune habitat within an 85 m wide working area, re-establishment of the original habitats may take much longer (potentially decades) due to the damage to soils, changes in the groundwater regime, mycorrhizae content and existing vegetation, and there is less certainty that original habitats will re-establish at all. In addition to the very long-term and uncertain recovery of these sensitive habitats, there will also be a small permanent loss of forest cover as re-growth of deep rooted trees will be prevented within 7.5 m above each pipeline and within 6 m of access road” ([NSP2 Espoo Report](#), p. 393).

These are evident and significant violations of Russian and international environmental legislation.

Nevertheless, Leningrad region authorities have initiated amendments to the statute of the Kurgalsky reserve for the permission the pipeline construction. According to unofficial information the Russian Government has mandated the Ministry of the Natural Resources and Ecology to prepare the amendments of the Russian legislation permitting the exclusion of pipeline route from the reserve area.

It should be noted that construction of Russian and German parts of the pipeline have different approaches:

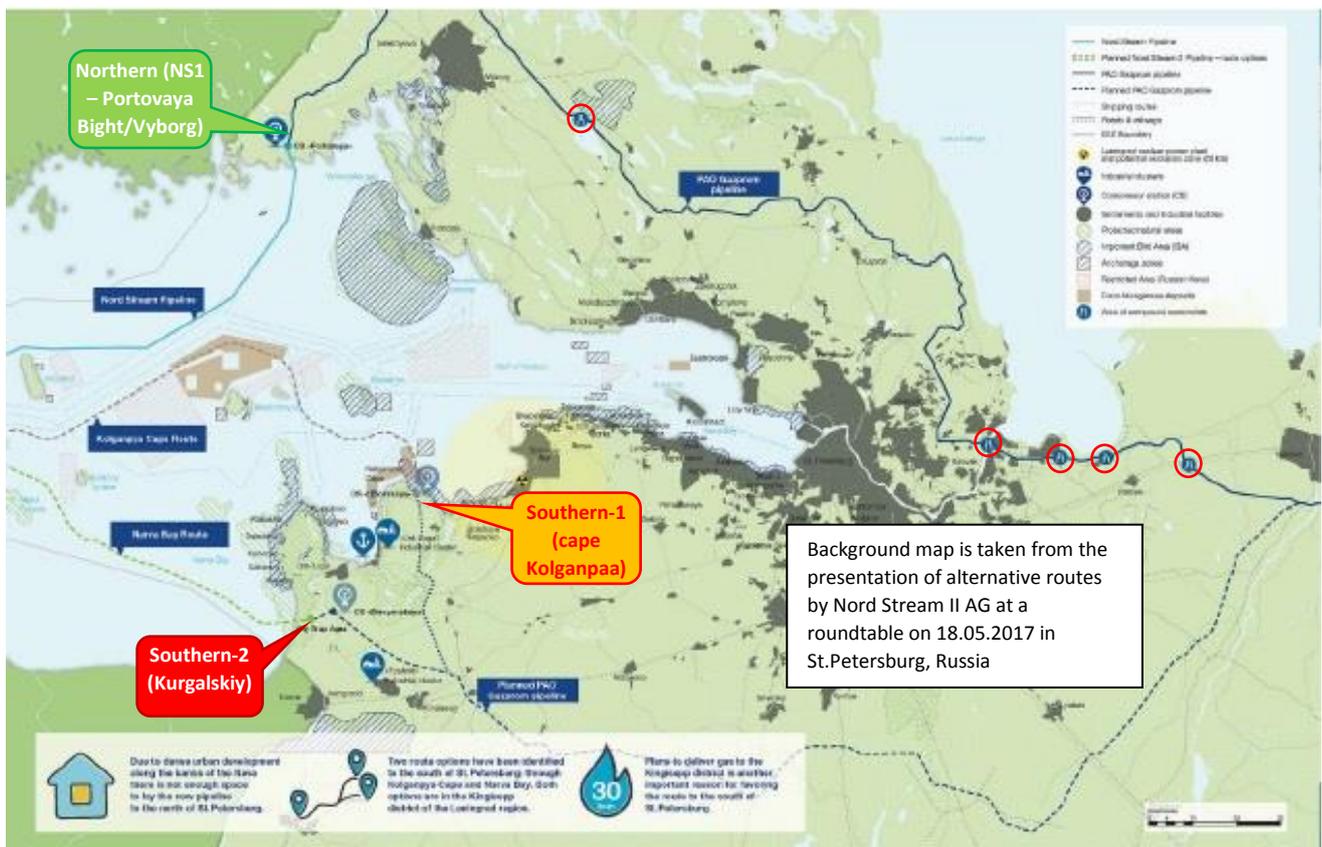
“0.6.2.7 Onshore construction. In Russia, the base case construction method for the 4 km pipeline onshore section is conventional trenching methods utilising excavators. Side cranes will lower the welded pipeline sections into the trenches which are then backfilled and the work areas will be reinstated. The Nord Stream 2 pipelines will terminate at an above ground maintenance facility which will link with upstream feeder lines and compressor facilities owned by a third party operator. In Germany, the pipeline installation at the shore crossing will be undertaken through the construction of twin micro tunnels which will house the onshore pipeline sections. The Nord Stream 2 pipelines terminate at a maintenance facility which will link with downstream feeder lines owned by a third party operator” ([NSP2 Espoo Report Non-Technical Summary](#), pp. 12-25).

Although plans have been drawn up for an alternative, though more costly pipeline route that avoids the protected areas, Gazprom has refused to consider these alternatives. If implemented according to the Gazprom’s plans, the Nord Stream 2 project will make the consumers of Russian gas in Germany, France, Great Britain and the Netherlands, indirectly liable for committing an environmental crime. They will share responsibility for the destruction of one of the most valuable natural area under the international protection, together with the Russian authorities and Gazprom.

So, Baltic environmental NGOs and scientific community demands that the Nord Stream 2 AG and Gazprom abandon their plans for pipeline construction through the Kurgalsky nature reserve. To make our voice heard we appeal to the Governments of the Contracting Parties of the Helsinki Convention to put forward conditions for the inadmissibility of pipeline construction through Kurgalskiy nature reserve and implementation of other relevant mitigation measures to avoid or minimize environmental impacts.

**Read further information at CCB’s dedicated webpage <http://www.ccb.se/savekurgalskiy/> and in the Attachments below.**

## Simplified comparison of alternative routes of the proposed Nord Stream II gas pipeline in the Russian part of the Gulf of Finland



Criteria	Zero option	Northern (NS1 – Portovaya Bight/Vyborg)	Southern-1 (cape Kolganpaa)	Southern-2 (Kurgalskiy)
<b>1. Technical and economic features</b>				
1.1. Length of land-based part		?	750 m	4 km
1.2. Length of sea-based part		?	156 km	114 km
1.3. Proximity to gas & chemical industry sites being designed or under construction at southern coast of the Gulf of Finland		-	++	++
1.4. Technical limitations for pipe-laying		marked on the map as (O)		
1.5. Costs of construction		higher?	higher	lower
<b>2. Environmental features and impacts</b>				
2.1. Russian nature protected areas (on land and at sea)		-	+	++
2.2. International nature protected areas (Ramsar, HELCOM)		-	-	++
2.3. Macrophytes (near-bottom flora)		Impacts of NS1	++	++
2.4. Benthic communities		Impacts of NS1	+	+
2.5. Fish spawning areas in coastal waters		Impacts of NS1	?	++
2.6. Baltic ringed seal		Impacts of NS1	?	++
2.7. Important bird areas		Impacts of NS1	?	++
2.8. Wintering and resting waterfowl birds		Impacts of NS1	+	++
2.9. Salmon migration routes		Impacts of NS1	?	++
2.10. Dredging			-	+
2.11. Dangerous objects (incl. shipping)			-	-
<b>3. Social and cultural features</b>				
3.1. Provision of natural gas supply to households	?	?	++	++
3.2. Cultural sites		Impacts of NS1	+	++
3.3. Indigenous people and their traditional way of living			+	+

High impact    Medium impact    Low impact    +, ++ or - relative degree of impact; ? – value uncertain

## Observations with regards to international obligations in case of Nord Stream II Project

### Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)

According to **Article 4 and Appendix II**, the **information to be included in the documentation on EIA, as a minimum**, must contain:

(b). A description, if necessary, of reasonable alternatives (for example, of geographical or technological nature) to the proposed activity, including the option to refuse proceeding with this activity;	As indicated in the comments above, Nord Stream 2 AG presented an incomplete and unreliable description of those elements of the environment that are likely to be significantly affected by the proposed activity or its alternatives, as well as the description of the possible types of environmental impacts of the proposed activity and its alternatives and an estimation of their extent.
(c). A description of those elements of the environment that are likely to be significantly affected by the proposed activity or its alternatives;	
(d). A description of the possible types of environmental impact of the proposed activity and its alternatives and an assessment of their extent;	
(e). A description of precautionary measures aimed at minimizing the harmful impact on the environment;	

### Convention on Wetlands of International Importance (Ramsar Convention)

<p><b>Article 3.2.</b> Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.</p>	<p><i>From the <a href="#">Nord Stream II Transboundary EIA documentation (0.8.2.2)</a>:</i></p> <p><i>The Narva Bay landfall is within an area that exhibits a high species diversity of flora and fauna. Vegetation clearance, soil removal and earthworks notably that required constructing the pipelines will affect a spectrum of habitat types resulting in impacts rankings ranging from negligible to moderate on flora and habitats. The moderate impacts are associated with loss and fragmentation of old growth forest, with complex moss flora, and relict dune. For old growth forest some loss will be permanent with reestablishment in other areas occurring over a long time.</i></p> <p><i>The forest areas and coastal and relict dunes also provide secure habitats for fauna. The loss of the supporting habitat combined with the loss of connectivity for some species beyond the area impacted result in a moderate impact ranking for fauna. Effects, associated with habitat fragmentation and loss of connectivity, will diminish as trees establish and canopy cover increase.</i></p> <p><i>Other impacts relate to soil compaction, alteration to hydrological regime, emission to air, operational noise and light generation but due to their short term and reversible nature and limited spatial extent will have negligible to minor rankings. For species particularly sensitive to noise, impacts may reach moderate ranking during construction activities.</i></p> <p><b>The project will require temporary construction activities within the Kurgalsky Nature Reserve and result in some long term changes to habitats. Thus, information on the planned environmental change should be sent to the Convention Bureau.</b></p>
<p><b>Article 8:</b> The Continuing Bureau (Secretariat) of the Convention shall be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with Paragraph 2 of Article 3.</p> <p><i>“Change in ecological character of wetlands” is “...the human-induced adverse alteration of any ecosystem component, process, and/or ecosystem benefit/service.” <a href="#">(Ramsar handbooks for the wise use of wetlands)</a></i></p>	

### Convention On The Protection Of The Marine Environment Of The Baltic Sea Area, 1992 (Helsinki Convention)

<p><b>Article 3.2</b> The Contracting Parties shall apply the <b>precautionary principle</b>, i.e., to take preventive measures when there is reason to assume that substances or energy introduced, directly or indirectly, into the marine environment may create hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea even when there is no conclusive evidence of a causal relationship between inputs and their alleged effects</p>	<p><b>Provisions of this article apply to both landfall areas in Germany and Russia, as well as to the proposed route section to cross the most valuable area for mating, breeding and nursing of critically endangered Baltic harbour porpoise population, where adequate preventative measures should be applied, based on scientific data on vulnerability of those areas.</b></p> <p>Likewise, <b>equally stringent BAT requirements should be applied in both landfall areas</b> (namely, micro-tunneling)</p>
<p><b>Article 3.3</b> In order to prevent and eliminate pollution of the Baltic Sea Area the Contracting Parties shall promote the <b>use of BEP and BAT</b>. If the reduction of inputs, resulting from the use of BEP and BAT, as described in Annex II, does not lead to environmentally acceptable results, additional measures shall be applied.</p>	

<p><b>Article 7. Environmental impact assessment.</b></p> <p>1. Whenever an EIA of a proposed activity that is likely to cause a significant adverse impact on the marine environment of the Baltic Sea Area is required by international law or supra-national regulations applicable to the Contracting Party of origin, that Contracting Party shall notify the Commission and any Contracting Party which may be affected by a transboundary impact on the Baltic Sea Area.</p> <p>3. Where two or more Contracting Parties share transboundary waters within the catchment area of the Baltic Sea, these Parties shall cooperate to ensure that potential impacts on the marine environment of the Baltic Sea Area are fully investigated within the EIA referred to in paragraph 1 of this Article. The Contracting Parties concerned shall jointly take appropriate measures in order to prevent and eliminate pollution including cumulative deleterious effects.</p>	<p><b>Helsinki Commission should have been notified about the international consultations</b> under the Espoo Convention.</p> <p>In case of Nord Stream II Project <b>more than two Contracting Parties will be affected by potential environmental impacts</b> in accordance with the EIA. This include <i>i.a.</i> impacts on protected species, habitats and areas of Baltic-wide importance. Therefore <b>measures to address those impacts and their cumulative effects should be addressed jointly by all Contracting Parties concerned.</b></p>
<p><b>Article 15. Nature conservation and biodiversity</b></p> <p>The Contracting Parties shall individually and jointly take all appropriate measures with respect to the Baltic Sea Area and its coastal ecosystems influenced by the Baltic Sea to conserve natural habitats and biological diversity and to protect ecological processes. Such measures shall also be taken in order to ensure the sustainable use of natural resources within the Baltic Sea Area. To this end, the Contracting Parties shall aim at adopting subsequent instruments containing appropriate guidelines and criteria</p>	<p>When assessing impacts of the proposed Nord Stream II project on Marine Protected Areas along the route the <a href="#">HELCOM "Guidelines for Designating coastal and marine Baltic Sea Protected Areas (BSPAs) and proposed protection categories"</a> as well as the <a href="#">"Guidelines for Management of Baltic Sea Protected Areas (BSPAs)"</a> as well as provisions of <a href="#">HELCOM Recommendation 35-1 "System of coastal and marine Baltic Sea protected areas"</a> should be applied</p> <p>Likewise, when assessing the impacts on seals and devising respective protection measures, the provisions of <a href="#">HELCOM Recommendation 27/28-2 "Conservation of seals in the Baltic Sea Area"</a> should be applied.</p> <p>Also, in accordance with <a href="#">HELCOM Recommendation 21-4 "Protection of heavily endangered or immediately threatened Marine and Coastal Biotopes in the Baltic Sea Area"</a>, the Governments of the Contracting Parties are recommended that <b>activities that may significantly affect, destroy or damage such biotopes should be prohibited and derogations from the prohibition shall only be granted for activities of overwhelming public interest or when the negative impacts can be remedied by appropriate mitigation or compensation measures for the benefit of nature conservation.</b></p>