



«Managing Environmental Security Risks with EIA and SEA»

Environmental Impact Assessment in a Transboundary Context
Joint Pilot project in Belarus and Ukraine on post-project analysis
and
Strategic Environmental assessment
Technical advice and training in Belarus

Start-up workshop

Report

9-10 April 2013, Brest, Belarus

A. ORGANIZATION OF THE START-UP WORKSHOP

The start-up workshop on for a pilot project on post project analysis between Belarus and Ukraine was held in Brest, Belarus, on 9 and 10 April 2013. The workshop was jointly organized by the United Nations Economic Commission for Europe (UNECE), United Nations Environment Programme (UNEP) and the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus. Organizational and logistical support was provided by the United Nations Development Programme Office in Belarus.

The workshop took place in the framework of the “Managing Environmental Security Risks with EIA and SEA”, a joint project between UNECE, UNEP and UNDP, which is financed through the Environment and Security Initiative (EnvSec). The project’s overall objective is to build administrative capacity and enhance legal and institutional development for applying the transboundary environmental impact assessment (EIA) and strategic environmental assessment (SEA) procedures to projects and plans subject to environment and security challenges in Belarus and - where there is a transboundary context - Ukraine, and to foster stakeholder dialogue and access to information in relation to projects with transboundary environmental impacts and to plans. The UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) are used as the main instruments to achieve this. The project also contributes to implementing UNECE’s project component in a large regional project of the European Commission “Towards Greener economies in the Eastern Partnership” (EAP-Green).

Representatives from Belarus, Ukraine and Poland shared their countries’ experiences in the practical application of the Convention. The agenda of the workshop is provided as Annex 1 to this report.



EaP GREEN PROGRAMME

1. Objective of the start-up workshop

The objective of the workshop was to familiarize participants with the pilot project and its objective, which is to establish practice in the post-project analysis of projects subject to a transboundary EIA procedure and to improve cross-border dialogue between Belarus and Ukraine in monitoring and mitigating transboundary impacts. The target of the workshop was also to agree on the time schedule for the pilot project and on practical arrangements (e.g. composition and work plan of the bilateral working group and task force, monitoring programme, procedure of exchange of information).

2. Attendance

The workshop was attended by representatives of the Ministry of Natural Resources and Environmental Protection (Belarus), Ministry of Foreign Affairs (Belarus), Ministry of Ecology and Natural Resources (Ukraine), Ministry of Foreign Affairs (Ukraine), Consulate General of Ukraine in Brest, Belarusian Research Geological Exploration Institute, Central Research Institute for Complex Use of Water Resources (Belarus), Scientific and Practical Center for Bioresources (Belarus), Institute “Belgorkhimprom” (Belarus), Brest Regional Committee of Natural Resources and Environmental Protection (Belarus), Malorita District Inspection of Natural Resources and Environmental Protection (Belarus), Company “QuartzMelProm” (Belarus), State Ecological Academy of Postgraduate Education and Management (Ukraine), Ukrainian Scientific Research Institute of Ecological Problems (Ukraine), Volinska geological exploration group (Ukraine), General Directorate for Environmental Protection (Poland), Regional Directorate for Environmental Protection in Lublin (Poland), Poleski National Park (Poland), NGO “APB-BirdLife Belarus”, Brest Regional Environmental NGO “Green Region”(Belarus) , UNECE, UNEP and UNDP.

Also the following Belarusian local media were presented: Regional Newspaper “Narodnaya Tribuna”, Regional Newspaper “Zarya”, Television and Radio Broadcasting Company “Brest” and Radio “Brest”.

The workshop was attended by 43 participants in total (of whom 14 women); a full list of participants is included in Annex 2 to this report.

3. Opening of the workshop

Mr. Aleksandr Andreev from the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus opened the workshop and warmly welcomed all the participants to the start-up event for the joint pilot project on post-project analysis between Belarus and Ukraine. He briefly presented the background for the pilot project; that the “Hotislavskoe” chalky deposits is a project that has been subject to an EIA procedure in a transboundary context between Belarus and Ukraine, and that currently the two Parties are at the stage of conducting a post-project analysis in the framework of the Espoo Convention. Mr. Andreev also informed the participants on the current monitoring of environmental impacts that is conducted at the chalky deposits site. He also pointed out that the pilot project will help Belarus to elaborate practice and use international expertise to develop amendments in the national legislation with regard to the post project analysis. Mr. Andreev thanked the three implementing partners for funding of the project through the Environment and Security Initiative.

Mr. Igar Tchoulba from United Nations Development Programme (UNDP) welcomed everyone to the workshop on behalf of UNDP.

Ms. Tea Aulavuo, the Secretary of the Espoo Convention, made an opening statement on behalf of ECE and thanked the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus for hosting the event. She informed participants that the progress and the results of the pilot project will be presented to the Working Group on EIA and SEA at its meetings in 2013 and ultimately to the Meeting of the Parties to the Espoo Convention in 3-5 June 2014.

Ms. Lesya Nikolayeva, who was representing United Nations Environment Programme welcomed everyone to the workshop on behalf of Mr. Mahir Aliyev, the Project Manager from UNEP's side, who was not able to attend the workshop.

4. Introduction to the Espoo Convention and its Protocol on SEA and to the main objectives of the two project components

The workshop continued with an introductory session on the Espoo Convention, and to the main objectives and activities under the project to be implemented during April 2013-April 2014.

Ms. Aulavuo described the objectives and benefits of Espoo Convention and its Protocol on SEA. She also introduced the legal provisions of the post project analysis in the framework of the Convention, as well as introduced the objectives of the pilot project on post-project analysis.

An international expert Ms. Nina Stoyanova presented the available guidance related to post-project analysis. She gave an introduction to the environmental monitoring, and a more detailed introduction to the post-project analysis. The post-project analysis is supposed to provide essential feedback about the actual impacts of the activity, thus verifying the accuracy of predictions in the environmental impact assessment (EIA). The stakeholders in the post-project analysis are the project proponent, competent authorities of the Party of origin and Affected Party, other relevant authorities, EIA practitioners, EIA consultants and the public concerned. Ms. Stoyanova also described the common practices for applying post-project analysis, presented some best practice examples from Netherlands, as well as practical experience from Bulgaria.

Ms. Nikolayeva introduced the practical arrangements, the time frame and next steps of the pilot project.

5. Present legislation and practice in post-project analysis in the concerned States

Mr. Andreev and Mr. Viktor Khodzin explained the legal framework for environmental impact assessment and monitoring of environmental impacts. In Belarus they are stipulated by following laws:

- The Law on Environmental Protection
- The Law on the State Environmental Expertise
- The Regulation on the Procedure for the State Environmental Expertise
- The Regulation on the Procedure for the Environmental Impact Assessment
- The Regulation on the Procedure for the Public Environmental Expertise

Monitoring of the state of the environment in the Republic of Belarus is conducted under the National Environmental Monitoring System. The state environmental monitoring is one of the key instruments to assess the state of the environment in the region and estimate the efficiency of environmental plans, measures and programmes during project implementation. The monitoring is provided by authorized institutions. Additionally, the local monitoring is conducted by the project developer.

The public environmental expertise foresees the same procedure as for the state environmental expertise; public organizations can have an access to all required information and data. The main difference between the state environmental expertise and public environmental expertise is that the state expertise is compulsory for project developer, while public expertise contains only recommendations that could be considered by developer. The results of state ecological expertise are legally binding, thus if it comes to conclusion that project is not in compliance with international legislation, the project will be postponed for improving its documentation or even suspended.

Mr. Khodzin also introduced the participants to the current monitoring programme, and noted that in the framework of the pilot project the scope of monitoring needs to be agreed on by the bilateral working group to be established.

Mr. Volodymyr Buchko from the Ministry of Environmental Protection of Ukraine of noted that the legislation and practice in environmental impact assessment, environmental expertise and post project analysis in Ukraine are very similar to the Belarusian system. He focused his presentation on the regulation regarding monitoring of environmental impacts. In Ukraine, the state environmental monitoring is conducted at the three levels: local, regional/oblast and national. The national level monitoring is conducted by following eight authorities:

- Ministry of Ecology and Natural Resources;
- Ministry of Health Protection;
- Ministry of Agricultural Policy;
- State agency of Ukraine for Emergency Situations;
- State Agency of Forestry of Ukraine;
- State Agency of Water of Ukraine;
- State Agency of Land Resources of Ukraine;
- Ministry of Regional Development and Construction of Ukraine.

At the regional level, environmental monitoring is carried out by the oblast departments the organizations listed above. Bilateral agreements on cooperation in the field of environmental monitoring have been concluded between the Ministry of the Ecology and Natural Resources and bodies of the State System of Environmental Monitoring to regulate the process of information exchange on indicators and terms of environmental information provision. The data received from the regional and national bodies of the State Environmental Monitoring System is passed to the Information Analytical Center of the Ministry of the Environment and Natural Resources and accumulated in the environmental databases ensuring information exchange with regional monitoring centres and bodies.

Among other roles, the environmental monitoring assists to control the enterprises' compliance with regulations (i.e. emissions, discharges etc.). Additionally, the routine as well as unscheduled check-ups are conducted on the enterprises which use elaborated methodologies and procedures. If such check-ups show non-compliance with regulations the appropriate sanctions can be applied.

Information on monitoring results is collected by Ministry of Ecology, and published on a yearly basis.

6. Introduction to the target activity: mining activities/exploitation of the chalky deposit «Hotislavskoe»

Mr. Fedar Veras gave an introduction to the Hotislavskoe project, and the process for permitting of the activity.

7. Main results of the transboundary environmental impact assessment of the deposit «Hotilavskoe»

This more technical session focused on results of the EIA procedure for Hotislavskoe (2nd phase) completed in 2011.

Mr. Viktor Muzykin and Mr. Ruslan Novitsky presented the results of the EIA. Impacts on subsurface and surface water, flora and fauna were assessed using a mathematical model during the environmental impact assessment. No protected species were identified within the impact area, and no direct adverse impacts were detected. The possible indirect impact of quarrying are associated with the reduction of water and technogenic pollution of surface waters due to chalk. Mr. Novitsky proposed to add the monitoring of flora and fauna to existing monitoring program.

Mr. Oleksandr Vasenko stressed that Ukrainians have an interest towards the project and its impacts because of Shatsky National Natural Park and Shatsky lakes. Main concern is the possible mineralisation of the lakes. He raised the issue whether protective channels are adequate for quarries that are 40 meters deep. Mr. Vasenko indicated that the monitoring programme proposed by Belarus generally meets the requirements. Ukraine requested to have access to information and documentation mentioned by the Belarusian experts during the workshop. Ukraine sees that monitoring of surface water, discharge of drainage waters, and analysis of possible impact on Shatsky lakes as well as small rivers is important. Regulation and time frame for monitoring should be clarified. Mr. Vasenko also pointed out that monitoring should not be limited to hydrology, and that the impacts of chalk in the ecosystem are not completely known.

8. Presentation and discussion of the bilateral programme for monitoring and evaluation of the ex post environmental impacts of the deposit «Hotislavskoe» and of the effectiveness of mitigation measures proposed

Ms. Olga Vasniova presented the monitoring programme currently in place, and approved by Belarusian authorities. The monitoring programme for Hotislavskoe deposit was elaborated by the Belarusian scientific-research geological institute in 2011, approved by the Ukrainian Ministry of Ecology and Natural Resources. She also presented the results of the monitoring from 2011-2012. Fresh subsurface waters are the main focus of the monitoring programme. To monitor the predicted and unpredicted impacts on ground water, samples are taken from several wells and few hydro-geological stations. The monitoring network for the surface water consists of three hydrological monitoring stations at the river Rita nearby the project area (both upstream and downstream from the deposit) and the compensation channel. On the territories which are not expected to be affected by the deposit, ground water samples are taken once a year and 33 indicators are analysed from these samples. From the ground and surface water samples on the territories of "Hotislavskoe" deposit, samples are taken twice a year, from which 23 indicators are analysed. The groundwater levels in the wells are monitored 3 times per month with

intervals of ten days. It was noted that the period of observation of the groundwater and surface water level is so far insufficient to make reasoned conclusions about the impact on the hydrodynamics of the study area.

Ms. Vasniova also proposed following measures for improving management of the groundwater at the national and the transboundary levels:

- Unification of the legal acts on groundwater management with the European legal acts
- Improvement information exchange and coordination between ministries and agencies
- Unification of the monitoring networks for surface and ground water
- Elaboration of the specific agreements and joint programs for monitoring of the groundwater
- Improvement of public awareness on groundwater issues

Mr. Vasenko pointed out that the role of projections should be stressed. Belarusian experts agreed that projections should be included in the analysis of the monitoring results. Ukrainian experts suggested to elaborate and insert the projections into current monitoring programme.

Ukraine pointed out that the EIA report covers wider range of possible impacts (i.e. not only impacts on subsurface and surface waters), and that for the post-project analysis also these impacts should be monitored.

Belarus asked clarification on the possible impacts on Shatsky lakes Ukraine is concerned about. It was proposed that Ukraine would provide information of the current state of the Shatsky lakes for background information, and Ukraine agreed to provide the baseline data needed.

The issue of possible fracturing, development of funnels as well as soil and air pollution was raised. The participants shared the view that at least the following parameters should be monitored: impacts on hydrology and hydrochemistry, as well as impacts on flora and fauna. It was proposed that dust deposition would be added to surface water monitoring. It was decided that the bilateral working group would continue to the discussion on the monitoring programme during its first meeting 10 April (the second day of the workshop).

Belarus and Ukraine agreed on the composition of the bilateral working group. The working group consist of eight members: Olga Vasniova, Viktor Muzykin, Ruslan Novitsky, Fedar Veras, Oleksandr Bondar, Oleg Ulytsky, Oleksandr Vasenko, Leonid Turuchko.

It was decided that Ms. Vasniova from Belarus would be the chairman of the bilateral working group until the end of 2013, and Mr. Vasenko from Ukraine would be the chairman during 2014. Decisions in the bilateral working group would be made on a consensus basis.

It was noted that the pilot project would cover the cost of three meetings of the bilateral working group; the first meeting on 10 April and the second meeting in June, to be held in Ukraine. According to Parties decision, the third meeting could be organized in October, at the end of the six months monitoring period included in the pilot project. Costs for the following meetings will be covered by the Parties.

The participants then discussed the composition of the taskforce, who would evaluate the results of the pilot project on post-project analysis. It was agreed that the task force would consist of one representative of Belarus, one representative of Ukraine, Ms. Nina Stoyanova (international expert to

the project), Mr. Viktor Khodzin (local consultant from Belarus), Mr. Roman Shakhmatenko (local consultant from Ukraine) and a representative from UNEP.

The monitoring data was decided to be published on the websites of the Ministries (and the contracting party) in Russian. It was proposed that not only technical data would be published, but also so called “non-technical summary” of the monitoring results.

9. Summary of the second day of the workshop

The second day of the workshop consisted of a site visit to the Hotilavskoe chalky deposit area and a working session of the bilateral working group. At the site, the participants were introduced to the current activities at the project area, the location of the compensation channel, location of the Rita River and the monitoring wells as well as the waste water treatment facility established to treat all the water coming from the chalky deposit.

During the working session the bilateral working group discussed in detail the possible amendments to the existing monitoring programme as well as the gathering of background data needed from Belarus and Ukraine for further analysis of the monitoring results. The working group together with the international expert listed the following information that they recommend to be provided by Belarus and Ukraine to the working group by 29 April 2013:

- Data on level of groundwater and surface water, as well as background information on the state of Shatsky Lakes and other water bodies.
- Comparison of monitoring recommendations contained in the EIA report and recommendations on monitoring of Ukraine made during the EIA procedure developed by Belarus with the monitoring program.
- Data on monitoring conducted during the first quarter of 2013.
- Proposals for public participation in the monitoring process.
- Proposals for comprehensive monitoring of ecosystems (environmental monitoring) for further approval by the competent authorities of the Parties.
- Data on indicators used in monitoring of environmental impacts.

The working group also took note of the recommendations of the Ukrainian side to supplement the monitoring program with:

- Implementation of short-term forecast (trend analysis).
- Clarification of the long-term forecast on the basis of Ukrainian and Belarusian sides with monitoring observations.
- Consideration of the effect of drainage systems on the formation of the hydrological regime of the region.

The working group proposed to hold two more meetings during the monitoring period included in the pilot project (May-October 2013). Within the monitoring part of the project the field work on monitoring in Hotislavskoe area and Shatsk lakes will be conducted. The next meeting was proposed to be held on 24-25 June 2013 in Kiev, Ukraine. The third meeting was planned to be organized in October 2013.

Annex Agenda

Monday, 8 April 2013

- 19.30 Arrival of the participants
- Dinner

Tuesday, 9 April 2013

- 8.30 Registration
- 9.00 Opening of the workshop
 - Welcome by the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, *A. Andreev*
 - Welcome by implementing partner organizations
Igar Tchoulba (UNDP), Tea Aulavuo (UNECE)
- 9.20 Introduction to the Espoo Convention and its Protocol on SEA and to the main objectives of the two project components
Tea Aulavuo, Secretary to Espoo Convention and the Protocol on SEA, UNECE
- 10.00 Introduction to and objectives of the pilot project on post-project analysis
Ms. Nina Stoyanova, international consultant
- 10.40 Present legislation and practice in post-project analysis in the concerned States
Introduced by competent authorities of Belarus and Ukraine
A. Andreev (Belarus), V. Khodzin (Belarus), V. Buchko (Ukraine)
- 11.20 Coffee break
- 11.40 Introduction to the target activity: mining activities/exploitation of the chalky deposit «Hotislavskoe», *F. Veras, project developer, Belarus*
- 12.20 Main results of the transboundary environmental impact assessment of the deposit «Hotislavskoe», *V. Muzykin, R. Novitsky, Belarus*
- 13.00 Lunch
- 14.00 Presentation and discussion of the bilateral programme for monitoring and evaluation of the ex post environmental impacts of the deposit «Hotislavskoe» and of the effectiveness of mitigation measures proposed, *O. Vasniova, Belarus*
- 16.20 Coffee break
- 16.40 Discussion on the monitoring programme continues
- 17.40 Discussion on practical arrangements for the pilot project and next steps
- 18.40 Closing of the day (practical information on the second day)
- 19.00 Reception dinner

Wednesday, 10 April 2013

- 8.30 Work session
- 10.20 Coffee break
- 10.40 Work session continues
- 12.00 Lunch
- 13.00 Work session continues. Site visit
- 15.20 Coffee break
- 15.40 Work session continues
- 16.30 Departure