

Deletion of water bodies in Estonia – an action that was finally repealed

In April 2011 a precedent occurred in the domain of the Ministry of Environment of the Republic of Estonia in the form of allegedly deleting a large amount of the officially registered water bodies (lakes, streams, rivers and even entire bay areas).

This process goes back in time approximately one year when a dispute whether lake Väike-Kadastiku can legally be included in the official register of water bodies or not. The core of the dispute lies in mining activity. To understand this we need to look at a few legislative boundaries that are in effect. According to the Environment Protection Law there is a zone banning construction up to a certain distance from a water body and according to the Water Act there is a water protection zone on the shores and banks of water bodies. The radius of these zones depends on the basin and area size of the water body. These zones of course make mining activity difficult. So a loophole was found in current legislation that would eliminate this lake from the national register (meaning: if the water body does not legally exist, no zones that prohibit exploitation of a certain water body also exist).

The loophole is a result of not renewing legislation with time. Somehow the officials forgot that as time goes on conditions also change. Some rivers, lakes, coast areas can dry up or some new ones can emerge. The Government Decree on the national water cadaster sets out that the official list for lakes is given in the book „List of Lakes of the Estonian Soviet Socialist Republic“ (1964) and the official list of rivers in the book „List of Rivers, Streams and Ditches of the Estonian Soviet Socialist Republic“ (1986).

In reality there are many objects in these books that either do not exist any more, have changed in some way or some objects are not in them at all, as these have been created or emerged themselves later than these books were published.

As a result of this dispute, the Ministry of Environment orders in its letter to the Estonian Environment Information Centre to revise all the objects in the national environment register and make corrections so that it would comply with the lists of the books published in 1964 and 1986.

This letter resulted in the “deletion” of more than 4600 water bodies from the publicly accessible part of the national environment register.

This information spreads to the media and within a few days the newly appointed Minister of the Environment gave out an order to reverse this action. Fortunately no real harm was done during this time but the possible consequences could have been enormous both for the environment and for the budget (with possible lawsuits).

For a brief time more than half of the total water bodies in Estonia did not officially have any restricting zones or boundaries. Meaning that you could possibly build a house etc in these areas (river and lake side properties are highly valued in real estate market) or carry out business activities that otherwise would have been prohibited because of polluting and/or harming the environment. There is another possible consequence that for many was not obvious. Because the waterbodies were deleted and officially and legally they did not exist the question arose that all these companies, that own an IPPC or a water permit and who have in their own time applied for many of these water bodies to be included into the register in the

first place (the reason being that you could not give out an IPPC or water permit to a business that wanted to take water or discharge effluent into a water body that did not officially exist) and who are paying for the resource they use and for polluting the environment, have all this time been paying illegally? This could have possibly opened up the Pandoras Box of lawsuits if either the minister had hesitated in reversing the order initially given or not done so at all.

Luckily this absurd situation did not cause any real damage (except bruised egos for some officials) and the timewindow for opportunists to claim their possible prize was too short.

Currently there are 5709 water bodies in the Estonian national environment register.

Estonian Green Movement, August 2011