

Communication dated:

January 12, 2007

from:

**Landesamt für Kultur und Denkmalpflege
(State Bureau for Culture and Care and Preservation of Ancient
Monuments and Artefacts)**

addressed to:

**Bundesamt für Seeschifffahrt und Hydrographie
(Federal German Shipping and Hydrographic Bureau)
P.O. Box 30 12 20**

20305 Hamburg

Reference: 06-05475-02

Your letter dated November 24, 2006

**Nord Stream high-pressure natural-gas pipeline from Russia to Germany
through the Baltic;**

**Notification of the states of Sweden, Denmark, Finland and Russia
concerning commencement of the EIA procedure in accordance with
Article 3, Espoo Convention**

Response by the State Bureau for Culture and Care and Preservation of
Ancient Monuments and Artefacts

Dear Sirs,

On the basis of current knowledge, ancient monuments and artefacts affected by the planned project are known and/or are seriously to be assumed to be present in the territory affected by the project. For this reason, the effects of the project on the ancient monuments and artefacts as components of cultural and material assets must be determined, described and evaluated in the context of the EIS/EIA and/or the Environmental Study. Detailed information on the inclusion of consideration of ancient monuments and artefacts in the EIS/EIA and/or in the environmental report can be found in the Annex to this response.

Explanatory notes:

In accordance with Article 2 (1) *DSchG* M-V, ancient monuments and artefacts are objects, pluralities of objects and parts of objects, for which public interest exists in their preservation and utilization when the objects are of significance for human history, for towns, cities and settlements or for the development of working and economic conditions and where there are artistic, scientific, historical, folkloristic and/or urban developmental reasons for their preservation

and utilization [Article 2 (1) *DSchG* M-V]. In accordance with Article 1 Para. 3, the interests of the protection of ancient monuments and artefacts and the care and preservation of ancient monuments and artefacts must be taken into account in public planning procedures and projects.

This response is made on behalf and by way of exercise of the responsibilities and authorizations of the specialist authorities for archeological artefacts and Care and Preservation of Ancient Monuments and Artefacts and as the representative of public interests [Article 4 (2) Item 6 *DSchG* M-V]. The disclosure in any form of the information provided on the location of archeological artefacts to third parties is not permitted [Article 5 (5) *DSchG* M-V].

Yours faithfully
pp.

Ewa Prync-Pommerencke
Head Curator

2 enclosures

This letter has been automatically drafted and is therefore valid without signature.

Annex (Archeological artefacts)

to letter dated: January 12, 2007

ref.: **06-05475-02**

Subject: Nord Stream high-pressure natural-gas pipeline from Russia to Germany through the Baltic;
Notification of the states of Sweden, Denmark, Finland and Russia concerning commencement of the EIA procedure in accordance with Article 3, Espoo Convention

Further information can be obtained from: Dr. Schmidt, 0385/5214-440

Article 2 (1) *UVPG* (Environmental Impact Assessment Act) [see Article 2 (1) *LUVPG* M-V] requires the determination, description and evaluation of the effects on cultural and other material assets in the context of the *Environmental Impact Study*. The term "cultural assets" in the sense of the *UVPG* also includes archeological artefacts. Since the project will with all probability have significant and non-compensatable effects on the archeological artefacts (overcovering, modification of substance/appearance, complete removal, etc.), the determination of the effects using generally acknowledged testing and investigation methods is vitally necessary (supplementary notes on this subject can be found in the directive by the Ministry for Labour and Construction entitled "*Environmental Impact Study* in construction and development planning" dated September 27, 2001 – *AmtsBl.* M-V p. 1111). We therefore wish to comment as follows on the project in accordance with Article 5 and/or Article 7 *UVPG*:

1. Available information on archeological artefacts in the investigation territory

Currently available information indicates that archeological artefacts and/or verifiable indications of archeological artefacts are present in the investigation territory (see attached map).

Where shown on the map, the colours used have the following meanings:

- **Red** signifies archeological artefacts, in the case of which any alteration or removal – including that of the surrounding area – cannot be approved, in accordance with Article 1 (4) *DSchG* M-V [please also see Article 7 (1) No. 2 *DSchG* M-V] as a result of their scientific and cultural-history significance.
- **Blue** signifies archeological artefacts, the alteration or removal of which can be approved under Article 7 *DSchG* M-V provided expert recovery and documentation of such archeological artefacts prior to the commencement of any excavation work is assured. The person responsible for such disturbance must bear all costs arising from such actions [Article 6 (5) *DSchG* M-V].

- **Blue hatching** signifies areas for which the presence of archeological artefacts must be seriously assumed or is obvious or is suspected. An adequate degree of detailing is provided in these cases on the basis of the urban demographic and topographic circumstances and/or by surface finds. These areas, too, must be included in the examination of environmental effects, as public interest exists in them (assessment by the Senior State Attorney, Federal German Administrative Court, February 1, 1996, Ref. 4 R 537.95).

2. Scope and degree of detail of the Environmental Impact Study

The Environmental Impact Study must permit a qualified statement concerning the effects of the project on the archeological artefacts in the territory of the study. The information available on archeological artefacts in the study territory is to be used for this purpose (see above), whereby its degree of detail is not adequate for the Environmental Impact Study, however. For this reason, the following investigations must be performed additionally in accordance with Article 6 (3) No. 2 - 4 *UVPG* for the purpose of determination and evaluation of these effects:

- Use of generally recognized surveying and inspection methods (e.g. visits and inspections, soundings, geophysical investigations and tests, aerial photography) for ascertainment of the condition, quality and precise location and extent of the archeological artefacts
- Definition of provisions suitable to ensure avoidance of disturbance to the archeological artefacts

These surveys, investigations, etc. must be performed by qualified specialist staff possessing familiarity and experience with the use of the above-mentioned generally recognized methods. The State Bureau for Care and Preservation of Ancient Monuments and Artefacts must be informed in good time prior to the start of the surveys, etc., concerning the action proposed.

Explanatory notes

Under Article 2 (1) of the Protection of Ancient Monuments and Artefacts Act of the German Federal State of Mecklenburg-Vorpommern (*DSchG M-V*), the term "archeological artefacts" signifies objects and parts or multiples of objects, in the preservation and conservation of which there is a public interest, since they are of significance for human history. They bear witness, inter alia, to human life in the past and provide information on cultural, economic, social and intellectual history and on living conditions and contemporary environmental conditions for humans in pre- and ancient historical times [Article 2 (5) *DSchG M-V*]. In accordance with Article 1 (3) *DSchG M-V*, the interests of the protection of ancient monuments and artefacts and care and preservation of ancient monuments and artefacts must be taken into account in public planning and actions. The protected status of archeological artefacts is not dependent on

their being entered in the lists of ancient monuments and artefacts [Article 5 (2) *DSchG M-V*].

Determination of the effects of the project on archeological artefacts in the context of the *Environmental Impact Study* increases the reliability of planning significantly, since, in case of discovery of previously unknown archeological artefacts in the course of excavation work, the find location must be kept unchanged for a period of five working days and this can result in significant project delays [Article 11 (1) and (3), please also see Article 11 (2) *DSchG M-V*].

Advice on the correct methods for examination of the effects of the project on archeological artefacts and for recovery and documentation of them can be obtained from the responsible Subordinate Protection of Ancient Monuments and Artefacts Authority or from the *Landesamt für Kultur und Denkmalpflege – Archäologie und Denkmalpflege* (State Bureau for Culture and Care and Preservation of Ancient Monuments and Artefacts – Archaeology and Care and Preservation of Ancient Monuments and Artefacts), Domhof 4/5, 19055 Schwerin.