

To:
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3 December 2009

Dear Mr Clark,

Professor Yablokov passed to us the authority to reply to your letter of October 27, 2009. We welcome the intentions of the EBRD to perform additional due diligence for alternative alignments and to assess biodiversity impacts as well as holding additional public consultations on the Moscow-St Petersburg toll road project (section 15th to 58th km).

The Save Khimki Forest" initiative stands for revision of the project as the Moscow-St Petersburg motorway (section 15th to 58th km), as currently planned, is to pass through Khimkinsky Forest Park. Khimkinsky forest is a part of the Moscow forest belt and a unique natural site.

In this letter we would like to specify the list of violations related to the Moscow-St Petersburg road project as currently planned.

Motorway route and its environmental threat

The selected route of this motorway across the Khimki Forest Park runs through a natural ecological zone (specially protected natural territory) - SPNR: a mesotrophic bog - inevitably destroying this unique natural zone (see extract of the forest plan, Annex 1).

The Moscow Department of Environmental Management has already stated that if the road is laid through Khimki Forest Park, the unique ecosystem, divided into two parts, will undergo degradation due to detrimental anthropogenic load on the Forest Park, which will definitely cause its degradation and destruction (letter of April 20, 2006, <http://www.ecmo.ru/problems/road/Dokum/>).

Legal Aspects

Khimki Forest Park has a special legal status, excluding any activity other than recreational in its territory. These facts have been confirmed by a letter from Rosprirodnadzor (October 15, 2007, Russia's Federal Service for Supervising Natural Resources) as well as by a letter from Rosleskhoz (February 29, 2008, Federal Forestry Agency, <http://www.ecmo.ru/problems/road/Dokum/>). At present, there is no possibility for legal construction of this motorway on the currently planned route, as there is a prohibition inflicted by Article 105, section 3, para. 5 of the Forestry Code of the Russian Federation on major construction operations in protected forests which fall under the 'Forest Park area' category ('Forest Park' prior to March 17, 2009), which includes also Khimki forest.

We have become aware that the Prime Minister of Russia, Vladimir Putin, signed Ruling No.1642-p on November 5, 2009, according to which about 145 ha of Khimkinsky Forest Park is transferred from the forestry fund lands into the category of lands intended for construction of the Moscow-St Petersburg toll road. The transfer of Khimkinsky Forest Park lands into the transport and industry category has no lawful grounds. According to Article 11 of the Federal Law No.172-FZ of 21.12.2004 *On the transfer of land or plots of land from one category to another* such a transfer is

permitted only 'if there are no alternatives for the possible location of this construction'. However the availability of other options is confirmed by an official letter from Rosavtodor, Federal Highway Agency (5 pages in Russian - we can send it if you wish), thus the transfer of lands contradicts the federal laws.

Furthermore, an official protest note against the decision to construct the road through the Forest Park was filed by the Head of the Moscow Municipal Forest Administration in 2006. The administration, at that time, was the official government authority responsible for Forest Park conservation. The reply by Ms. Kuznetsova to the appeal made by Roads of Russia Federal Government Facility says that "the creators of the planning concept failed even to make an attempt to reduce the damage to the Forest Park" and that the Administration "expresses its strong dissent to approving this route for the road" (<http://www.ecmo.ru/problems/road/Dokum/>, in Russian).

Ecological Assessment

The Environment Impact Assessment and for the project and the public consultations on this issue were carried out in 2005, however, the project consultations were held with the following violations:

a) Information on public consultations was published in a local newspaper with small print size along with different announcements for palm-readers etc. It was quite difficult to notice this announcement (Annex 3).

b) The wording of the announcement for the public consultations was obscure: It invites people not to consultations on the **Moscow-St Petersburg road (section 15th to 58th km)** but to consultations on the **MRHW-Sheremetievo – 3** project. It was impossible to understand what exactly road was meant as there were no additional explanations in the announcement.

c) As a consequence of the above, only one resident of Khimki urban district was present during the consultations. The rest were residents of Poyma village, who are not likely to be affected by the road in the future.

d) The public consultations failed to include discussion of environmental issues and alternative variants of the road routing. **The variants for the federal road routing were selected one month prior to the public consultations** by the Head of Khimki urban district, V.V. Strelchenko, at his sole discretion, presented in his decree No.367-P (<http://www.ecmo.ru/problems/road/Dokum/>).

Therefore, most of the residents of Khimki got to know about the motorway project only in 2007 when the preliminary survey operations started in the territory of the Forest Park.

It also must be noted that:

1) the above listed facts are not included in the documentation for the Environment Impact Assessment Procedure, which indicates the poor quality of the project documentation.

2) the motorway route is unjustifiable. It crosses Moscow in a straight line and then makes an inconvenient hook towards the Khimkinsky Forest Park. There is an option of laying out the motorway in a more straight line, bypassing the forest and making the motorway 8 km shorter. The variant of laying out the motorway across Khimki within the transport corridor alongside Oktyabrskaya railway is more feasible, less costly and less ecologically destructive.

However the most environmentally destructive routing has been selected. What is more, any attempts to have it revised have run into aggressive opposition. It is our opinion that this state of affairs may eventually lead to the legalization of infrastructure and broad construction development in within Forest Parks.

Currently, the case of Khimkinsky forest is in European Court of Human Rights in Strasbourg where a resident of Khimki town, Ms. Naumocheva, is appealing against the results of the Environmental Impact Assessment as it failed to take into consideration a healthy environment for Khimki residents. Presently, the case awaits a hearing.

Implementation of the project in the form currently planned would inflict heavy destruction on the environment. On behalf of 15,000 Russians and citizens of other countries, who signed the appeal

for the defence of the forest, the Initiative group for the defense of Khimkinsky Forest urges your bank not to participate in the Moscow-St Petersburg motorway project unless and until it is modified so that the motorway bypasses the forest.

We would like to ask the following questions:

1. Have alternative legal route options been provided to the EBRD by the Ministry of Transport and Rosavtodor bypassing Khimki Forest?

2. During the meeting with the EBRD's Board of Directors the possibility was mentioned that an expert delegation from the EBRD would come to assess the possible project impacts on Khimki Forest. Please, let us know about the dates of the delegation's visit and we would be very glad to assist its work. We can for example propose and organize meetings with competent specialists that work on research in this particular natural area.

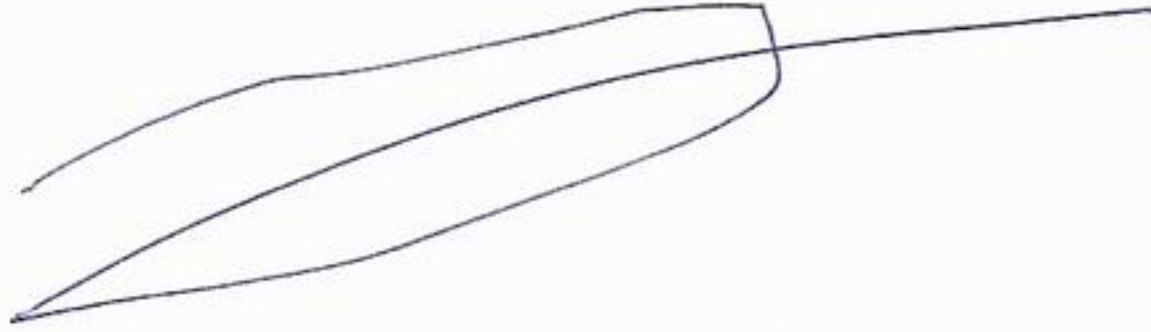
Should you need more detailed information we are ready to provide it and hope to receive from you a written reply to our letter.

Chirikova Evgeniya

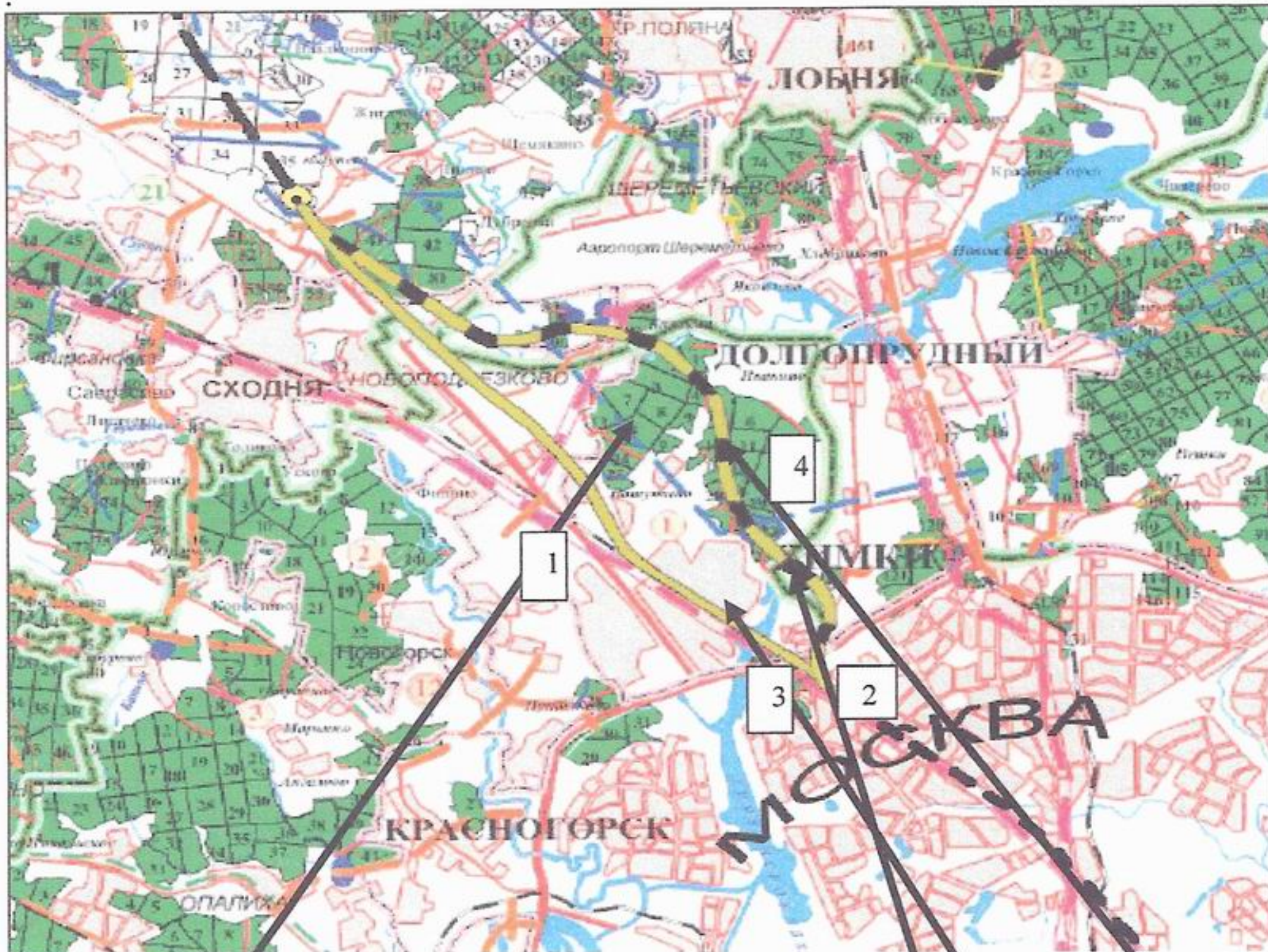
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A copy of the forest plan.
The route Moscow-St. Petersburg on the territory of Khimki
Forest Park



1. Khimki Forest Park
2. The route of the road Moscow-St.Petersburg through Khimki Forest
3. Possible route for the road Moscow-St.Petersburg bypassing Khimki Forest
4. Specially protected natural territories (10 and 11 quarters), that will be affected by the road Moscow-St.Petersburg

УСЛУГИ

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РАЗНОЕ

Властям Московской области в г. Химки, ул. Калинина, д. 4 (1-й этаж) 2-й этаж МКАД выставочный центр сирен - экспозиция «Дорога-2005» 3. Сайт: www.doroga.ru
Слушания и обсуждение проекта состоят из 2-х этапов по адресу: г. Химки, ул. Калинина, д. 4, этаж 2 (2-й этаж, зал заседаний).
Всех желающих приглашаем принять участие. При себе иметь паспорт.

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16 апреля 2005 г.