



# What happens in public waters?

Rīga 2021

**RESTRICTED ACCESS INFORMATION** until the effective date of the Audit Department's decision approving the audit report.

If the draft audit report contains an additional indication of restricted access, the restricted access status of the relevant part shall be maintained even after the audit report enters into force.



Latvijas Republikas  
Valsts kontrole

## Audit Report

What happens in public waters?

16 August 2021

Compliance/ performance audit “Does one provide economic public water accessibility compliant with the laws and regulations in local and regional governments by ensuring the recreation opportunities to the population and facilitating the growth of local or regional government?”

The audit was performed based on audit schedule No 2.4.1-42/2020 of the Fifth Audit Department of the State Audit Office of 28 September 2020.

The cover design includes an image from the personal archives of the auditors.

## Dear Reader,

This report is dedicated to reflecting the opportunities we see for better management of the many lakes and rivers, as well as the Baltic Sea coast managed by Latvian local and regional governments.

Like land, forests, and minerals, public waters are our common wealth, and local and regional governments must have them on their agenda. Some of that care is specified as statutory obligations, while some stem from the obligation of every owner to take care of his or her property as a careful and diligent proprietor. During the audit, we focused on fulfilling all those responsibilities.



First, public water bodies must also actually be public, that is, accessible to everyone.

The issue of determining and applying the towpath, which is subject to the battles of many lawyers and is not clearly regulated in any law or regulation, as well as ensuring physical access to the coast by removing unjustified obstacles created by people, clearing the coastal area, and building suitable paths is relevant here. Moreover, the latter should be also suitable for people with reduced mobility.

Information is also an important element in providing accessibility. The public has the right to obtain comprehensive information about the water bodies in the territory of each local and regional government, the rules and possibilities of their use, the set fees, the existence of beaches and bathing areas and their level of amenities, as well as other issues related to river, lake, or coastal use conveniently.

Local and regional governments are obliged to charge a fair fee to businesses for the use of water for profit, without giving them away “for a song”. Fair and equal treatment of different groups of water users is also essential when local and regional governments issue permits for the use of resources in the waters, such as fishermen, anglers, underwater hunters, or crayfish catchers.

The information we have received shows that the use of various floating craft for both recreational and commercial purposes is becoming more and more popular. In addition to the usual boats, motorboats and jet skis, there are also floating saunas, various pleasure boats, and rafts found in Latvian rivers and lakes. Consequently, it is the responsibility of local and regional governments to monitor the safety of the operation of those floating crafts so that their users and other people in the rivers and lakes, and the people around them do not have to worry about the danger to their health and life.

The honest execution of all those elements of management lays the foundations for the sustainable use of water both for the benefit of today and for the preservation of it for future generations.

We are aware that public water management is probably not the most crucial and problematic area among the many responsibilities of local and regional governments. However, only timely and comprehensive care for water will ensure that we will be able to be proud to be one of the richest countries in Europe in terms of quality and publicly available water resources even after many years.

I thank many state institutions and non-governmental organisations, especially the Nature Protection Board, SJSC “Latvijas Valsts meži”, and Association Apeirons for support in gaining a comprehensive understanding of the specifics of public water management!

Special thanks to the municipal specialists for constructive cooperation, providing the information necessary for the audit, and agreeing on the work to be done in the future!

Respectfully

Edgars Korčagins  
Department Director

A handwritten signature in black ink, appearing to be 'EK', written over a light blue background.

## Summary

Water is one of the most essential natural resources vital for human physiological needs. Water is also used in large quantities in agriculture, energy industry, fisheries, and other industries, and availability of good quality water is crucial. For example, to produce various everyday goods or to grow food. Fish, birds, and animals also need water. Everyone can use public waters according to their needs and interests such as for recreation on and off the water, swimming, sports, boating or navigating water bodies otherwise, fishing, angling, catching crayfish, and scuba hunting. Thus, it is material that a local or regional government, as the closest local interest representative to the population, is involved in and implements safe and sustainable public water management.

Latvia is one of the richest countries in Europe with underground and surface water resources. We can be proud of 2,256 lakes, about 12,500 rivers, and 496 kilometres of the Baltic Sea coast with its beaches.

However, only one-fifth (21%) of Latvia's surface waters correspond to good or high ecological quality. According to the latest assessments, the ecological quality of water in Latvia is lower than the EU average<sup>1</sup>.

Water resources are unique and not comparable to any product. Water is a common property and heritage of society as a whole to be protected, defended and treated with dignity to ensure that our children and grandchildren continue to have access to clean and good quality water in the future as well.

At European level, they have recognised that promoting the objectives of preserving, protecting, and improving the quality of the environment through the prudent and rational utilization of natural resources is crucial. Three basic principles are essential: (1) the precautionary principle, (2) the prevention principle (preventive measures must be taken to prevent damage to the environment from the outset), and (3) the 'polluter pays' principle<sup>2</sup>.

In its planning documents, Latvia has also emphasised long-term directed development by observing the balance among three important directions: (1) public welfare, (2) protection and preservation of the environment and natural resources, and (3) economic development<sup>3</sup>. Those principles of sustainable development are also applicable to the development planning of the environment, including public waters and their territories. Therefore, when analysing the directions of municipal action in matters of recreation, access, availability of information, supervision of commercial activities, and public safety

---

<sup>1</sup> Association of Local and Regional Governments of Latvia, Meeting of the Committee for Regional Development and Cooperation on 5 May (2021), Annex "Ensuring more efficient river management". Available at <https://www.lps.lv/lv/komitejas/regionalas-attistibas-un-sadarbibas-komiteja/6690-lps-regionalas-attistibas-un-sadarbibas-komitejas-sede-5-maija-2021>, the resource viewed on 31 May 2021.

<sup>2</sup> Recital 11 of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

<sup>3</sup> Environmental Policy Guidelines 2014-2020, p. 9.

at and on public waters, the auditors evaluate them in connection with the above-mentioned three directions of sustainable development.

As the current situation, circumstances and needs vary from country to country, one must take that diversity into account when planning and implementing measures to ensure the protection and sustainable use of water in river basins. It is therefore important that decisions on the management and governance of public water be taken to the places – local and regional governments - where the water is affected or used as close as possible.

In this context, the local and regional governments have several responsibilities<sup>4</sup> in the management of inland public waters, such as ensuring the sustainable management, governance, and conservation of public waters.

In its turn, the law<sup>5</sup> envisages the following functions for the management of the seashore for local and regional governments:

- Carry out the improvement of the seashore waters and the land part of the seashore in possession and the provision of the sanitary cleanliness thereof;
- Ensure the operation of rescue services in bathing areas managed by the local and regional governments, where necessary.

At the same time, one must ensure free access to inland public waters<sup>6</sup>.

The autonomous functions of local and regional governments also include the obligation to promote a healthy lifestyle and sports for the population and to provide the improvement and sanitary cleanliness of their administrative territory<sup>7</sup>, which also affects the use and management of water.

## Main conclusions

The audit findings show that water governance, including management, is disorganized and not carried out under the principles of good governance. There are many stakeholders in the field of public water governance and management such as state institutions, local and regional governments, NGOs, individuals, and legal entities, thus the institutional structure of public water management is fragmented.

It is important for the residents of the local or regional government, as well as those who intend to move to the particular local or regional government, to be informed about the current situation and the expected development prospects in the particular local or regional government in order to know how it will affect the living standards and quality of life.


---

<sup>4</sup> Ministry of Environmental Protection and Regional Development “Guidelines for Inland Public Water Management in Local and Regional Governments” (2015), p. 13. Available at [https://www.varam.gov.lv/sites/varam/files/content/files/iekszemes\\_publ\\_udeni\\_vadlinijas\\_2016.pdf](https://www.varam.gov.lv/sites/varam/files/content/files/iekszemes_publ_udeni_vadlinijas_2016.pdf), the resource viewed on 31 May 2021.

<sup>5</sup> Section 15.5 and 15.7 of the Land Management Law.

<sup>6</sup> Section 6 of the Land Management Law.

<sup>7</sup> Par. 2 and 6, Section 15.1 of the Law on Local and Regional Governments.



Given the significance of water, it is important to include the European level targets<sup>8</sup> in local and regional government development plans, that is, to ensure the protection of inland surface waters, transitional waters, coastal waters, and groundwater, which prevents further deterioration of the aquatic ecosystem, protect and strengthen the existing one, promote sustainable use of water resources, aim to increase the protection and improvement of the aquatic environment, ensure the gradual reduction of groundwater pollution and prevent further pollution, help reduce the effects of floods and droughts as well as issues of public interest in the use of water for recreation, angling, and fishing.

Although the targets, actions, and tasks included in the municipal development planning documents correspond to and are aimed at achieving the goals set in the national and regional level development planning documents in improving public water quality and providing and developing recreational opportunities generally, the goals set by local and regional governments are vague and not prioritised as per actual needs and the conducted population surveys. There are local and regional governments whose actions and tasks specified in the planning documents do not facilitate and are not inclined to the implementation and achievement of the goals referred to in the strategy.

The activities and opportunities of local and regional governments depend on resources such as available funding and municipal capacity rather than on the needs of the population and environmental requirements largely. In this context, local and regional governments co-operate with neighboring local and regional governments and other institutions in planning and implementing public water and adjacent territory improvement projects, including the management of specially protected nature territories, however, co-operation is not always sufficient, comprehensive, and systematic.

In addition, one cannot assess each individual action of the local or regional government in public water development planning, management, provision of accessibility and recreation opportunities, as well as in the performance of supervision as sufficient and systematic to achieve the set goals.

However, the situation is largely determined by the fact that there are no state-defined standards, goals, and declarations that would allow assessing the plans and progress in the field of recreation according to specific criteria. Therefore, assessing to what extent the improvement measures taken by local and regional governments are related to the availability and provision of recreation, whether they are aimed at improving and developing the territory of the local or regional government in general is impossible.

Thus, the irregularities identified in the public water development planning processes hinder the achievement of the goal, which is, ensuring the sustainable use of resources and quality recreational opportunities for the population.

Public water management in local and regional governments is organised in different ways, for instance, municipal institutions perform the works themselves, they delegate the function to a service provider or purchase a service from it, or transfer a water body to an individual.

After evaluating the agreements concluded by local and regional governments on public water management and the statutes and work plans of municipal institutions managing public waters, one has established that 9 of the 12 local and regional governments included in the audit sample include tasks

---

<sup>8</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

to be performed and their scope in work plans and agreements, but do not include the objectives of the performance of the work such as the substantiation of the performance of the specific work arising from the municipal functions in some cases. There is also a procedure for payment for the work performed stipulated, but no mechanisms are provided for verifying the quality of the work performed.

Local and regional governments do not monitor the quality of the work performed and the transferred rights sufficiently, including the generation of income from the distribution of angling, crayfish catching, and underwater hunting licenses. Besides, the reports are submitted on the funding spent mainly rather than the amount done and quality of work entrusted (delegated).

Water bodies located in the administrative territories of local and regional governments are used for fishing, construction of bathing structures, operation of floating structures and economic activities by providing services related to navigation and entertainment on water, however, local and regional governments have not identified all performers of those activities and concluded water body lease agreements with them and have not organised tenders for the lease of water bodies or auctions of lease rights.

Municipal services in the use of water bodies are provided for a fee because water bodies are rented, there is licensed angling, crayfish catching, and underwater hunting organised. In the territories of several local and regional governments, one also provides the crossing service as a transport service by ensuring the mobility of the population. Port authorities also provide several paid services, as they organise the reception of vessel-generated waste and polluted waters. Yacht ports provide berth rental, long-term moorage, and storage of vessels during the winter, and other services for leisure boats and yachts.

Although local and regional governments have developed a methodology for calculating service fees, they do not apply it when determining the amount of fees. The amount of service fees is not based on cost calculation in several local and regional governments, and local and regional governments use different approaches to determine service fees and rents. When assessing the paid services provided by local and regional governments, the audit has found that the service fee is economically justified in only one of the sampled local and regional governments.

The law<sup>9</sup> envisages the expropriation and transfer of property to ownership or use to another person at the highest possible price, the principles of best practice<sup>10</sup> also require the efficient use of available resources. However, due to changes in the economic situation, service fees are not reviewed in local and regional governments for a long time. Out of the six local and regional governments included in the audit sample, which provide paid services within the framework of public water management, two local and regional governments have not revised and updated the service fee for a long time.

In assessing the licensed angling, crayfish catching, and underwater hunting fees determined, the auditors found a disproportionate difference in license fees between angling licenses and underwater hunting licenses. The sampled local and regional governments did not provide any justification for such differences in the license fees. In its turn, when analysing the revenues of the organisers of licensed angling, crayfish catching, and underwater hunting in the local and regional governments

---

<sup>9</sup> Section 3 of the Law on Prevention of Waste of Financial Resources and Property of Public Entity.

<sup>10</sup> 12 Principles of Good Governance, Principle 3: Efficiency and Effectiveness. Available at <https://www.coe.int/en/web/good-governance/12-principles#{%2225565951%22:121}>, the resource viewed on 16 July 2021.

included in the audit sample, the auditors consider that the organisers possibly have not acted efficiently because according to the auditors' estimate, revenues of at least 267,428 euros were not received from licensed angling, crayfish catching, and underwater hunting.

Local and regional governments provide paid yacht marina services in addition to other services, although not all local and regional governments have demanded fee for the services provided. The auditors have estimated that one has not received income for the services provided by yacht marinas of at least 20,388 euros in 2019 and 2020.

There are 57 official swimming places in Latvia, including 24 ones located in the local and regional governments included in the audit sample. In addition to the status of official swimming places, 13 swimming places have also received a Blue Flag certificate. At the same time, recreational opportunities for the population are also available in other or unofficial swimming places.

In the context of swimming places, its operator is responsible for the establishment and maintenance of the swimming place, its compliance with safety and hygiene requirements, and for the placement of informative signs and other information related to the swimming place in accordance with the requirements specified in the regulation<sup>11</sup>.

Unofficial swimming places are also properly managed, improved and hygiene requirements are complied with there as well, thanks to the active engagement of local and regional governments.

For the residents of local and regional governments be able to use the opportunities offered by local and regional governments in the field of recreation, it is important to provide information about available services and recreational opportunities. In addition, available information and well-organised infrastructure at public waters also stimulate entrepreneurship indirectly.

Information on the accessibility, availability, and layout of public water bodies, beaches, official and unofficial swimming places is not aggregated on a single site. In general, information on tourism opportunities in the administrative territory of the respective local or regional government can be found on the websites of local and regional governments, however, for half or 50% of the local and regional governments included in the audit sample, no information can be found on the amount of tourism facilities and access opportunities. In addition, no information on recreational opportunities for people with functional disorders is available on any municipal website.

Neither the municipal websites nor signs in nature provide specific access opportunities to licensed angling grounds and for boat delivery and car parking, which could cause difficulties for anglers, crayfish catchers, and underwater hunters.

The actions of local and regional governments in arranging the seashore parts in their administrative territory such as beaches and swimming places differ much. Recreational and sports areas, children's playgrounds, parking lots, driveways, boat moorings, bicycle sheds, picnic areas are arranged, benches and rubbish bins are installed mainly, which can be considered as a minimum level of amenities.

In general, the sampled local and regional governments provide safe and recreation opportunities meeting the population's needs in public swimming places and nature tourism facilities by public waters, however, the amount and quality of amenities are insufficient and inadequate for the needs of

---

<sup>11</sup> Section 5 of Cabinet Regulation No 692 "Procedures for the Establishment, Maintenance, and Management of Water Quality" of 28 November 2017.



several population groups, for example, they are not suitable for people with functional disabilities and families with little, they do meet the safety requirements (no rescue service or rescue equipment is available), and not all swimming places have a separate, safe bathing place for children.

Picnic areas with tables, benches and campfire places, sorted waste containers, playgrounds for children, and sports grounds for active recreation are provided in the most popular swimming places and tourist objects. There are observation decks or towers in the landscapes.

The issue of access to waters and the possibility of using the towpath is important and problematic that has not been resolved for years. In many local and regional government areas, access to public waters is cumbersome. Relevant solutions have been sought both at the level of the state (legislative initiatives, guidelines), local and regional governments (binding regulations, explanations), and non-governmental sector and individuals. Due to its broad and specific nature, this audit has not examined it in detail, although it does affect the availability of public waters.

As society as a whole becomes more active, people are using opportunities for full-fledged recreation in nature increasingly, including on and off the water. To organise the flow of holidaymakers and ensure safety on and off the water, the local and regional governments have set restrictions on the use of sailing and floating vessels in the public waters within their administrative territory. However, measures for monitoring the use of water bodies are planned in only one sampled local or regional government.

The fact that municipal institutions are often involved in measures to control and ensure the legality of the use of public water areas late because they do not monitor or supervise the actions of individuals also evidences incomplete supervision.

The current procedure for registration of sailing and floating crafts does not provide for regular inspections of the technical condition of all vessels and floating crafts. One of the irregularities that hinders the monitoring of vessels is the lack of criteria against which the technical condition of vessels can be assessed.

The issue of classification of vessels and floating structures and municipal control over the dislocation of such objects in the areas of public waters and coastal protection zones is topical, which may endanger both the safety of users and the environment.

### **Meeting the criteria set in the audit**

To assess the actions of local and regional governments in public water development planning, management, provision of accessibility and recreation opportunities, as well as monitoring, there were 42 audit criteria in total coordinated with local and regional governments. The audit assessed that **eight criteria were met**, **31 criteria were met partially**, and **three criteria were not met** in general.

**The achievement of the criteria in local and regional governments is assessed with a total of 235 out of 410 possible points.** According to the agreed criteria, the actions of local and regional governments in public water development planning, management, provision of accessibility and recreation opportunities, as well as monitoring are considered to be effective partially, as 57% of the possible score has been obtained in the overall assessment.



## Major recommendations

Following the findings of the compliance and performance audit and the auditors' conclusions, there are recommendations made regarding:

- Improvement of development planning documents in order to promote the achievement of the common objectives of the state in ensuring water quality;
- The need for greater involvement in improving water quality so as not to worsen and improve the existing water status;
- Improvement or development of internal documents and procedures to ensure more efficient management and monitoring of public waters;
- Ensuring the availability of information to raise the awareness of the population about the ongoing processes in local and regional governments, including the possibilities and availability of recreation;
- Ensuring monitoring to reduce public safety risks on and near public waters;
- Determining reasonable fees for services to promote economic development.

The audit was performed in 12 local and regional governments, whose sample was formed in accordance with the administrative and territorial division in 2020, but the recommendations provided are binding on the newly established local and regional governments taking into account the administrative and territorial reform. The issues studied in the audit are relevant to all local and regional governments, including those not included in the audit sample.