



St. Gallen, 20 December 2024

## **Press Release**

regarding judgment A-2883/2022 of 16 December 2024

### **Court upholds planning approval for Lötschberg extension**

**The Federal Administrative Court finds that the construction of the Mitholz installation site for the extension of the Lötschberg base tunnel does not violate the laws regulating waste, water protection, and contaminated sites.**

In June 2022, the Federal Office of Transport (FOT) approved the project “Lötschberg Base Tunnel (LBT): partial extension” subject to conditions. The implementation of the project required the establishment of several installation sites in the Cantons of Bern and Valais. The Mitholz temporary installation site was designed as the centrepiece for the construction and equipping works. The site was to be established at the Mitholz quarry. The Blausee, an alpine lake, is located about 1.5 kilometres below the quarry, near the Kander river. Blausee AG runs a restaurant and a hotel there, including a trout farm with separate basins, partly fed by groundwater. Between 2018 and 2020, the trout farm experienced extensive fish declines. Blausee AG suspected that the declines were caused by pollutants which had entered the groundwater due to materials unlawfully deposited in the Mitholz quarry. Blausee AG lodged an appeal against the planning approval with the Federal Administrative Court (FAC). In essence, it challenged the environmental sustainability of the Mitholz installation site and claimed a violation of the laws regulating waste, water protection, and contaminated sites.

#### **Planning approval not revoked**

FAC examined at length whether the installation site approved by FOT could be established and operated in this form. It finds that neither the environmental impact assessment nor the materials management concept violates any waste and water protection laws. Although improper materials were undoubtedly deposited in the Mitholz quarry in the past, the establishment of the installation site at the quarry is also lawful under the contaminated sites regulations. Because the previously contaminated areas have been restored, and the groundwater analyses and soil samples from other parts of the quarry show unproblematic values, no further action is required in this regard. FAC did not have to consider whether the unlawful dumping of materials in the Mitholz quarry had caused the fish declines of Blausee AG fish farm. In conclusion, FAC finds no reason to revoke the planning approval. It rejects the appeal.

This judgment may be appealed to the Federal Supreme Court.

## Contact

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## About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 375 employees (314.7 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.