From:	Jeannette Edler <jeannette.edler@bsh.de>
To:	Jeannette Edler <jeannette.edler@bsh.de>
Subject:	WG: Swedish answers to the notification regarding the planned offshore windfarm Windaker
Date:	03.08.2023 16:59:34 (+0200)
Attachments:	Consultation letter Swedish answers Windaker.pdf (3 pages), 03 - Yttrande Vindpark Windaker.pdf (2 pages), 02 - TSS 2022-293 Yttrande samråd Esbo.pdf (2 pages), 02 - Trafikverket yttrande gällande Windaker vindkraftpark Tyskland.pdf (1 page), 03 - Remissvar Windaker.pdf (1 page), 03 - Yttrande.pdf (3 pages), 02 - BirdLife Sverige_Windanker_2022-02-26.pdf (3 pages), 02 - 220224 Tysk havsbaserad vindkraft.pdf (1 page), 02 - Yttrande Windanker 289-22.pdf (3 pages)

-----Ursprüngliche Nachricht-----
Von: Richard.Kristoffersson@Naturvardsverket.se
<Richard.Kristoffersson@Naturvardsverket.se>
Gesendet: Donnerstag, 10. März 2022 13:12
An: EingangOdM <EingangOdM@bsh.de>; Jeannette Edler <Jeannette.Edler@bsh.de>
Cc: emma.m.sjoberg@regeringskansliet.se;
Karolina.Ardesjo-Lunden@Naturvardsverket.se;
Egon.Enocksson@naturvardsverket.se; Lina.Vogel@Naturvardsverket.se
Betreff: Swedish answers to the notification regarding the planned offshore windfarm Windaker

Our ref: NV-00751-22

Dear Madam/Sir

Enclosed are, consultation letter and comments received during the consultation process carried out in Sweden between 26th of January 2022 to the 10th of March 2022, regarding the planned offshore windfarm “Windaker”.

Due to received comments, Sweden hereby express the wish to further participate in the EIA process connected to the project, pursuant to article 4-5 of the Espoo-convention.

Please let us know the further steps of the process.

Attachments

Consultation letter

Comments from Swedish Board of Agriculture

Comments from Swedish Transport Agency

Comments from the Swedish Transport Administration

Comments from Swedish Pelagic Federation Producer Organization

Comments from County Administrative Board of Skåne

Comments from BirdLife Sweden

Comments from The South Baltic Water District Authority

Comments from the Swedish Agency for Marine and Water Management

Regards, Richard

RICHARD KRISTOFFERSSON

Point of Contact, Espoo

SWEDISH ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Unit

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SWEDISH ENVIRONMENTAL PROTECTION AGENCY

Richard Kristoffersson
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2022-03-10

Ärendenr:
NV-00751-22

Federal Maritime and Hydrographic Agency
Department O (Management of the Sea)
Bernhard-Nocht-Str. 78
20359 Hamburg

Swedish answers to the notification in accordance with Articles 3 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) regarding the offshore windfarm project Windaker.

Sweden received a notification from the Bundesamt für Seeschifffahrt und Hydrographie (BSH) in Germany to participate in consultation under Article 3 of the Espoo Convention in relation to the planned offshore windfarm project Windaker.

Germany has fulfilled their responsibility following from article 3 of the Espoo Convention by providing the Swedish environmental protection agency (EPA) with a notification regarding the project.
The Swedish EPA has in turn invited Swedish government agencies, organizations and other parties to give consultation comments on the planned project.

Consultation in Sweden

The notification and the attached documents have been circulated for consideration to central-government agencies, county administrative boards, non-governmental environmental organizations during the period from 21st of January 2022 to 11th of Marsh.

The Swedish EPA is the authority responsible for fulfilling the obligations following from, inter alia. Article 3 of the Espoo Convention. However, the Swedish EPA has no responsibility to evaluate the consultations received in the context of the Swedish national consultation procedure with a view to presenting an overall Swedish position. For a comprehensive view of the consultations, we refer to the enclosed statements received.

Consultations comments received
A brief summary of the statements is included below, please note that the summary is written on behalf of the Swedish EPA and not the body to which a proposal is referred for consideration:

Replies were received from *County Administrative Board of Skåne, County Administrative Board of Blekinge, The South Baltic Water District Authority, Swedish Geotechnical Institute (SGI), Swedish Pelagic Federation Producer Organization (SPF), Swedish Board of Agriculture, Swedish Transport Agency, Swedish Transport Administration, Swedish Maritime Administration (SMA), Swedish Metrological and Hydrological Institution (SMHI), Swedish Armed Forces, Swedish Agency for Marine and Water Management, BirdLife Sweden* and *Swedish Shipowners association.*

Swedish Board of Agriculture states that the forthcoming environmental impact assessment should include a detailed description of how cross-border fishing is affected by a possible establishment. Furthermore, a description should be made of the impact on protected stocks of species such as cod and porpoises, as well as the precautionary measures planned to minimize the negative impact. *For full statement, see attached.*

Swedish Transport Agency does not see the need to further participation but wishes to leave some general remarks. *For full statement, see attached.*

Swedish Transport Administration stress the importance of accessibility in the sea traffic routes between Sweden and Germany. The sea traffic routes are described in the Swedish Maritime Spatial Plan. Especially important to consider when assessing and making decisions concerning the location of offshore wind farms. *For full statement, see attached.*

Swedish Pelagic Federation Producer Organization points out, among other things, that the planned wind farm Windaker can potentially have a negative effect on fish stocks caught by Swedish fishermen through underwater noise, vibrations, changing currents or electromagnetic fields around cables during the wind farm's operating phase. *For full statement, see attached.*

County Administrative Board of Skåne informs that due to large amount of marine construction projects, they will not be able to participate further in the process but wishes to leave some feedback and general advice and wish to be kept informed of the project. *For full statement, see attached.*

The South Baltic Water District Authority makes an initial assessment that the German project has a minimal impact on the water district of the Southern Baltic (Skåne's coastal water bodies). Assessment of the wind farm should however take into count the goals set in accordance with the Marine Environment Directive (2008/56 / EC) and, by extension, the Water Framework Directive (2000/60 / EC) This should be clarified in, for example, Chapter B.8 in the forthcoming environmental impact statement. *For full statement, see attached.*

BirdLife Sweden stress the need to include effects on birdlife that exist and can be predicted to exist within the project area in the upcoming EIA. They also list needed protective measures to minimize the projects impact on birds. *For full statement, see attached.*

Swedish Agency for Marine and Water Management comments regarding the risk of adverse transboundary effects of the project regarding marine mammals and fish. Furthermore, the risk of negative effects on the cod population and the Baltic Proper harbour porpoise population due to cumulative impacts from multiple offshore activities in the southern Baltic Sea. *For full statement, see attached.*

County Administrative Board of Blekinge, SGI, SMA, SMHI, Swedish Armed Forces and Swedish Shipowners association replied that they had no comments.

Based on comments received during the consultation, the Swedish Environmental Protection Agency express the wish to further participate in the EIA procedure.

_____

As the decision has been made electronically there is no need for signatures.

For the Swedish Environmental Protection Agency

Karolina Ardesjö-Lundén
Head of Unit

Richard Kristoffersson
Point of contact for the Espoo Convention

Attachments
Comments from Swedish Board of Agriculture
Comments from Swedish Transport Agency
Comments from the Swedish Transport Administration
Comments from Swedish Pelagic Federation Producer Organization
Comments from County Administrative Board of Skåne
Comments from BirdLife Sweden
Comments from The South Baltic Water District Authority
Comments from the Swedish Agency for Marine and Water Management

Cc
The Ministry of Environment in Sweden, Emma Sjöberg

Jordbruksverket

Näringsutvecklingsenheten
Johan Penner

Yttrande

Datum
2022-02-11

Diarienummer
4.5.17-01499/2022

Naturvårdsverket
Virkesvägen 2
106 48 Stockholm

Remiss angående underrättelse från Tyskland enligt Esbokonventionen art. 3 gällande havsbaserad vindkraftspark ”Windaker” i tysk EEZ.

Bakgrund

Naturvårdsverket inkom den 27 januari 2022 med remiss gällande samråd i enlighet med Esbokonventionen kopplat till den planerade etableringen av vindparken ”Windaker” i tysk ekonomisk zon.

Remissens syfte är att informera berörda parter om det planerade projektet och ge tillfälle att lämna synpunkter angående eventuellt behov för Sverige att delta i processen för miljökonsekvensbeskrivning.

Jordbruksverkets yttrande.

Jordbruksverket är den myndighet som på uppdrag av regeringen ska verka för att främja en livskraftig och hållbar fiskerinäring både ekologiskt, ekonomiskt och socialt. Mot bakgrund av vårt uppdrag anser Jordbruksverket att det finns ett behov att Sverige fortsatt hålls informerade kring arbetet med kommande MKB samt ges möjlighet att uttala sig i det fall att gränsöverskridande konsekvenser identifieras.

Den kommande miljökonsekvensbeskrivningen bör innehålla en detaljerad beskrivning över hur gränsöverskridande fiske påverkas av en eventuell etablering under samtliga stadier i parkens utveckling, d.v.s. etablering, drift och avveckling.

Vidare bör en beskrivning göras av påverkan på skyddsvärda bestånd av arter som exempelvis torsk och tumlare samt vilka försiktighetsåtgärder som planeras för att minimera negativ påverkan.

I detta ärende har Enhetschefen Jörgen Fransson beslutat. Johan Penner har varit föredragande.

Godkänd 2022-02-11 av Jörgen Fransson

Jörgen Fransson Johan Penner

Yttrandet har signerats digitalt och saknar därför namnunderskrifter.

Naturvårdsverket

Yttrande över underrättelse från Tyskland om miljökonsekvensbeskrivningar i ett gränsöverskridande sammanhang (Esbokonventionen) gällande planerad havsbaserad vindkraft, Windaker iTysklands ekonomiska zon.

Bakgrund

Miljöministeriet i Tyskland har underrättat Sverige om planer för en havsbaserad vindkraftspark i tysk exklusiv ekonomiska zon (EEZ) i södra Östersjön.

Naturvårdsverket ger nu Transportstyrelsen möjligheten att lämna synpunkter på om det planerade projektet kan antas medföra betydande miljökonsekvenser för Sverige och om Sverige i så fall bör delta i processen med att ta fram en miljökonsekvensbeskrivning samt att lämna synpunkter på potentiella gränsöverskridande effekter projektet kan antas medföra.

Yttrande

Transportstyrelsen ser inget behov av att medverka i miljökonsekvensbedömningen.

Med ledning av kartorna och uppgifterna i samrådshandlingarna kan vi konstatera att den planerade vindkraftparken angränsar till områden där det förekommer omfattande sjötrafik. Det planerade områdets lokalisering i förhållande till sjöfarten bedöms kunna få en inverkan för sjötrafiken på Sveriges territorium.

Samrådsunderlaget innehåller ingen detaljerad bild av parkens lokalisering i förhållande till förekommande farleder, rutter, etc. Bifogade kartor är översiktliga, vilket gör det svårt att i detalj avgöra utsträckning i förhållande till sjöfarten t.ex. farleder, fartygsstråk, farledsutmärkning etc.

Transportstyrelsen
601 73 Norrköping
Besöksadress
Olai Kyrkogata 35, Norrköping

Telefon 0771-503 503
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transportstyrelsen.se
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Johan Skogwik
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010-495 33 37

Med tanke på områdets lokalisering ur sjöfartssynpunkt anser vi att sjöfartsrelaterad påverkan, risker och lämpliga skyddsåtgärder bör analyseras och utvärderas ingående. Transportstyrelsen vill även framhålla att risker och annan påverkan förknippade med sjöfart kan inverkan på parkens potentiella utbredning i havet.

Följande aspekter bör särskilt beaktas vid en analys ur sjöfartssynpunkt: risk för störning på fartygs navigationsutrustning, risk för påsegling, behovet av säkerhetsavstånd mellan park och närliggande fartygsstråk, ändrade sjötrafikmönster till följd av parken, behov av att ändra, flytta, etablera sjösäkerhetsanordningar i området, risker och åtgärder kopplade till anläggnings- och avvecklingsfas, förutsättningar i händelse av sjö- och miljöräddning samt utmärkning av parken för sjöfarten.

Kumulativa effekter beträffande påverkan för sjöfarten bör även beaktas i de planerade utredningarna, om det projekteras för andra havsbaserade vindkraftparker i närområdet. En ändring av sjötrafiken i området till följd av vindkraftsetablering kan t.ex. komma att innebära att nya risker uppstår då trafikmönstret ändras i området.

Detta ärende har avgjorts av sektionschef Johan Skogwik. I den slutliga handläggningen av ärendet deltog nautisk handläggare Johan Pettersson.

Johan Skogwik
Sektionen för Sjötrafik

Case number
TRV 2022/10418
Counterpart's case number
NV-00751-22

Document date
2022-01-28

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Copy to
Trafikverket diarium
Webb- och projektstöd
Ärendeberedning Planering

Opinions regarding Offshore Wind Farm "Windaker" in Germany's EEZ

The Swedish Transport Administration wants to stress the importance of accessibility in the sea traffic routes between Sweden and Germany. The sea traffic routes are described in the Swedish Maritime Spatial Plan. It is especially important to take in to account when assessing and making decisions concerning the location of offshore wind farms.

Rami Yones
Head of Spatial Planning

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Swedish Transport Administration
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Document properties, Case number *TRV 2022/10418*, Counterpart's Case number *NV-00751-22*, Document date *2022-01-28*, Document type *BREV*.

SPF
SWEDISH PELAGIC FEDERATION
PRODUCENTORGANISATION

Kontakt
Annelie Rosell
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Mottagare
Naturvårdsverket

Opinion on the planned wind farm Windaker in Germany's economic zone

Swedish Pelagic Federation Producer Organization (SPF) represents all Swedish fishing vessels in the pelagic fishery, including the herring and sprat fishery in the Baltic Sea. Every year our members account for approximately 90 percent of the total fished volume in Sweden. We thank you for the opportunity to submit our comments.

Potential cross-border effects

The scoping documentation provided to us states that no cross-border effects on neighboring EEZ are expected according to BSH 2020. We would like to point out that the planned wind farm Windaker can potentially have a negative effect on fish stocks caught by Swedish fishermen through underwater noise, vibrations, changing currents or electromagnetic fields around cables during the wind farm's operating phase. The present knowledge about these influencing factors and their effect on the underwater fauna is severely lacking. SPF therefore consider that it is of utmost importance that these factors and their cumulative effects on fish and other underwater fauna are carefully investigated in the forthcoming Environmental Impact Assessment (EIA).

Members of our organisation have expressed a strong concern how existing wind farms may have led to behavioural changes in the fish. Over time as the wind farms have been developed in German waters, our members have noted that the herring migration pattern and behaviour has changed. In previous fishing grounds there is no longer any herring. The herring has taken other paths and is now staying in deeper waters than before, and it is more difficult for our fishermen to know where the herring is located. The herring in the western Baltic Sea has extremely poor recruitment and our fishermen fear that it might be linked to wind farm establishments on or near previous spawning grounds.

Participation in the environmental impact assessment (EIA)

SPF believes that Sweden should participate in the continued progress of the Environmental Impact Assessment (EIA). It is essential that the possible effects of the planned wind farm on fish stocks in the Baltic Sea are carefully investigated and that the cumulative effects of this and other planned and existing wind farms in the Baltic Sea are taken into account in the analysis.

The EIA should describe the expected effects on the fish stocks and fishery during both construction and continuous operation and decommissioning of the wind farm. For fishing practices, a reference timeframe of at least 10-15 years should be used.

Annelie Rosell, SPF

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Miljöavdelningen
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Naturvårdsverket
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Begäran om synpunkter enligt Esbokonventionen gällande planer för den havsbaserade vindkraftsparken Windanker inom Tysklands exklusiva ekonomiska zon.

Naturvårdverket har gett Länsstyrelsen Skåne tillfälle att yttra sig med synpunkter angående den planerade vindkraftsparken Windanker inom Tysklands exklusiva ekonomiska zon 4 kilometer från Sveriges territorium och även påvisa om Sverige behöver delta i processen för miljökonsekvensbeskrivningen.

Länsstyrelsens synpunkter

Länsstyrelsen Skåne appreciates the opportunity to leave feedback on the project and to express our view on whether Sweden should participate in an Espoo-consultation. Länsstyrelsen Skåne regrets to inform you that due to the current large amount of marine construction projects we cannot prioritize to participate in an Espoo-consultation regarding this project even though we identify transboundary effects. However, we will give some feedback and general advice. We would also like to ask to be informed of the future process of the project.

The increasing exploitation of oceanic ecosystems in the Baltic Sea is something that Länsstyrelsen Skåne observes with deep concern. For every construction project, it is important to assess not only the direct effect of that project on environment, but also the cumulative effect. This while considering different types of anthropogenic pressures (ie not only windfarms) - existing ones as well as those that are in the planning. It is also important to analyze this for a large enough area so that one can assess possible damage on a population level for relevant species.

The southern reaches of the Baltic sea, the Danish straits and Öresund are important habitats and migration routes for a wide range of fauna such as bats, birds, marine mammals, fish epi- and infauna and thus many different species. Anthropogenic activities can threaten through both local effects such as creating displacing barriers that can have negative effects on migration. Yet also have more widespread effects such as reduced connectivity which in turn leads to loss of biodiversity.

There are several offshore wind farms currently in the planning process in the southern parts of the Baltic sea, within Swedish territorial waters and EEZ as well as in neighboring waters. Länsstyrelsen Skåne wants to stress the importance of analyzing cumulative effects on the environment from all these projects in accordance. To fully understand the environmental impacts and transboundary effects of these wind farms thorough investigations needs to be implemented.

Länsstyrelsen Skåne suggests that surveys over a period of three years to capture between year variations should be carried out for fauna to establish which species might be affected by the offshore wind park. These surveys should be conducted over a large enough geographical area to allow for assessments of impact on populations and migration routes. Regarding investigations of cumulative effects from anthropogenic activities existing enterprises and planned projects needs to be considered from a range of different sectors such as shipping, fisheries, energy etcetera. Modelling can be used to assess the effects on the functional habitats for affected fauna in the area regarding different scenarios of planned projects coming to fruition.

There are several offshore wind farms in the planning for the general area. To achieve a greater quality for the surveys Länsstyrelsen Skåne encourages that different parties cooperate with their surveys and pool their resources to yield a better result. An appropriate size for the geographical area for surveys conducted for the suggested project should be from Bornholm, along the southern reaches of the Swedish coast up to Öresundsbron, then along the Danish coast reaching down to the coast of Germany.

The precautionary principle is to be applied to projects of this nature to avoid irreversible impacts on habitats and species. Therefore, measures to reduce negative consequences from the project should be proposed in those cases where they are unavoidable.

The Baltic Sea population of harbor porpoises is threatened. In the most recent report of SAMBAH, which is a study to estimate abundances of harbor porpoises, the distribution of the Baltic population is observed in the project area for the wind farm. Noise from both the construction- and the operation phase could potentially offset the Baltic population of harbor porpoises from using the area which could have a negative impact on the population. Measures to prevent or lower noise should be taken into consideration for both the construction- and operation phase. Alternative areas should also be proposed that might be more suitable in regard to environmental impacts.

The projects impact on fish and fishing needs to be assessed. What is the relative importance of this area for fishing and fisheries and what will the impacts be of displacing these activities? This area is an important habitat for spawning fish. Therefore, avoiding certain periods of the year to not disturb spawning might be suitable during the construction phase. The suggested area is an important migration route for birds and bats. Protective measure to prevent impact on their migration needs to be considered. A threatened species of bird called Long-tailed duck have been shown to use the area specifically for overwintering and migration. A Natura 2000-area situated close by in Danish territorial waters is specifically made to protect this species.

Due to the proximity to Swedish EEZ there might also be a risk for the spread of sediments to Swedish territories during the construction of the wind farm. Currents and hydrology in the project area need to be assessed to conclude whether protective measures need to be taken to prevent environmental impacts. Surveys of visual impact from the wind farm from the Swedish coast also need to be made. If the facility is deemed to be observable from the Swedish coast examples of how it will appear should be made from several relevant positions along the coast.

Carl Lindqvist – Vattenhandläggare på Vattenenheten

Detta yttrande har bekräftats digitalt varför det saknar underskrift.

Naturvårdsverket
Att. Richard Kristoffersson
richard.kristoffersson@naturvardsverket.se
registrator@naturvardsverket.se

Ärendenummer
NV-00751-22

Datum
2022-02-26

Response to notification in accordance with Article 3 of the Convention on Environmental Impact Assessment in a Transboundary Context, regarding installation and operation of the offshore wind farm Windanker in the German Exclusive Economic Zone of the Baltic Sea

BirdLife Sweden has been offered to comment on the necessity of further Swedish involvement in the Espoo Convention process regarding the proposed wind farm Windanker in Germany. As the Baltic Sea is regarded as a homogeneous wintering area for e.g. many sea ducks, and due to the fact that millions of birds cross over the Baltic Sea regardless of national borders, the potential effects on birds are indeed transboundary. Hence, Sweden should ask to participate in the environmental impact assessment procedures as a potentially affected country.

Potential effects on birds

There are robust evidence for the fact that e.g. red-thorated diver, long-tailed duck, and black scoter avoid the proximity of offshore wind turbines[1]. The red-thorated diver is regarded as particularly vulnerable in this respect, shown by a synthesis of studies based on different analytic metodhs[2]. Avoidance is most evident up to 5 kilometers from offshore wind turbines, but a significant effect may exist up to 10–15 kilometers distance.

Site avoidance results in a functional loss of habitat. For long-lived species with "slow" reproduction systems, even a minor mortality increase among adult individuals – e.g. as a consequence of forced avoidance of favourable feeding areas – may lead to a significant effect on populational level. Telemetric studies on red-throated divers show that this species covers large distances duiring winter[3]. Therefore, barrier effects may also be an issue to consider.

Large numbers of nocturnally migrating birds may in certain weather conditions (particularly foggy nights) be attracted to illuminated constructions[4], such as lighthouses, skyscrapers, towers, wind turbines, oil rigs etc. [Extreme cases report e.g 10 000 longspurs (*Calcarius lapponicus*) in Kansas 1998[5], and >12 000 birds in Wisconsin 1963[6].] Even if studies of migrating birds have concluded

[1] Fox A & Petersen IK. 2019. *Offshore wind farms and their effects on birds*. Dansk Ornitologisk Forenings Tidsskrift 113: 86–101; https://pub.dof.dk/artikler/454/download/doft-113-2019-86-101-havvindmoeller-og-deres-paavirkning-af-fugle.
[2] Heinänen S *et al.* 2020. *Satellite telemetry and digital aerial surveys show strong displacement of red-throated divers (Gavia stellata) from offshore windfarms*. Marine Environmental Research 160: 104989; https://doi.org/10.1016/j.marenvres.2020.104989.
[3] Dorsch M *et al.* 2019. *DIVER – German tracking study of seabirds in areas of planned Offshore Wind Farms at the example of divers*. Final report on the joint project DIVER, FKZ 0325747A/B, funded by the Federal Ministry of Economics and Energy (BMWi) on the basis of a decision by the German Bundestag; https://www.bioconsult-sh.de/site/assets/files/1820/bmwi-fkz0325747a_b_final_150dpi.pdf.
[4] Longcore T *et al.* 2012. *An Estimate of Avian Mortality at Communication Towers in the United States and Canada*. PLoS One 7(4): e34025.
[5] Manville AM. 2000. *Avian mortality at communication towers: background and overview*. I Evans & Manville, editors. Proceedings of the workshop on avian mortality at communication towers; 1–5.
[6] Kemper C. 1996. *A study of bird mortality at a west central Wisconsin TV tower from 1957-1995.* The Passenger Pigeon 58(3): 219–235.

that they are able to avoid collisions to a large extent, "mass collisions" still occur on a regular basis (known also from the bridge between Sweden and Denmark). The wind turbines height, as well as the length and mortal speed of the rotor blades, increase the danger compared to other illuminated constructions. Significant mortality risk is evident even without illumination. It should be stated that establishment of wind farms in the immediate passage of millions of birds is clearly a breach of the precautionary principle.

Environmental Impact Assessment

The planned Environmental Impact Assessment (EIA) should include the following:

- The EIA must be based on the birds that use (and can be predicted to use) the proposed wind farm area, and assessment of the occurrences/effects should be lead by up-to-date knowledge on risks for birds in relation to offshore wind farms. For example, previous studies have revealed that the Windanker area is used for feeding by many common guillemots.
- A considerable part of the common cranes migrating between Sweden and Rügen pass through the proposed wind farm area (possibly via Bornholm), and a significant proportion of the cranes are likely to fly within the rotor-swept area, as their flight altitude decreases after long distances over open water. Obviously, the crane migration needs to be a major part of the EIA.
- In-depth and prolonged radar studies must be performed to cover the magnitude, diversity, and variation of the massive bird (and possibly bat) migration. Analyses of radar data for birds/bats must be combined with weather data to understand the migration patterns.
- The EIA should evaluate an aggregated avoidance effect, which leads to a functional habitat loss, of the proposed wind farm together with other established or potential wind farms in the region. The importance of barrier effects, likely to be most substantial in connection to local movements during winter, should also be included. Finally, the effects of increased vessel traffic connected to the wind farm should be assessed.
- After the two assessment steps above, it is of great importance to evaluate the cumulative effects from the wind farm(s) together with other activities, such as shipping and fishing, affecting bird populations being present in the wind farm area.

Protective measures

- In order to minimize mass collision events, the illumination lights of the wind farm must be adapted in the best possible way to avoid attraction of birds.
- For birds passing in daylight, the possibility of triggering a stronger avoidance effect (e.g. by painting one or more of the rotor blades[7,8]) should be investigated and implemented.

[7] Stokke BG *et al.* 2020. *Effect of tower base painting on willow ptarmigan collision rates with wind turbines*. Ecology and Evolution 10(12): 5670–5679; https://doi.org/10.1002/ece3.6307

[8] May R *et al.* 2020. *Paint it black: Efficacy of increased wind turbine rotor blade visibility to reduce avian fatalities*. Ecology and Evolution 10(16): 8927–8935; https://doi.org/10.1002/ece3.6592

- Implementation of instantaneous shut-down of wind turbines under specific conditions has been shown to be an effective measure to avoid collisions[9]. By analyses of weather data and migration patterns with radar, high-risk events can be identified when large concentrations of birds occur, which should trigger immediate shut-down. This tecnique has already been tested in The Netherlands[10], and must be developed further within the offshore wind industry.

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[9] de Lucas M *et al.* 2012. *Griffon vulture mortality at wind farms in southern Spain: distribution of fatalities and active mitigation measures*. Biological Conservation 147: 184–189.
[10] https://www.youtube.com/watch?v=mkScszf8NC4

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Avgränsningssamråd enligt Esbokonventionens art. 3 gällande havsbaserad vindkraft i tysk EEZ (NV-00751-22)

Länsstyrelsen i Kalmar län tillika Vattenmyndighet för Södra Östersjöns vattendistrikt har tagit emot Naturvårdsverkets begäran om yttrande angående havsbaserad vindkraft (Windanker) i den tyska ekonomiska zonen i Östersjön (NV-00751-22). Vattenmyndigheten Södra Östersjön gör en initial bedömning att den tyska havsbaserade vindkraften har minimal påverkan på Södra Östersjöns vattendistrikt (Skånes kustvattenförekomster).

Bedömning av påverkan på utsjön och hur vindkraftsparken tar hänsyn till målen uppsatta enligt havsmiljödirektivet (2008/56/EG) och i förlängningen vattendirektivet (2000/60/EG) är däremot oklart. Detta bör förtydligas i till exempel kapitel B.8 i kommande miljökonsekvensbeskrivning.

Beslut om detta yttrande har fattats av Irene Bohman, Vattenvårdsdirektör för Södra Östersjöns vattendistrikt efter redogörelse av ärendet av Matilda Valman, samordnare, Vattenmyndigheten Södra Östersjön.

Irene Bohman Matilda Valman

Denna handling har godkänts elektroniskt och saknar därför namnunderskrift.

Havs och Vatten myndigheten

Yttrande

Datum 2022-03-07 **Dnr** 289-2022

Handläggare
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Esbo-samråd gällande vindkraftsparken Windanker i Tysklands ekonomiska zon

Sammanfattning

Naturvårdsverket har lämnat Havs- och vattenmyndigheten möjlighet att inkomma med synpunkter inför planerad byggnation av en vindkraftspark nordost om Rügen. Samrådet gäller huruvida det planerade projektet kan antas medföra betydande miljökonsekvenser för Sverige och om Sverige i så fall bör delta i processen med att ta fram en miljökonsekvensbeskrivning samt att lämna synpunkter på potentiella gränsöverskridande effekter projektet kan antas medföra.

Havs- och vattenmyndighetens inställning

Havs- och vattenmyndigheten bedömer att det finns en risk att planerad vindkraftpark kan medföra gränsöverskridande miljökonsekvenser för Sverige. Orsaken är bland annat den förväntat kumulativa påverkan till följd av upprepade störningar från andra verksamheter inom och i närheten av verksamhetsområdet på framförallt tumlare och då särskilt Östersjötumlare samt torsk. Sverige bör därför delta i processen med att ta fram en miljökonsekvensbeskrivning. Nedan redogör vi för våra synpunkter på engelska, enligt önskemål från Naturvårdsverket.

Beskrivning av ärendet

Det planerade vindkraftsprojektet "Windanker" ligger i Tysklands EEZ i Östersjön cirka 38 km nordost om ön Rügen och norr om vindkraftsparken "Wikinger". Projektområdet är 25 km² stort. Den planerade vindkraftsparken omfattar 21 vindkraftsverk på en totalhöjd om ca 260 meter samt en havsbaserad transformatorplattform. Vindkraftverken kommer att grundläggas med hjälp av monopile-fundamentkonstruktioner.

Sverige har tidigare haft möjlighet att delta med synpunkter på detta projekt främst genom den strategiska miljöbedömningen gällande den preliminära undersökningen av området som sedan ledde till beslut om lämplighet, samt i miljöbedömningen av den tyska havsplanen.
Tyskland har även underrättat Sverige om en vindkraftspark i detta område i en miljöbedömningsprocess som startade 2013 och som Sverige deltog i, även då benämnd Windanker.

The Swedish Agency for Marine and Water Managements views of the Windanker offshore wind farm project

The Swedish Agency for Marine and Water Management (SwAM) would like to raise comments regarding the risk of adverse transboundary effects of the project regarding marine mammals and fish. There is a risk of negative effects on the cod population and the Baltic Proper harbour porpoise population due to cumulative impacts from multiple offshore activities in the southern Baltic Sea. For this reason, SwAM would like to take part in the environmental impact assessment (EIA) process.

Significance of the project

SwAM recognizes the need for more renewable energy in the European energy mix and wind power is one important sources. Renewable energy is crucial for the mitigation of climate change and for the prevention of ecological impacts of ocean acidification and warming. It is however important that the development of windpower is carried out with respect to ecological values. This can be achieved through technical and time-planning solutions.

Porpoises

The area of investigation holds harbour porpoises from both the critically endangered Baltic Proper population and from the Western Baltic population. The probability of detecting individuals from the Baltic Proper population is low during the summer months. The Western Baltic population is present the whole year round.

Due to the sensitivity of the Baltic Proper population of harbour porpoises SwAM would like to emphasize the importance of reducing potential environmental impacts of the project. There is a risk of transboundary environmental impacts if long term or fatal injuries on porpoises belonging to the threatened Baltic Sea population would occur. The most critical phase of the project is the construction phase during which animals in the area can be exposed to high levels of underwater noise. Pile driving should preferably be avoided or significantly reduced during time periods when it is most likely that individuals from the Baltic Proper population harbour porpoises will be present in the area. During May–October, there is a high probability of detecting Baltic Proper population harbour porpoises on and around the offshore banks south of Gotland and east of Öland. Conversely, this indicates that the probability of detection of Baltic Proper porpoises during May-October is presumably lower in the area of the Windanker project. Consequently, this period would be more appropriate for offshore activities such as piling and seismic surveys, from the perspective of protecting the endangered Baltic Sea harbour porpoise population.

Furthermore, SwAM believes that state-of-the-art mitigation measures for preventing and minimising impacts of pile-related noise during the whole construction phase should be taken into consideration as terms of condition by the permitting authority.

Fish

Noise emissions during the construction phase will also have an impact on the fish community as fish may suffer auditory damage or die. There is also a potential negative effect due to the dispersal of sediments during construction. There is an increased risk of damage on fish communities if the construction phase coincides with sensitive time periods for fish, such as

spawning. It is important that sensitive time periods for fish as well as potential migration routes for fish are identified.

Eastern and western Baltic cod populate the area. Both are below safe biological limits and it is therefore important to give the stocks good conditions for spawning and fry production. Activities causing negative impacts such as noise and sediment dispersal should preferably be avoided or mitigated during such sensitive time periods and restrictions should be taken into consideration as terms of condition by the permitting authority. SwAM proposes that pile driving should be avoided during peak cod spawning periods.

Cumulative impacts

As several other offshore wind farms exist or are planned in the greater area a thorough analysis of the cumulative environmental effects/implications is needed. For relevant environmental aspects the cumulative analysis should also include the effects of the offshore grid connecting the windfarms with the mainland as well as impacts due to seismic surveys.

In order to avoid unnecessary cumulative environmental impacts a well-planned and coordinated construction scheme is essential. For example, there is a risk of excluding animals (marine mammals and fish) from a larger area in case of coinciding construction phases for different wind power projects. There is also a risk of coinciding with other offshore activities taking place in the area. We believe it is important to ensure that cumulative impacts are avoided as far as possible.

Marine Spatial Planning

The Swedish Marine Spatial Plans have recently been adopted by the Swedish Government. Marine Spatial planning is an ongoing process in all the neighbouring countries. Multilateral communication among planners is important for ensuring coherent plans with seamless offshore boarders (including EEZ) and for minimising cumulative disturbances. The details and procession of the current project should preferably be communicated with the responsible planning agencies within neighbouring countries, in addition to this Espoo consultation.

Beslut om detta yttrande har fattats av avdelningschefen Johan Kling efter föredragning av Emma Cederlöf. I den slutliga handläggningen av ärendet har även utredaren Malin Hemmingsson, enhetschefen Johan Stål och verksjuristen Martin Jansson medverkat.

Johan Kling