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Consultation in accordance with Articles 4 and 5 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) for the offshore wind farms project in the coastal waters of North-West Estonia

In a letter dated 15 February 2007 Estonia notified Finland, in accordance with Article 3 of the Espoo Convention, of the initiation of the environmental impact assessment (EIA) of the construction of offshore wind farms near the north-west coast of Estonia. Estonia sent the EIA documentation to Finland on 4 July 2011 for consultation and public participation, Finland submitted comments on 31 January 2012. Estonia has sent the supplemented and updated EIA documentation to Finland for further comments on 15 March 2017.

During the commenting period from 28 March to 28 April 2017 in Finland, there was an opportunity for the public and the authorities to comment on the material. The material was displayed at the Ministry of the Environment webpage on the Internet. The Ministry of the Environment has also distributed the consultation material to several authorities and environmental NGOs. Statements were received from the Ministry of Transport and Communications, the Ministry of Agriculture and Forestry, Metsähallitus, the Centre for Economic Development, Transport and the Environment for Southeast Finland, the Centre for Economic Development, Transport and the Environment for Uusimaa and the Centre for Economic Development, Transport and the Environment for Southwest Finland. A summary of the statements is presented. The statements received are also enclosed in their entirety.

The Ministry of Transport and Communications notes that wind power farms are expected to have impacts on maritime transport. Some of the planned wind farms are located close to the traffic separation area through which vessel traffic passes to Finland, for example. The purpose of the traffic separation area is to minimise the risk of accidents in vessel traffic by steering the traffic in the Gulf of Finland to certain lanes. The impacts of wind power farms on maritime transport safety and maritime radar systems needs to be examined after more details on the project become available. Maritime transport in the Gulf of Finland must be taken into account in the project to make sure that the wind power farms, if built, will not weaken maritime transport safety.

The location of the wind turbines relative to the traffic separation area and marking the turbines should be implemented following international guidelines. The GOFREP Traffic Centres must be kept fully informed about the different stages of the project to make sure that maritime transport safety is maintained. The GOFREP Traffic Centres monitor vessel traffic in the Gulf of Finland outside the national VTS areas.

The wind power farms may cause anomalous radar echoes in television signals.

With respect to its own sphere of operations **the Ministry of Agriculture and Forestry** has not any comments and states that it sees no reason to continue the negotiation stage of the Espoo Convention.

Metsähallitus (state enterprise administering state-owned land and water areas) notes that EIA was conducted in an appropriate manner and the information contained in it is sufficient for conducting the assessment, except with regard to the impact on bats and proposals for reducing damages to avian species, which are lacking.

Metsähallitus points out that marine and coastal birds stop in considerable numbers in the area where the wind power farms are planned to be built. Many of the migrating individuals pass through the Finnish marine or coastal areas on their migration route or nest in Finland. The most significant of the species is long-tailed duck, *Clangula hyemalis*, with its numbers in the area where the wind power farms are to be built estimated at more than 20 000. The species migrates through Finland to nest mainly in the Arctic regions of Russia. In Finland the long-tailed duck population has declined to less than a half and globally the species has been classified as threatened. Metsähallitus considers that the proposed wind turbines pose a threat to migrating marine and coastal bird species, especially long-tailed ducks. In the environmental impact assessment it is proposed that the harm could be reduced by excluding the Apollo shallows from the project. Very likely this is true, but the wind turbines proposed to be built in the other shallows would still cause significant harm to the marine and coastal birds migrating through the area. To some extent the harm caused by wind turbines can be reduced by turning them off during the migration. Metsähallitus notes that every year there are also bats migrating between Estonia and Finland, and some of them may pass through the areas where the wind power farms are to be built. Metsähallitus considers that bats should be better taken into account in the EIA. Metsähallitus proposes the use of radars to prevent the risk of bats colliding with wind turbines. By radars the birds and bats could be detected on time and the turbines could be turned off before any collisions take place.

The Centre for Economic Development, Transport and the Environment for Southeast Finland considers that in the international context the key issue in the environmental impact assessment of the project is the impacts on avian fauna and conducting a thorough study on these. It is particularly important to make sure that the measures aimed to prevent and alleviate the negative impacts are duly planned and implemented. The Southeast Finland ELY Centre supports the proposal of the expert in avian fauna to exclude the Apollo shallows from the area where wind turbines are to be placed. Because of the large scale of the project, in the future special attention should be paid to monitoring its environmental impacts. In the monitoring the main focus should be on the avian fauna, bats, fish and sea mammals.

The Centre for Economic Development, Transport and the Environment for Uusimaa notes that the assessment shows the significant risks to avian fauna in some of the areas where wind turbines are to be built. The Uusimaa ELY Centre considers that the recommendations presented in the assessment must be taken into account in the planning and decision making of the project. Special attention should also be paid to the need for further studies proposed in the assessment and thorough monitoring of the impacts.

The Centre for Economic Development, Transport and the Environment for Southwest Finland does not consider it necessary to continue the negotiations on the project under the Espoo Convention. The Southwest Finland ELY Centre notes that the project is expected to have a positive impact on tourism in Hiidenmaa (Hiiumaa in Estonian), which seems odd, because in terms of impacts on tourism a peaceful natural environment is usually considered an asset, not the presence of wind turbines.

The Ministry of the Environment request Estonia to take above mentioned statements and the comments that Finland submitted on 31 January 2012 into due account in the EIA and permitting of the wind farms project.

On the basis of the statements received, and reflecting its own views, the Ministry of the Environment would like to state that it is vital that construction of wind energy projects in the Baltic Sea do not, individually or cumulatively, alter the water conditions in the sea and do not result in significant, long-term adverse effects on bird life or other marine organisms. Regarding the possible effects on Finland of the wind farms project, it is essential to take note of effects on the migration and the migration routes of the

birds and bats and the overwintering areas of birds. The Ministry of the Environment requests Estonia to consider the need to amend the EIA with regard to the studies and information about impacts on bats and proposals for reducing damages to avian species.

The Ministry of the Environment would also like to highlight that internationally agreed guidelines under the Convention on the Conservation of Migratory Species of Wild Animals and the Agreement on the Conservation of Populations of European Bats must be taken into account to prevent and mitigate adverse effects of wind energy construction and production to migratory birds and bats. These include inter alia appropriate SEA and EIA procedures, survey and monitoring before and after the deployment, evaluation of mitigation measures and appropriate cumulative impact studies to describe and understand impacts at larger scale, even at flyway level to avoid creation of migration obstacles.

Finland considers that the permit procedures for the wind farms should take into account as fully as possible the recommended protection and mitigation measures for bird life proposed in the EIA report, especially the removal of the Apollo shallows from the project. Also the use of radars to prevent the risk of birds and bats colliding with wind turbines should be considered. If the birds and bats could be detected on time by radars, the turbines could be turned off before any collisions take place.

Also the Ministry of the Environment would like to note that wind power farms are expected to have impacts on maritime transport. Some of the planned wind farms are located close to the traffic separation area through which vessel traffic passes to Finland, for example. The impacts of wind power farms on maritime transport safety and maritime radar systems needs to be examined after more details on the project become available. Maritime transport in the Gulf of Finland must be taken into account in the project to make sure that the wind power farm, if built, will not weaken maritime transport safety.

The Ministry of the Environment would also like to note that, when a decision to grant or refuse consent has been taken, Estonia must provide to Finland the decision along with reasons and considerations on which it was based according the Article 6 of the Espoo Convention. The Ministry of the Environment would like to point out that in the decision making regarding the offshore wind farms the environmental impacts, including the cumulative impacts with other projects, should be carefully considered also taking the precautionary principle into account.

If the wind farms project is built, Finland wants to point out that the monitoring of impacts can help to ensure that adverse impacts from the construction and operation of the projects do not exceed impacts projected in the EIA and that the measures taken to mitigate such impacts are carried out and sufficient. Monitoring can also indicate if there is a need to undertake further remedial actions. From the point of view of Finland the monitoring of migratory birds and bat is of major importance. Finland would appreciate that the results of the monitoring shall be made available and the results could be discussed in the commission on transboundary EIA between Estonia and Finland.

Permanent Secretary

Hannele Pokka

Ministerial Adviser

Lasse Tallskog

Disclosures

The statements received

For information

The Ministry of Transport and Communications

The Ministry of Agriculture and Forestry

Metsähallitus

The Centre for Economic Development, Transport and the Environment for Southeast Finland

The Centre for Economic Development, Transport and the Environment for Uusimaa

The Centre for Economic Development, Transport and the Environment for Southwest Finland

Ministry for Foreign Affairs of Finland