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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

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**Wind farms in Balchik and Kaliakra –Via
Pontica
(Bulgaria)**

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Ministry of Environment and Water of Bulgaria*



REPUBLIC OF BULGARIA

MINISTRY OF ENVIRONMENT AND WATER

**Wind farms planned near Balchik and Kaliakra
– Via Pontica (Bulgaria) –
Progress since December 2020**

23 August 2021

1. Introduction

The Case ‘Windfarms planned near Balchik and Kaliakra – Via Pontica (Bulgaria)’ has been monitored by the Bureau and Standing Committee of the Bern Convention for years and, as part of this process, Recommendation No 130 (2007) has been issued.

At its 37th meeting held in December 2017, taking into account the judgment of the Court of Justice of the European Union, delivered on 14 January 2016 on case C-141/14 (Kaliakra), the Standing Committee assigned to the Secretariat to organize an on-the-spot appraisal (OSA) to assess the need to update Recommendation 130 (2007).

At its 38th meeting held in November 2018 the Standing Committee adopted of Recommendation No 200 (2018) on planned wind farms near Balchik and Kaliakra and other wind farms on the Via Pontica (Bulgaria) route, which is based on the results and the recommendations formulated by the on-site mission held in May 2018.

At the 40th meeting held in November 2020 the Standing Committee, requested Bulgarian authorities to report for the 2nd Bureau meeting in 2021 on the progress in the implementation of Recommendation No. 200 (2018).

2. Implementation of Recommendation No 200 (2018).

Recommendation to the Bulgarian Government:

1. The comprehensive independent assessment of the impact of operational windfarms in the Kaliakra area which was recommended by the Bern Convention Standing Committee in 2015 (amplifying paragraph 5 of Recommendation No. 130 of 2007) should be undertaken without delay, according to scientifically appropriate methods to be agreed in advance. It should include information from the current collision mortality monitoring but should also address other impacts such as displacement, barrier effects, disturbance and habitat change; and it should arrange to draw on collaborative sharing of information between windfarm operators, regional authorities, NGOs, academic researchers and others. An interim report of the results should be transmitted to the Bern Convention Bureau before February 2019, and a final report before August 2019;

2. *A broader regime for on-going monitoring and assessment of potential impacts of the Kaliakra area windfarms during their operation should be developed, ensuring that it inter alia:*
- *follows scientifically appropriate methods agreed in advance,*
 - *addresses all types of potential impacts, including collisions, disturbance, displacement, barrier effects and habitat changes,*
 - *includes observations at both windfarm sites and comparable areas with no windfarm developments, so as to provide 'control' comparisons,*
 - *is coordinated across all the Kaliakra installations,*
 - *is undertaken in conjunction with research by NGOs, supported by data-sharing agreements,*
 - *takes the opportunity to undertake related research where it would be appropriate and cost-effective to associate this with the field efforts already being made on monitoring and assessment,*
 - *makes information about the methods and systems used available in a form which would allow these to be replicated at other windfarm sites elsewhere,*
 - *feeds results and insights (through the authorities) into national processes for planning and assessment of future developments;*

Implementation:

Bulgarian government has provided to the Standing Committee by its progress reports from 19 February 2020, 23 July 2020, and 23 November 2020 the following reports elaborated under contract No Д-30-45 from 10.06.2019 by the independent expert with professional qualifications and practical experience in analysing available data on bird species and expertise in field studies of bird species, as follow:

1. Report on the Methodology for Assessing accessible information on the Impacts of Wind Energy Development on Birds in the Region of Kaliakra, Bulgaria,
2. Report on the Methodology for a monitoring of the Impacts of Wind Energy Development on Birds in the Region of Kaliakra, Bulgaria, and
3. Final Report on the Impacts of Wind Energy Development on Birds in the Region of Kaliakra, Bulgaria.

Since 2018 in the region of Kavarna operates INTEGRATED SYSTEM FOR BIRDS PROTECTION (ISBP) in which the following operators participate: AES GEO ENERGY Ltd., KALIAKRA WIND POWER Ltd., Degrets Ltd., Disib Ltd., Windex Ltd., Longman investment Ltd., Long man energy Ltd., Zevs bonus Ltd., Vertical-Petkov and Co Ltd., Wind park Kavarna east Ltd., Wind park Kavarna west Ltd., Milenium group Ltd. And EVN Cavarna Ltd. ISBP is applied by all Windfarms on the territory of SPA Kaliakra and operates all year around, including during the spring and autumn migrations as well as registered migrations in search for foraging grounds, leading to high concentrations of birds.

In the 'Final report on the impacts of wind energy development on birds in the region of Kaliakra, Bulgaria' several recommendations are prescribed for improvement. Pursuing them the following measures are undertaken:

- *Recommendations for homogeneity of the datasets:*
The dataset is updated with data for the times of beginning and termination of observation sessions. Each session is subdivided into intervals of 15 minutes.
- *Visual observations range:*
The added column in the dataset for the spatial range of the observations will benefit specific further analysis.
- *Meteorological conditions:*
In the database there are integrated datasets for temperature, wind direction and speed. The identification of the observation points is changed accordingly as well. Meteorological data for the region is gathered via specially built towers for measuring the wind speed and direction, as well as from

each one of the 114 wind turbines. Every day the monitoring begins with record of the meteorological conditions, which includes information for the wind, precipitations, cloudiness and visibility (the transparency of the atmosphere incl. haze, mist as well as other factors impeding visibility). This information is updated during the day when the atmospheric conditions change.

- *Registering of the observers par vantage points:*

The record is done via the recommended manner: date (mm/dd/yyyy), vantage point ID, start of observation (hh:mm), end of observation (hh:mm); observer (name). In that manner with precision can be evaluate the characteristics of spatial distribution, including the use of the territory by the different species of birds, in accordance with the recommendations in the report.

- *Observations on breeding species of birds, for evaluation of the density and the number of the populations of the bird species in the region:*

In this respect should be mentioned that only 43 turbines, owned and operated by Kaliakra wind power Ltd and EVN Kavarna Ltd, out of 114 wind generators monitored by ISBP are situated in close proximity or inside steppe habitats. Observations on the nesting bird's populations are conducted in both wind parks in the years 2020 – 2021, as result all nesting sites of protected species of birds in relation to the steppe habitats are documented, including the density of the nesting sites and nesting species in the steppe habitats in accordance with the recommendation. For studying the behaviour of the nesting birds of prey in connection with the wind parks, birds are traced with GPS/GSM systems. This allows the exact evaluation and documentation of the bird's behaviour in the territories with and without wind turbines.

- *Public accessibility of the monitoring data:*

To ensure transparency of the research conducted, a systematically updated website has been developed. Weekly and monthly newsletters, seasonal and annual reports are published on the website. All reports are published in Bulgarian and English, in order to share and further use by a wide range of stakeholders, including leading European experts and researchers. The website also provides opportunities for feedback. Until this moment the operators are still not contacted by any interested party for providing primary information, after signing of bilateral agreement for data exchange (as recommended in the report).

The reports are not yet evaluated by the Standing Committee.

3. *Windfarm operators and other land owners, managers and authorities should explore options for creating conservation gains for migratory birds and habitats in or around the Kaliakra area (e.g. through habitat creation/restoration and management investments, designation of additional protected areas, etc), as a way of aiming partially to offset the risks and/or damage introduced by the completed windfarm developments, and/or in any event to contribute to agreed conservation priorities;*

Measures have been taken to improve the conservation status of the steppe habitats in the Kaliakra region. Strict bans were introduced for plowing and building in the areas of distribution of priority habitat '62C0 *Ponto-Sarmatic steppes' in Natura 2000 sites. The project for restoration of the priority steppe habitat in the region is under implementation - Contract № 12578 / 24.04.2019 between the Municipality of Kavarna and EMEPA. The territorial scope of the project includes the Natura 2000 site BG0000573 'Kompleks Kaliakra' in the boundaries of the Municipality of Kavarna.

5. *The successor plan to the Bulgarian National Renewable Energy Action Plan 2011-2020 should re-confirm (and enhance where necessary) the latter's prohibition on wind energy developments in sensitive locations;*

The Ministry of Environment and Water launched a procedure under the Environmental Protection Act (EPA) and the Biodiversity Act (BDA) for the draft *Integrated National Plan in the Field of Energy and Climate (INPFEC) until 2030 of the Republic of Bulgaria*.

Currently, the Ministry of Environment and Water is conducting a procedure under Chapter Six of the EPA and Art. 31 of the BDA (Strategic Environmental Assessment and Appropriate Assessment) for a

draft Strategy for Sustainable Energy Development (SSED) of the Republic of Bulgaria until 2030 with a horizon until 2050 and INPFEC. At present a negative assessment of the quality of the Appropriate Assessment Report (AAR) of the draft SSED and the draft INPEC is issued.

The comments made by the ministry on the content of the returned for revision IAR state that the experts developing the report should make a detailed analysis of the prohibitions arising from the EA Opinion of the Bulgarian National Renewable Energy Action Plan 2011-2020, as well as to take into account the fact that some of those bans have already been lifted and to assess the expected impact without their implementation, and whether they should be maintained in order to avoid cumulative impacts, provided that the needs for them have already been identified, compared to the currently existing facilities.

6. *The Bulgarian authorities should provide the Bern Convention Bureau with a short report by March 2019 on the specific ways in which the legal provisions, policy requirements, standards, established practices or other aspects of environmental assessments (SEA/EIA/AA) in Bulgaria meet each of the individual points in paragraphs 1, 4, 8 and 9 of Recommendation No. 130 (2007) or will do so in future (with an indication of the expected timeframe), giving particular attention to the points in the Recommendation concerning cumulative assessment and peer review;*

Provided in the Progress report presented to 38th Standing Committee meeting.

7. *The Bulgarian authorities should promote the dissemination (including translation where necessary) and use within the country of the guidance on windfarms and birds developed under the auspices of the Bern Convention (Gove et al. 2013), and the international standards and best practice guidance on EIA/SEA adopted under the Conventions on Biodiversity, Migratory Species and Wetlands, together with related materials produced by the International Association for Impact Assessment;*

Since 2019 the following documents can be found on the website of the Ministry of Environment and Water:

Convention of Biological diversity: Decision VIII/28. Impact assessment: Voluntary guidelines on biodiversity-inclusive impact assessment

Ramsar Convention: Resolution X.17 Environmental Impact Assessment and Strategic Environmental Assessment: updated scientific and technical guidance

Convention of migratory species: RESOLUTION 7.2* IMPACT ASSESSMENT AND MIGRATORY SPECIES

AEWA:

- Guidelines on the management of key sites for migratory waterbirds
- Guidelines on how to avoid, minimise or mitigate the impact of infrastructure developments and related disturbance affecting waterbirds
- Guidelines on How to avoid or mitigate impact of Electricity Power Grids on Migratory Birds in the African-Eurasian Region document

Recently the Bern Convention document ‘Wind farms and birds: an updated analysis of the effects of wind farms on birds, and best practice guidance on integrated planning and impact assessment’ (T-PVS/Inf (2013) 15) is translated into Bulgarian and the English version on the website was replaced.

9. *The Conservation Action Plan for the Red Breasted Goose population in Bulgaria should be funded and implemented without delay, and periodic summary reports on its implementation should be transmitted to the Bern Convention Standing Committee, beginning with a first report in November 2018. Those responsible for the Plan should ensure that thorough and coordinated monitoring of the species’ population status and trends receives sustained high priority attention;*

The Action Plan for the Protection of the Red-breasted Goose (*Branta ruficollis*) in Bulgaria for the period 2018 – 2027, was approved by Order No ПД-355/04.06.2018 of the Minister of Environment and Water.

Pursuant to measure 7.2.1.1 of the Action Plan, several stricter measures are introduced within the boundaries of important for Red-breasted Goose Natura 2000 sites in order to prevent disturbance by hunting in the places for overnight stay and feeding and to prevent the shooting of specimens of this species due to conditions that do not allow their identification.

Hunting bans are recently introduced in the following Natura 2000 sites, in Dobruzha Region:

- Natura 2000 site BG0002050 „Durankulak Lake“ for the protection of wild birds was declared with Order No RD-258/16.03.2010 of the Minister of Environment and Water (promulgated SG No. 28/2010), amended with Order No RD-695/25.08.2020 (promulgated SG No. 81/2020). According to the regimes introduced by the amendment order the ‘hunting up to 350 m from the shores of Durankulak Lake and Baltata (Durankulak Balta) in the period December 1 - January 31’ is prohibited.

- Natura 2000 site ‘Shabla Lake Complex’ for the protection of wild birds was declared with Order No RD-259/16.03.2010 of the Minister of Environment and Water (promulgated SG No. 28/2010), amended with Order No RD-698/ 25.08.2020 (promulgated SG No. 81/2020). According to the regimes introduced by the amendment order the ‘hunting up to 350 m from the shores of Shabla Lake in the period December 1 - January 31’ is prohibited.

There are no water bodies of importance for the Red-breasted Goose in Natura 2000 sites in the locality of Kaliakra. The respective bans for hunting of waterfowl in the dark part of the day are in force since 2017 in Natura 2000 sites BG0002051 ‘Kaliakra’, and BG0002097 ‘Belite Skali’.

The implementation of some conservation measures described in the Action plan were subject to open call for proposals under Operational Program Environment 2014-2020, launched on 11.06.2020.

On 04.01.2021 started the implementation of project BG16M1OP002-3.027-0002 “Improvement of the conservation status of the Red-breasted Goose (*Branta ruficollis*, Pallas, 1769) through the implementation of measures from the Action Plan for the species (AP, 2018)”.

The project envisages the implementation of activities such as:

- Conducting specialized studies and research related to the species: study on the accumulation of lead and other toxic substances and chemicals in the body of geese in key wintering places in the country; study of the local movements and interrelations between the roosting sites and the feeding areas using telemetric researches and ringing with colored rings; study of the migration routes of the species and identification of ‘bottlenecks’ in the life cycle within the framework of the international working group for the conservation of the red-breasted goose.

- Capacity building for rescue operations of birds in distress through infrastructure measures, such as the establishment of a Rescue Center for temporary accommodation and first aid for wounded and injured specimens and their rehabilitation.

- Engaging the general public in the conservation of the red-breasted goose by organizing various events.

In the end of 2020 started the implementation of project BG16M1OP002-3.015-0002 ‘Activities for improvement of the condition of wetlands Durankulak Lake and Shabla Lake’, as the main objectives of the project are:

- Limiting the eutrophication processes by reducing the amount of macrophytic vegetation;
- Improving the condition and trends of the population of the red-breasted goose and providing optimal conditions for wintering;
- Improving the condition of the aquatic ecosystems.

Project activities in the process of implementation are related to the improvement of the water regime and limitation of the succession processes in the Ramsar site ‘Shabla Lake’ by building a connection between the Black Sea and the lake; management of the massifs of water-loving vegetation in Ramsar

sites ‘Durankulak Lake’ and ‘Shabla Lake’; assessment of the effect of the implementation of the activities for improvement of the water regime and limitation of the succession processes and management of the water-loving vegetation massifs and study of the international experience for sustainable management of Ramsar sites; Conservation measures for the Red-breasted Goose.

The AP envisages also ‘to preserve and financially secure the sub-measure for protection of the feeding habitats of the red-breasted goose’ as part of the direction ‘Maintenance of the habitats of protected bird species in arable lands of ornithological significance’ under measure 10 ‘Agroecology and climate’ of the Rural Development Programme. This measure aims preservation and provision of area and quality of feeding habitats of red-breasted geese in wintering areas. As a follow-up indicator, it is stated that the implementation of the activity covers 70% of the priority areas of the specialized GIS layer for the feeding habitats of the Red-breasted Goose. The Rural Development Program 2014-2020 for the red-breasted goose provided for an independent activity in direction ‘Maintenance of the habitats of wintering geese and Montagu's harrier in arable land of ornithological significance’, namely compensatory financial support for farmers for sowing and cultivation of autumn cereals in the habitats of the red-breasted goose at least 50% of the area declared for the activity and with at least 30% of corn falling into the habitats of the Red-breasted Goose.

For 2019 the total area of the declared plots of all farmers, falling into a specialized layer ‘Areas eligible for support’ is 83,608 ha. After excluding the areas with presence of wind turbines, the total area is 78,938 ha, of which 54,787 ha are declared as occupied by autumn cereals and maize, or about 69%.

In 2020 the total declared area of agricultural plots falling within the specialized layer ‘Areas eligible for support’, excluding the areas with wind turbines, is 78 009 ha, of which 53,056 ha are declared as occupied by autumn cereals and maize, or about 68%.

3. Conclusion

In the light of the information presented we consider that Bulgarian government is fulfilled the obligation set under point 1, 2, 6 and 7 of Recommendation 200 (2018) of the Bern Convention and we expect the Standing Committee to confirm that.

We expect the Standing Committee to evaluate the reports produced in implementation of Recommendation 1 and 2 Recommendation 200 (2018) and to decide about the future frequency of reporting in this case taking into account all positive steps undertaken for mitigation of the impact of the existing Wind Farms on the wild birds.

Bulgaria continuously make efforts for improvements in order to meet the objectives of the Bern Convention and to implement mitigation measures in order to protect birds and their habitats.