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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

40th meeting
Strasbourg, 1-4 December 2020

Other Complaints

**Presumed threat to Emerald site Zatoky
(UA0000214) from windfarm developments
(Ukraine)**

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Ministry of Energy and Environmental Protection of Ukraine*

- April 2020 –



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Kyiv, 0rd April, 2020

**Secretariat of the Convention
on the Conservation of
European Wildlife and
Natural Habitats**

Subject: Complaint No. 2019/02: Presumed threat to Emerald site Zatoky (UA0000214) from windfarm developments (Ukraine)

The Ministry of Energy and Environmental Protection of Ukraine (hereafter – the Ministry) presents its compliments to the Secretariat of the Convention on the Conservation of European and in response to the Resolution of the Standing Committee Bureau meeting dated on September 9-10, 2019 with regard to complaint submitted by the NGO «UKRAINIAN NATURE CONSERVATION GROUP» dated March, 20, 2018 about presumed threat to Emerald site Zatoky (UA0000214) from windfarm developments (Ukraine) has the honour to inform the following.

The Emerald site Zatoky (UA0000214) occupies an area of 1,050.77 km² in Kherson oblast, Ukraine, Biogeographical Region – Steppic.

According to Standard Data Form, such habitat types are present within the Emerald site Zatoky (UA0000214) as: A2.2 – Littoral sand and muddy sand, A2.3 – Littoral mud, A2.5 Coastal saltmarshes and saline reedbeds, A2.61 – Seagrass beds on littoral sediments, A5 – Sublittoral sediment, B1.1 – Sand beach driftlines, D6.1 – Inland saltmarshes, E6.2 – Continental inland salt steppes.

Species are listed in Resolution 6 (1998) of Bern Convention:

4126	Alosa maeotica	4028	Catopta thrips
2491	Alosa pontica	1141	Chalcalburnus chalcoides
4127	Alosa tanaica	A231	Coracias garrulus
A396	Branta ruficollis	A038	Cygnus cygnus
A027	Casmerodius albus	A026	Egretta garzetta
A127	Grus grus	A075	Haliaeetus albicilla

1351	<i>Phocoena phocoena</i>	1349	<i>Tursiops truncatus</i>
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Species of flora and fauna and types of natural habitats within the Emerald site are protected at the national level according to the laws of Ukraine «On the Red Book of Ukraine», «On Flora», «On Fauna», et cetera.

On October, 2, 2018 according to Law of Ukraine «On Environmental Impact Assessment» (hereafter the Law) TOV «WINDSCRAFT KALANCHAK» launched a procedure for assessing environmental impacts using the Environmental Impact Assessment (EIA) Registry. Namely, the notification of planned activity being the subject to environmental impact assessment (registration No. 20181021829) with regard to construction and operation of Kalanchatska wind farm with a total installed capacity of 300 MW, 150 kV transmission lines with a length of approximately 35.0 km long, three 150/35 kV power collection and transmission substations was published (<http://eia.menr.gov.ua/uploads/documents/1829/reports/b4975d65a1bc276117b69a1f7ad2c221.pdf>). This area is situated close to the Emerald site UA 0000214.

Within 20 working days from the date of the official announcement of a planned activity being the subject to EIA, the public can comment and make suggestions on the planned activity, scope of investigation and level of detail of the information to be included in the EIA Report.

Comments and suggestions of the public on the planned activities and scope of investigation were published in the EIA Registry on October, 31, 2018 (<http://eia.menr.gov.ua/uploads/documents/1829/reports/8d547c98b7ac666ba21bcfdf950986c0.pdf>).

On December, 3, 2018 the EIA Report «Construction and operation of Kalanchatskay wind farm with a total installed capacity of 300 MW, 150 kV transmission lines approximately 35.0 km long, three 150/35 kV power collection and transmission substations on the territory of Kalanchatskyi and Chaplinskyi districts of Kherson oblast, outside settlements» was published on the EIA Registry (<http://eia.menr.gov.ua/uploads/documents/1829/reports/50dc8f7d35879fc7d8ae4d51332717f3.pdf>)

Within the framework of the EIA Report, a Scientific Report was prepared to substantiate the impact of the Kalanchatska wind farm project area on natural complexes of the environment, ornithological complexes and migratory birds, bats, vegetation, amphibians and reptiles within the Kalanchatskyi district of Kherson Region. The Report was prepared by the public environmental organization «Laguna», Bohdan Khmelnytskyi State Pedagogical University of Melitopol, Research Institute of Biodiversity of Terrestrial and Aquatic Ecosystems of Ukraine, Azov-Black Sea Interdepartmental Ornithological Observatory. Among the authors are Siokhin V.D., Corresponding Member of the Ukrainian Ecological Academy of Sciences, PhD of Biological Sciences (Specialist in Ornithology and Applied Ecology), Gorolov P.I., PhD of Biological Sciences (Specialist in Ornithology), Polishchuk I.K. (bat specialist), Dolyyna O.M., (specialist in biodiversity component assessment), etc.

The Scientific Report indicates that the surveys were conducted upon the recommendations of the Scottish Natural Heritage Foundation and other international documents.

The Report has established that:

Emerald Network sites are absent within the Kalanchatskaya wind farm area;
the territory of the planned activity is bordered with the Emerald Network site and wetlands of international importance «Karkinitska and Dzharylgatska Bay», which has a large area and is an important element in the overall structure of the ecological network on regional, national and pan-European levels. However, the most important ornithological seasonal territories in these wetlands are located at a distance of 8-23 km from the wind farm site. The designed area of the wind farm is bordered (distance 0.5-1.5 km) only with that wetlands in the Bay of Perekop, which is part of the Bay of Karkinit (2nd order).

According to the results of observations in this territory during the last 5 years it is established that the wind farm site with operating once would not have a negative impact on seasonal ornithocomplexes for the following reasons:

- important coastal-aquatic biotopes in the formation of seasonal ornithocomplexes of waterbirds are Karzhynska and Kalanchatska Bay with island complexes (Karzhynskiyi, Kalanchatskiyi, Ustrychnyi - Khorly and other islands). These bays with the islands form important seasonal ornithological complexes and are 5 to 23 km from the wind farm site. The closest island systems to the project area are island Tanin, on which in some years numerous colonies of birds are formed, and in other years it connects with the mainland and becomes accessible to land predators;

- the nesting ornithocomplex during almost entire nesting period is located within the nesting areas (*Ardea spp.*, *Fulica atra*, *Phalacrocorax carbo*, *Podiceps cristatus*, *Larus spp.*, *Sterna spp.*, *Circus aeruginosus*, Passeriformes), doing feeding flights, or within the surrounding waters;

- during seasonal migrations (spring and autumn), mass species (*Anas spp.* – *Aythya spp.*, *Anser spp.*, *Cygnus spp.*, *Ardea spp.*, *Larus spp.*, *Sterna spp.*) keep the sub-meridional direction (southwest - northeast), follow through the coastline, thus, do not come across the wind farm site. Migrating Passeriformes (Fringillidae, *Motacilla spp.*, starlings, etc.) use terrestrial territories to reduce migration distances over the Black Sea;

- post-nesting clusters: some species of birds form a large post-nesting clusters (*Phalacrocorax carbo*, *Fulica atra*, *Podiceps cristatus*, *Anas spp.* – *Aythya spp.*, *Cygnus olor*, *Ardea spp.*), but most of them do not leave the wetland boundaries (water areas). After the breeding season, spread of Laridae throughout the region is very dispersed, so they are also not threatened by the wind farm site;

- the winter bird complex has its own behavioral features depending on the weather conditions and forage base. The territory of Kalanchatska wind farm is not used by mass bird species in winter and there is small connection between wetland wintering complexes and wind farm site; in some periods it is absent;

- when creating a planning structure for the placement of windmills by the company, the recommendations for their placement were considered, in particular, the number of windmills was reduced within the Oleksiyivskiy Kut.

During the public discussion of the planned activity, comments and suggestions from the public to the planned activity were received, namely from: NGO «UKRAINIAN NATURE CONSERVATION GROUP», public nature initiative «Emerald – Natura 2000 in Ukraine», TOV «NPP «Ecozakhystr», Ukrainian society for the bird protection, Mykolayiv Regional Ecological Association «Green World», Kherson State University, Falz-Fein Biosphere Reserve «Askania-Nova». A table of consideration of comments and suggestions received from the public during the public consultation period for the planned activity is provided in the EIA Report.

According to the EIA Report, 9 rare bird species (*Netta rufina*, *Bucephala clangula*, *Mergus serrator*, *Circus cyaneus*, *Himantopus himantopus*, *Recurvirostra avosetta*, *Haematopus ostralegus*, *Nincheniola arquata* та *Glareola pratincola*) have been observed in spring 2017 within the wind farm project area.

The chance of meeting rare species is quite small. When observing species on the wind farm site, it is noted that the negative impact of it are very low. This is due to the fact that birds of prey are well-oriented flying above existing power pylons and other high-altitude constructions, and are not characterized by night migrations. Other reported rare species are linked to water biotopes transiting and feeding within them. The negative impact from the wind farm is rated as low.

Within the Kalanchatska wind farm *Circus cyaneus* (2 individuals) and *Circus puggargus* (1 individual), and *Coracias garrulus* (1 individual) were observed in the buffer zone. The rest of the species belong to the group of wetland birds and were observed within the waters of the reservoirs in the adjacent territories. Thus, the number of rare species from national conservation lists within the Kalanchatska wind farm is extremely small, and the activity of the wind station does not threaten the populations of these species.

On January, 1, 2019 Department of Ecology and Natural Resources of Kherson Regional State Administration has published the EIA Conclusion of planned activities (<http://eia.menr.gov.ua/uploads/documents/1829/reports/b4b9bfdae9d3b32a52c9e14b54e7e195.pdf>).

According to the Conclusion, the Department considers it feasible to carry out the planned activity.

The Conclusion establishes the Environmental conditions for the planned activity, among them are:

- construction time should consider vulnerable period of avifauna (migration peak);
- ensure the conservation of vegetation in the territory of the planned activity. Repatriate rare species;
- destruction of natural (less degraded) steppe areas is forbidden; negative impact on such territories should be absent;
- it is forbidden to create attractive places for birds, such as water bodies, nesting places, feeding sites, etc., on the territory of the wind farm;
- to take measures to prevent the destruction of avifauna, entomofauna, hyperethofauna, plant complexes (phytocoenosis) with protected status;
- to reduce the risk of collision or cases of barotraumas, to suspend windmills during the period of high bat activity;
- to increase the birds attentive behavior, if necessary, signal markers that provide visual hazing to prevent collision with the overhead electric line have to be installed;
- it is prohibited to carry out planned activities on the territory of the nature reserve fund and other nature conservation areas, in particular in the territories classified as wetlands;
- if the results of the post-design monitoring show that the negative impact of the planned activity exceeds the expected according to the EIA report, the company takes measures aimed at reducing, mitigating or completely eliminating the above-mentioned impact at its own expense. The necessary measures are determined by the results of the post-design monitoring and may include temporary or permanent shutdown of the wind turbine, changes in the structure of use of the territory, etc.;
- the company is obliged to monitor the ornithological complexes and bats (winter, spring and autumn migration, nesting) during the construction and operation periods of the wind farm (for 3 years). Monitor the impact of the planned activity on the avifauna during the construction activity and during the year after the completion of the overhead electric line.

The EIA Conclusion is mandatory. The environmental conditions stipulated in it are mandatory.

At present, the implementation of the project of construction and operation of the Kalanchatskay wind farm with a total installed capacity of 300 MW, 150 kV transmission lines with a length of approximately 35.0 km, three substations of 150/35 kV collection and transmission capacity on the territory of Kalanchak and Chaplynka districts of Kherson oblast has started.

Looking forward for the future cooperation.

**Deputy Minister for
European Integration**

Kostyantyn CHYZHYK