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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 Cholhynskiyi
(UA0000178) 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. 2019/03: Presumed threat to Emerald site Cholhynskiyi (UA0000178) 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 on March, 29, 2019 about presumed threat to Emerald site Cholhynskiyi (UA0000178) from windfarm developments (Ukraine) has the honour to inform the following.

The Emerald site Cholhynskiyi (UA0000178) occupies an area of 3379,0 hectares in Lviv oblast, Ukraine, Biogeographical Region – Continental.

According to Standard Data Form, such habitat types are present within the Emerald site Cholhynskiyi (UA0000178) as: D5.2 - Beds of large sedges normally without free-standing water, E1.9 – Open non-Mediterranean dry acid and neutral grassland, including inland dune grassland, E3.4 – Moist or wet eutrophic and mesotrophic grassland.

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

A229	Alcedo atthis	A127	Grus grus
A255	Anthus campestris	A075	Haliaeetus albicilla
A091	Aquila chrysaetos	A075	Haliaeetus albicilla
A089	Aquila pomarina	A092	Hieraetus pennatus
A222	Asio flammeus	A131	Himantopus himantopus
A222	Asio flammeus	A022	Ixobrychus minutus
A060	Aythya nyroca	A022	Ixobrychus minutus

1188	<i>Bombina bombina</i>	A338	<i>Lanius collurio</i>
A021	<i>Botaurus stellaris</i>	1083	<i>Lucanus cervus</i>
A027	<i>Casmerodius albus</i>	A272	<i>Luscinia svecica</i>
A027	<i>Casmerodius albus</i>	A272	<i>Luscinia svecica</i>
4028	<i>Catopta thrips</i>	1060	<i>Lycaena dispar</i>
1088	<i>Cerambyx cerdo</i>	A073	<i>Milvus migrans</i>
A196	<i>Chlidonias hybridus</i>	1145	<i>Misgurnus fossilis</i>
A198	<i>Chlidonias leucopterus</i>	1318	<i>Myotis dasycneme</i>
A197	<i>Chlidonias niger</i>	A023	<i>Nycticorax nycticorax</i>
A197	<i>Chlidonias niger</i>	A094	<i>Pandion haliaetus</i>
A031	<i>Ciconia ciconia</i>	A072	<i>Pernis apivorus</i>
A080	<i>Circaetus gallicus</i>	A170	<i>Phalaropus lobatus</i>
A081	<i>Circus aeruginosus</i>	A151	<i>Philomachus pugnax</i>
A081	<i>Circus aeruginosus</i>	A034	<i>Platalea leucorodia</i>
A082	<i>Circus cyaneus</i>	A032	<i>Plegadis falcinellus</i>
A082	<i>Circus cyaneus</i>	A140	<i>Pluvialis apricaria</i>
A084	<i>Circus pygargus</i>	A007	<i>Podiceps auritus</i>
A084	<i>Circus pygargus</i>	A120	<i>Porzana parva</i>
A122	<i>Crex crex</i>	A119	<i>Porzana porzana</i>
A122	<i>Crex crex</i>	A119	<i>Porzana porzana</i>
A038	<i>Cygnus cygnus</i>	A132	<i>Recurvirostra avosetta</i>
A026	<i>Egretta garzetta</i>	1134	<i>Rhodeus sericeus amarus</i>
A511	<i>Falco cherrug</i>	A195	<i>Sterna albifrons</i>
A098	<i>Falco columbarius</i>	A190	<i>Sterna caspia</i>
A098	<i>Falco columbarius</i>	A193	<i>Sterna hirundo</i>
A103	<i>Falco peregrinus</i>	A193	<i>Sterna hirundo</i>
A103	<i>Falco peregrinus</i>	A307	<i>Sylvia nisoria</i>
A097	<i>Falco vespertinus</i>	A166	<i>Tringa glareola</i>
A002	<i>Gavia arctica</i>		

The part of the site of 820 hectares has a protected status and is a part of Ornithological Reservation of local significance «Cholgynskiy» that was designated by resolution of Lviv Oblast Council of Deputies on 11.02.1997 № 126.

On November 28, 2018 the EIA Report «Construction and operation of a wind power plant on the Lviv region, Yavorivskiy district, on the lands Ternovitsya and Zaluzhzhya village councils (outside of settlements)» on the Emerald site Cholhynskiy (UA0000178) was published on the EIA Registry (<http://eia.menr.gov.ua/uploads/documents/1909/reports/63b4c409e9a667ac0bf8212836f3a86f.pdf>).

According to the EIA Report, rare natural habitats have not been found out in the territory of the planned construction of the Yavorivska wind power plant. The functioning of the wind power plant does not directly affect the flora and habitats, and the potential impact of it will be realized only at the stage of its construction. The vast majority of sites of the planned wind power plant are located in agricultural and sandy areas with lack of vegetation and trees. The whole designed Yavorivska wind power plant is located within the territory of the former state mining and chemical enterprise «Sirka», which has been

used for various technological processes of the sulfur ore production cycle (surface extraction, storage of produced rock, drainage of process water after washing the rock, etc)».

The Report contains «Assessment of the possible impact of the planned construction of the wind power plant on natural ecological corridors, migration routes and migration success of birds and bats» prepared in February-November 2016 by the West Ukrainian Ornithological Station (I.M. Gorban (Associate professor, PhD of Biological Sciences, ecologist), I.V. Shidlovskiy (Associate Professor, PhD of Biological Sciences, ornithologist), O.V. Kusnez (PhD Fellow, mammalogist)), etc.

The results of this investigation was filed in previous report of the Ministry.

The report states that there is no Emerald site in the area of the planned construction. This is due to the fact that the main studies of flora and fauna were conducted in 2016, before the Standing Committee has decided to include this territory in the Emerald Network.

In view of the aforesaid, in September-November 2019 the Western Ukrainian Ornithological Station has conducted additional field studies of fauna and flora in accordance with the standard data form of the Emerald site UA0000178 Cholhynskiyi and has prepared an additional report «Assessment of the possible impact of the planned wind power plant construction in Yavorivskiy district of Lviv oblast on the Emerald Network site UA0000178 Cholhynskiyi» (attached).

These additional studies in 2019 have verified the conclusions of specialists made in 2016 and indicated that there were no prerequisites for threatening the Emerald site UA0000178 Cholhynskiyi and the Ornithological Reservation Cholhynskiyi during the construction of the wind power plant, namely:

the impact of wind farms will be minimal or absent. The vast majority of bird species will be able to successfully overcome hazards from the operation of wind power plants under typical weather conditions;

the territory of the planned activity is represented mainly by synantropic vegetation with a large amount of ruderal invasive plant species. Natural habitats and species of flora defined by the Standard Data Form of the Emerald site UA0000178 «Cholhynskiyi» are not established, species of plants of the Red Book of Ukraine are also have been not found. The impact of the wind power plant construction within this area will have only a remote indirect impact on the vegetation, except for the places of direct installation of windmills and their communication systems.

On January 30, 2020, the Ministry of Energy and the Environmental protection of Ukraine have been organized a meeting on possible threats to the Emerald site UA0000178 Cholhynskiyi with participation of representatives of NGO «UKRAINIAN NATURE CONSERVATION GROUP», a company which plans to build a wind power plant (TOV «WIND POWER GSI»), Lviv Regional State Administration, scientists who investigated the Emerald site UA0000178 Cholhynskiyi.

As a result of the meeting, a joint decision was made to recommend to TOV «WIND POWER GSI» to continue monitoring according to the environmental impact assessment conclusion on the Emerald site UA0000178 Cholhynskiyi.

According to the conclusion published on February 12, 2019, the Department of Ecology and Natural Resources of the Lviv Regional State Administration considers it feasible to carry out the planned activity (<http://eia.menr.gov.ua/uploads/documents/1909/reports/1925c0389a8bfaf9069c7ec52c343984.pdf>).

The conclusion, among others, establishes the following Environmental conditions for the planned activity:

- it is forbidden to provide works on installation of windmills on the territory of nature reserve fund, namely at Ornithological Reservation of Local Importance «Cholhynskiyi»;
- when identifying habitat of the Emerald Network, during the planned activities strictly follow the requirements of the Bern Convention and the environmental legislation of Ukraine;
- provide wind power plants with facilities for deterring birds and bats;
- installation of windmill blades made from non-lustrous materials;

- to promote the implementation of environmental measures aimed at improving the hydrological regime of the territory of the Ornithological Reservation of Local Importance «Cholhynskyy»;
- if post-design environmental monitoring results in a negative environmental impact of the planned activity (including animals, birds and bats) expected in the EIA report, company should take measures to reduce, mitigate or eliminate this negative impact at his own expense;
- operate 18 windmills with a maximum unit capacity of up to 5.0 MW.

In case of detection of species of animals, plants and habitats belonging to the Emerald Network on the territory of construction of the wind power plant, strictly follow the requirements of the Bern Convention and environmental legislation of Ukraine, provide information on the identification of habitats to the Department of Ecology and Natural Resources of Lviv Regional State Administration

The company is responsible for the post-design environmental monitoring, including:

assessment monitoring of the status of phytocoenosis and main animal groups, avifauna, bats, invertebrates within the wind power plants areas have to be conducted after determination by TOV «WIND PAVER GSI» of the models of windmills and their heights before the start of the construction. A detailed report on the monitoring results should be submitted to the Department of Ecology and Natural Resources of Lviv Regional State Administration.

develop an environmental monitoring program for 5 years after the wind farm will be placed in operation for the main groups of animals, avifauna, bats, invertebrates, in which seasonal investigations will be provided (at least once a quarter) at daytime and night. Detailed monitoring reports, conclusions and precautionary measures identified by the applicant should be submitted to the Department of Ecology and Natural Resources of Lviv Regional State Administration.

to conduct noise monitoring at the boundary of the nearest settlement buildings after the wind power plant will be placed in operation. Noise pollution monitoring should take place within the area that can be affected by the planned activity under different atmospheric conditions. Post-design monitoring has to be conducted during a 1 year after the wind power plant will be placed in operation. The monitoring report should be submitted to the Department of Ecology and Natural Resources of Lviv Regional State Administration.

If a significant negative impact of such activity on the life and health of the population or the environment will be detected during the implementation of the planned activity, and if such impact has not been assessed during the EIA and / or substantially alters the results of the EIA of the activity, the decision about such planned activity have to be cancelled by judge of court and the activity – interrupted.

Currently, construction of the wind power plant has not begun.

Looking forward for the future cooperation.

Enclosure: Additional Report estimates of the possible impact of the planned construction of a wind power plant in the Yavorivskyy district of the Lviv region on the Emerald site UA0000178 Cholhynskyy.

**Deputy Minister for
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