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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3-6 December 2019

Other complaints

**Presumed threat to Emerald site “Polonina
Borzhava” (UA0000263) from wind energy
development
(Ukraine)**

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Ministry of Ecology and Natural Resources of Ukraine*

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**MINISTRY OF ECOLOGY AND NATURAL RESOURCES OF
UKRAINE**

DEPARTMENT OF ECONET AND PROTECTED AREAS

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Kyiv, 15th February, 2019

Mrs. Iva OBRETENOVA,
Secretary of the Bern Convention
Head of the Biodiversity Unit
Directorate of Democratic Governance
Directorate General II
Council of Europe

*Title: complaint submitted by the
NGO "UKRAINIAN NATURE
CONSERVATION GROUP
on 29th of March 2018 and letter of
the Secretariat on 5th of October 2018*

Dear Mrs. Iva OBRETENOVA,

Department of EcoNet and Protected Areas of the Ministry of Ecology and Natural Resources of Ukraine presents its compliments to the Secretariat of the Bern Convention and informs about state of protection of the «Polonyna Borzhava», Zakarpattya Oblast of Ukraine, which is officially adopted Emerald Network site UA 0000263 – «Polonyna Borzhava» (complaint submitted by the NGO «UKRAINIAN NATURE CONSERVATION GROUP» on 29th of March 2018 and letter of the Secretariat on 5th of October 2018).

On January 15, 2019, TOV «Atlas Volovets Energy» have published in the Environmental Impact Assessment Registry the Environmental Impact Assessment (EIA) Report on the construction of a 120 MW wind power plant on the territory of the Volovets settlement council of the Volovets District and of the Bereznyakivska, Dusynska, Nelipynska and Tybavska rural councils (outside the settlements) of the Svalyava district of the Zakarpattya oblast (registration No. 2018821379/7554). The report is available at: <http://eia.menr.gov.ua/places/view/1379>.

According to the Report the construction of a wind power plant (WPP) with a total capacity of 120 MW with the necessary infrastructure (including access roads, underground cable line of 110 kW and underground cable power systems of 35 kW, distribution points and substation) is to be implemented on separate sites with the total area of 30.6041 hectares, the area under the wind power units (hereinafter – WPU) is 28.259 hectares. Construction is proposed to build on the territory of the Emerald site UA0000263 «Polonyna Borzhava».

In the framework of the WPP construction with the necessary infrastructure, it is planned to install 34 modern WPU, electric substation – SS 35/110 kW «WPP Volovets», three distribution points (DP) containing indoor switch gear, and underground cable line with voltage of 35 kW and 110 kW. The total capacity of the WPP with the necessary infrastructure is 120 MW. The expected useful WPU life is 25 years (the service life may be extended depending on the technical characteristics of the selected type

of main equipment of the WPP), and the WPP structures – from 60 to 100 years. The main equipment for this project is wind turbines.

Within the framework of the EIA, the Report of the proper assessment by the «Appropriate Assessments» method on the effects of the construction and operation of the WPP TOV «ATLAS VOLOVETS ENERGY» on the «Borzhava» subalpine meadow in the Zakarpattia oblast on the Emerald site UA0000263 «Polonyna Borzhava» was prepared.

The Report contains the following conclusions:

- “in the database (<http://natura2000.eea.europa.eu/Emerald>) about valuable habitats on the territory of the «Borzhava» subalpine meadow, the total area of registered habitats are catalogued in the register is 4122.24 hectares – while the area of «Borzhava» subalpine meadow is 4520 hectares (i.e., officially, the total habitat area is to be protected is 91.2% of the area of the Emerald site UA0000263 «Polonyna Borzhava»). 8.8% of the area of the «Borzhava» subalpine meadow is the territories where the most valuable habitats are not registered and not recorded. WPU will be partly situated mostly in this area (zones of local existing roads along the mountain ridge);
- potentially 34 WPU of TOV «ATLAS VOLOVETS ENERGY» can affect only 4 types of habitats: «E1.71», «E4.3», «E5.5», «F4.2». The survey of WPU sites by land surveyors of local authorities during land acquisition for rent (and the accompanying inventory of green plantations that are absent in fact on the WPU sites) for the needs of the construction of the WPP of TOV «ATLAS VOLOVETS ENERGY» has not identified «E1.71», «E4.3», «E5.5», «F4.2» types of habitats, and also such plants as «4070» (*Campanula serrata* or *Campanula napuligera*), «2316» (*Poa granitica*) within the boundaries of land survey at the sites of the WPP on Emerald site UA0000263 «Polonyna Borzhava»;
- as a whole, the sites allocated to 34 WPU under the established procedure occupy an area approx. $34 \text{ units} \times 0.7 \text{ ha} = 23.8$ hectares. That is, the area of the sites of the WPP-project under the requirements of placing all the WEU of WPP of the TOV «ATLAS VOLOVETS ENERGY» occupies less than 1% of the area of the «Borzhava» subalpine meadow (Emerald site UA0000263 «Polonyna Borzhava»), which correctly is 0.5% of area of this Emerald site;
- in the database (<http://natura2000.eea.europa.eu/Emerald>) of valuable species on «Borzhava» subalpine meadow about 20 species were specified (14 bird species, 2 bat species, 1 species of mammals, 2 species of plants, 1 species of insect), which are protected under the Bern Convention, namely: (A223) *Aegolius funereus*, (A091) *Aquila chrysaetos*, (A089) *Aquila pomarina*, (1308) *Barbastella barbastellus*, (A104) *Tetrastes bonasia*, (4070) *Campanula serrata* or *Campanula napuligera*, (A224) *Caprimulgus europaeus*, (4012) *Carabus hampei*, (A080) *Circaetus gallicus*, (A239) *Dendrocopos leucotos*, (A236) *Dryocopus martius*, (A103) *Falco peregrinus*, (A272) *Luscinia svecica*, (1355) *Lutra lutra*, (1324) *Myotis myotis*, (A072) *Pernis apivorus*, (A241) *Picoides tridactylus*, (A234) *Picus canus*, (2316) *Poa granitica*, (A220) *Strix uralensis*. In the Report on the proper assessment, the potential impact of the WPU of WPP of TOV «ATLAS VOLOVETS ENERGY» was determined theoretically on the following: 1 insect species, 2 plant species, and 6 bird species. However, these theoretically possible impacts are denied by official scientific investigation conducted by scientific organizations (Bohdan Khmelnytskyi State Pedagogical University of Melitopol, Biodiversity Research Institute of Terrestrial and Water Ecosystems of Ukraine, Azov-Black Sea Interdepartmental Ornithological Station of the Schmalhausen Institute of Zoology of National Academy of Sciences of Ukraine and Bohdan Khmelnytskyi MSPU of the Ministry of Education and Science of Ukraine, TzVOV «Company «Center LTD», PP «NVF «ECOTOP») within the zones of construction of the WPP of TOV «ATLAS VOLOVETS ENERGY» on the «Borzhava» subalpine meadow («Polonyna Borzhava» - UA0000263);
- as stated in the Report on the implementation of the research «Assessment of potential impact on territories of the projected construction of WPP Borzhava massif on rare species of plants of Ukraine, aquatic animals and their natural habitats» (PP NVF «EKOTOP», 2017-2018), research of rare species of plants of the Borzhava massif on sites planned for the WPP construction was

conducted by experts using route survey (in general, the length of exploring transects was 45 kilometers). In total, 41 sites of WPU were investigated on the area planned for the WPP construction on the territory of the Borzhava massif by the PP NVF «EKOTOP». According to the discovery results of plants of the Red Book of Ukraine, TOV «ATLAS VOLOVETS ENERGY» has decided to set up only 34 WPU and to refuse 7 sites due to the identified features of the local flora. However, official surveys of the PP NVF «EKOTOP» did not reveal the species of flora protected by the Bern Convention on the «Borzhava» subalpine meadow («Polonyna Borzhava» - UA0000263), in particular – *Poa granitica*;

- the objective absence of potential negative impact of WEU of WPP of TOV «ATLAS VOLOVETS ENERGY» on birds of «Borzhava» subalpine meadow (Emerald site UA0000263 «Polonyna Borzhava»), in particular, on 14 species from the List <http://natura2000.eea.europa.eu/> Emerald, was proved in the ornithological report on the monitoring carried out by the specialists of Bohdan Khmelnytsky State Pedagogical University of Melitopol, Biodiversity Research Institute of Terrestrial and Water Ecosystems of Ukraine, Azov-Black Sea Interdepartmental Ornithological Station of the Schmalhausen Institute of Zoology of National Academy of Sciences of Ukraine and Bohdan Khmelnytskyi MSPU of the Ministry of Education and Science of Ukraine;
- the objective absence of potential negative impact of WEU of WPP of TOV «ATLAS VOLOVETS ENERGY» on bats of «Borzhava» subalpine meadow («Polonyna Borzhava» - UA0000263), in particular, on 2 species from the List <http://natura2000.eea.europa.eu/> Emerald, was proved in the report on the chiropterans monitoring carried out by the specialists of Bohdan Khmelnytsky State Pedagogical University of Melitopol, Biodiversity Research Institute of Terrestrial and Water Ecosystems of Ukraine, Azov-Black Sea Interdepartmental Ornithological Station of the Schmalhausen Institute of Zoology of National Academy of Sciences of Ukraine and Bogdan Khmelnytsky MSPU of the Ministry of Education and Science of Ukraine;
- actual conditions for the placement of 34 WPU provide a buffer zone between the turbines and the areas of high-mountain forest vegetation of «Borzhava» subalpine meadow, where flock of birds of the «Emerald Network» protected by the Bern Convention (6 species of birds) can be observed in forest habitats. The buffer zone between the turbines and the high-mountain forest vegetation areas of «Borzhava» subalpine meadow ensures absence of WPU impact on the habitats of birds within the forests;
- 2 species of flora, protected by the Bern Convention (but not protected by the Red Book of Ukraine) on «Borzhava» subalpine meadow («Polonyna Borzhava» - UA0000263), namely, *Campanula serrata* or *Campanula napuligera* and *Poa granitica*, are part of the communities of rock outcrops (cliffs (above 2 m high), small cliffs (1 to 2 m high), rock streams and separate boulders) and post-forest glades and fringes of Borzhava. Since either the rocky outcrops of the bedrock on the Borzhava massif or the WPU sites are confined to the high uplands (peaks and crest of ridge), they coincide in most cases. Individuals of protected species of such sites grow mainly in compact groups, which are clearly located within petrophyllous communities that are frequent on Borzhava, but small-area. *Campanula serrata* (Kit ex. Schult.) Hedrych or *Campanula napuligera*, protected under the Annex of Resolution 6 of the Bern Convention, is the only one species of plants being noted on the tops of the mountains Stiy and Velykyi Verkh, and the crest of ridge between them on the WPP-construction area;
- it is recommended to keep the natural ecological conditions of the identified habitats, at least, for 2 protected flora species (*Campanula serrata* or *Campanula napuligera* and *Poa granitica*) and the 1 protected fauna species (*Carabus hampei*) within the Emerald site of the Borzhava subalpine meadow: accordingly, the mode of insolation, humidification, aeration. However, the above-mentioned 2 species of plants and 1 of insect are not listed in the Red Book of Ukraine and are not subjects to special protection. In the case of planning of environmental measures in areas adjacent the WPU, it is necessary to carefully assess how such measures can affect the ecological conditions of *Carabus hampei* biotope and the rocky habitats of *Poa granitica* and *Campanula serrata* or *Campanula napuligera*. Financing and implementing of research/monitoring programs for flora/fauna during the WPP construction and for at least three years of WPP operation – is an

essential environmental requirement to TOV «ATLAS VOLOVETS ENERGY». The process of monitoring of TOV «ATLAS VOLOVETS ENERGY» of rare and endangered species of flora/fauna within the wind field of WPP on the «Borzhava» subalpine meadow («Polonyna Borzhava» - UA0000263) provides the search for their habitats, their mapping, annual observation at certain specified dates, filling out the monitoring card. Supporting measures for populations of these species within the wind field of WPP will be developed further on the basis of the implemented monitoring of flora/fauna. The locations of rare and endangered species of flora/fauna will be identified during the WPP construction with infrastructure should be included in local topographical plans.”

In accordance with the Law of Ukraine «On Environmental Impact Assessment», the environmental impact assessment report is subject to public discussion as public hearings and as submitting written comments and proposals (including electronic form).

Currently, the procedure of public discussion of the planned activity, with the fixed term of not less than 25 working days and not more than 35 working days upon the day the Report is published, continues. All proposals and comments of the public received within the fixed term shall be subject to mandatory review by the authorized territorial body.

Upon completion of the public discussion, the authorized territorial body should ensure the preparation of a public discussion report.

Thus, the procedure for assessing the environmental impact of construction of WPP of 120 MW on the territory of the Volovets settlement council of Volovets district and on the territory of Bereznyakivka, Dusynska, Nelipynska and Tybavska village councils (outside settlements) of the Svalyava district of the Zakarpattia Oblast continues.

The Department of EcoNet and Protected Areas of the Ministry of Ecology and Natural Resources of Ukraine avails itself of this opportunity to renew to the Secretariat of the Bern Convention the assurances of its highest consideration.

Sincerely yours,

Viktor Klid
National Focal Point,
director of the Department of EcoNet and Protected Areas
Ministry of Ecology and Natural Resources of Ukraine