

## Decision

**On the basis of the foregoing, subsection 216 (1), subsections 219 (1) and (7) of the Water Act; clause 3 (1) 1), clause 6 (1) 5), subsections 11 (3), (8), and (11), subsection 12 (1), subsection 18 (7), and section 30 of the Environmental Impact Assessment and Environmental Management System Act; Minister of Economic Affairs and Infrastructure's decree no. 62 of 7 December 2018 'Statute of the Consumer Protection and Technical Regulatory Authority' clause 4 (1) 8) and subsection 10 1), I hereby decide:**

1. To initiate the procedure for a superficies licence for the construction of the proposed Saare-Liivi 5 offshore wind farm in the Gulf of Riga on the basis of the application for a superficies licence submitted by Utilitas OÜ on 18 February 2021 and supplemented on 5 July 2021.
2. To initiate an environmental impact assessment, including a cross-border environmental impact assessment, to assess the potential short- and long-term, indirect and direct effects of the establishment of the offshore wind farm referred to in point 1 in a public water body. The proposed activity is likely to have cross-border impacts, so the impact assessment should identify potential cross-border impacts during the construction and operation of the wind farm.
3. To carry out a preliminary Natura assessment in the case of Natura 2000 network sites within the EIA programme and, depending on its results, an appropriate Natura assessment in the EIA report.
4. To carry out at least the following surveys on the location of the offshore wind farm and its area of impact, and on the location and area of impact of the water cable lines to be installed for connecting to the main grid:
  - 1) a vessel navigation risk analysis, which addresses the impact of the wind farm on vessel traffic and possible mitigation measures. The issues to be addressed shall include e.g. the locations and widths of possible shipping corridors, the impact of the wind farm on marine communication systems, AIS equipment, ship radars, and the possible impact on shipping traffic due to changes in ice conditions;
  - 2) an aviation safety expertise-risk analysis on the width of the air traffic corridor to be left in the centre of the wind farm, taking into account different possible weather conditions, aircraft types, and flight speeds;
  - 3) seabed engineering geological survey;
  - 4) seabed sediment survey;
  - 5) visualisation from different points of the land, taking into account the study commissioned by the Ministry of Finance and the Ministry of Economic Affairs and Communications on 'Guidance material on methodological recommendations for visual impact assessment to promote the development of marine parks', or any other at least equivalent methodology for which the conditions are applicable in Estonia;
  - 6) assess the impact on the cultural heritage of shipwrecks in the case of working in the vicinity of the wrecks, carrying out surveys if necessary. Prior to any relocation of wrecks, carry out a preliminary underwater archaeological survey to determine the condition of the wreck, the extent of the archaeological layer and the feasibility of removal;

- 7) seawater quality surveys in the area of the wind farm and in the marine area likely to be affected by the construction activities;
- 8) seabed biota survey – identification of qualitative and quantitative parameters of benthic flora and fauna in the development area and potentially affected area;
- 9) a study on the potential impact of the electromagnetic field of the submerged cable on fish fauna (construction and operational impacts);
- 10) a survey of bird migration and feeding areas. For bird fauna, a migration analysis and a survey of migratory and offshore birds (feeding areas, migration corridors, etc.) are necessary. A radar survey of birds (covering at least two years of migration periods) must be carried out in parallel with visual surveys;
- 11) a survey on bats as well as their feeding areas and their migration (corridor);
- 12) a fish survey – map fish stocks in the area, fish nursery areas, seabed biota and habitats, fish migration routes and the impact of the wind farm on fish populations. The impact of the proposed activities on fish migration and spawning, birds (including specifying the habitats of the long-tailed duck and the scoter) must be surveyed and an analysis of the construction and operational impacts must be done. The impact of wind turbine operating noise on the movement of Atlantic herring shoals will also need to be investigated as part of the fisheries survey. Map fish stocks in the area, fish nursery areas, seabed biota and habitats, fish migration routes, and the impact of the wind farm on fish populations;
- 14) assess the impacts during construction (on fish and fisheries, birdlife, vessel traffic, etc.), including the impacts of onshore activities (transport of wind turbines and foundations to and from the harbour, installation of cables, construction of the substation), the impacts during operation (including maintenance), and develop appropriate mitigation measures;
- 15) modelling of the distribution of infrasound and suspended sediment to assess the impact of the wind farm on fish spawning areas, spawning, and migration;
- 16) artificial substrate colonisation tests survey;
- 17) benthic habitat survey;
- 18) marine mammal survey;
- 19) assess the impacts on seals at the local level, including potential impacts from ice breaking, and identify any necessary mitigation measures;
- 20) the assessment of the state of the marine environment has to take into account the state of the marine environment data provided in the various reports of the Estonian Marine Strategy (<https://www.envir.ee/et/eesmargid-tegevused/merekeskkonnakaitse/merestrategie>);
- 21) identify the indicative volumes of dredging, dumping and the placement of solids;
- 22) a socio-economic analysis (including for fisheries), and propose the necessary mitigation measures. On the basis of the socio-economic analysis, to assess the quality of electricity and the possibilities for improving it on the island of Kihnu and to cooperate in this respect with other developers planning wind farms in the same development area (AS Elering, AS Eesti Energia);

23) other surveys to be defined in the EIA programme.

Studies to be carried out within five years of approval of the EIA programme.

5. Cooperate with the relevant authorities in the selection of the exact locations and parameters of wind turbines to identify possible constraints and suitable locations.

6. Co-operate with other wind farm developers planning wind farms in the same area to assess the environmental impact, carry out studies, and select the transmission line route.

7. Assess interactions with proposed adjacent wind farms.

8. The planning of the wind farm and the assessment of its environmental impact must take into account the conditions of the regional planning of the maritime area bordering Pärnu County established by Order No. 1-1/17/152 of Pärnu County Mayor of 17 April 2017 and the conditions of the regional planning of the maritime area bordering Pärnu County approved by the Government of the Republic on 25 May 2017. The basic analyses carried out and additional information received during the procedure of the national marine area planning, which is currently being prepared, initiated by the European Parliament in May 2017, covering the entire Estonian marine area, including Pärnu County (e.g. seal survey, bird stopover survey, guidance material for the assessment of visual impacts).

9. When defining the scope of the environmental impact assessment, the activities planned in the potential wind energy development area defined in the planning of the entire maritime area bordering Pärnu County must be taken into account, including the combined effects of the developments there, the areas affected by the placement of substations and cables, visual effects, etc. The anticipated area of impact should be identified at the stage of the EIA programme.

10. Utilitas OÜ to submit the environmental impact assessment programme for the verification of compliance with the requirements of the Consumer Protection and Technical Regulatory Authority no later than 18 months from the date of the decision to initiate this environmental impact assessment, unless the deadline has been extended in accordance to Section 24 of the Environmental Impact Assessment and Environmental Management System Act.

11. Environmental assessment procedures are not aggregated.

12. The procedure of the application of Utilitas OÜ for a superficies licence will be suspended until the environmental impact assessment report is declared to be in compliance with the requirements or the circumstances set out in subsection 18 (7) of the Environmental Impact Assessment and Environmental Management System Act.

13. Utilitas OÜ will bear the costs of the environmental impact assessment and other surveys.

The initiation of the environmental impact assessment of an application for a superficies licence is notified within 14 days in the *Ametlikud Teadaanded* and the persons concerned and other parties to the procedure are notified by a separate letter.

The Consumer Protection and Technical Regulatory Authority immediately notifies the Ministry of Environment of the initiation of a cross-border environmental impact assessment.

A person who considers that their rights have been infringed by this administrative act has the right to lodge a complaint with the Director General of the Consumer Protection and Technical Regulatory Authority (Endla tn 10a, 10122 Tallinn, e-mail info@ttja.ee) within 30 calendar days of becoming aware of the administrative act in accordance with the procedure laid down in the Administrative Procedure Act or to lodge an appeal with the Administrative Court in accordance with the procedure laid down in the Code of Administrative Court Procedure.

(signed digitally)

Teele Tohver

Head of the Administrative Department

acting as Director-General

Compiled: Liina Roosimägi