Authority services 5 February 2024 SYKE/2023/1275

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Reference: 2020-3411 Amendments of Denmark's Marine Spatial Plan

Finland's response to the consultation letter regarding amendments of Denmark's maritime spatial plan and the related Strategic Environmental Assessment

The Finnish Environment Institute hereby acknowledges that Finland has received the consultation letter, dated 20 November 2023, and the documentation, which included the draft plans and the environmental report, regarding Strategic Environmental Assessment (SEA) of the amendments of Denmark's maritime spatial plan. Finland has the possibility to participate in the assessments in accordance with Article 10 of the Protocol of Strategic Environmental Assessment (Protocol on SEA) to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention).

The Finnish Environment Institute (Syke) has responded on 21 August 2023 that Finland will participate in the Strategic Environmental Assessment of the Danish maritime spatial plan. The proposed amendments of Denmark's maritime spatial plan include the removal from the plan of areas previously designated for aquaculture, shellfish farming and raw material extraction, as well as the extension of areas designated for renewable energy and energy islands. In addition, the amendments include new areas for carbon storage, transport infrastructure projects, raw material extraction, underwater corridors for renewable energy, land use and marine archaeological sites. New areas are also proposed for nature and the environment protection.

The purpose of maritime spatial planning is to promote the sustainable development and growth of different uses of the marine area, the sustainable use of natural resources and the achievement of good status of the marine environment.

Consultation in Finland

According to the amended Finnish Act on the Assessment of the Environmental Impact of Plans and Programmes of Authorities (200/2005, amendments 912/2022), the Finnish Environment Institute is the competent authority for consultation tasks related to the Protocol on SEA from 1 January 2023 in Finland. The Danish Environmental Agency requested to submit any comments on cross-border environmental impacts related to the content of the plan proposals, to share any transboundary planning issues related to the content of the plan proposals, and to submit any comments received from the public in Finland. The public and authorities were given the opportunity to comment on the consultation documents from 1 December 2023 to 15 January 2024. The consultation documents were available, and statements were asked on the website

of Finland's environmental administration and on the website of electronic public consultation. The Finnish Environment Institute received 10 statements.

The Finnish Environment Institute has made a summary of the received statements in Finland. However, the original statements enclosed to this letter needs to be considered fully.

Comments received during the consultation

The Finnish Maritime Spatial Planning Coordination Group, which is responsible for maritime spatial planning in Finland, is grateful for the opportunity to issue an opinion on amendments to the Danish Maritime Spatial Plan.

The proposed amendments to the Danish maritime spatial plan include the removal from the plan of zones previously designated for aquaculture, shellfish farming and raw material extraction, as well as the extension of zones designated for renewable energy and energy islands. The proposed amendments also include new zones for carbon storage, transport infrastructure projects, raw material extraction, underwater corridors for renewable energy, land use and marine archaeological sites. New zones are also proposed to protect nature and the environment.

The strategic environmental assessment of the proposed changes to the Danish maritime spatial plan includes an assessment of the likely significant impacts of the maritime spatial plan. The amendments were prepared through an assessment of the likely effects on Natura 2000 sites in accordance with Article 6(3) of the Habitats Directive.

The strategic cross-border environmental impact assessment of proposed changes to the Danish Maritime Spatial Plan includes birds, seabed and habitats, marine mammals, fish, and landscape impacts.

Regarding evaluation, the coordination group responsible for maritime spatial planning in Finland wishes to draw attention to the following issues:

- Regarding the Bornholm renewable energy development zone, attention should also be paid to migratory fish in terms of fish stocks. This new development zone is bordered by the previous renewable energy development zone and is therefore also linked to renewable energy cable corridor development zone. At present, the impact assessment does not consider migratory fish and the possible effects of the development zone on the behaviour of migratory fish. Baltic salmon migrate from the Finnish-Swedish border river, the Torne River, all the way to Danish waters. The feeding migration track can be seen from the marked returns of salmon.
- Regarding the implementation of renewable energy development zones and renewable energy cable corridor development zones, potential cross-border impacts on migratory fish can be expected. By migratory fish we mean wild salmon, migratory whitefish, sea trout, eel and lamprey in the Baltic Sea. In addition to renewable energy production, the transmission of energy via submarine cables from sea to land can have significant effects on the behaviour of migratory fish. For the time being, there is too little research data on the impact of the electromagnetic field on migratory fish to assess the effects, so according to the precautionary principle, renewable energy at sea must be promoted in a controlled manner, in cooperation with other countries in the Baltic Sea.
- The coordination group responsible for maritime spatial planning in Finland points out that a significant part of Finland's bird migration routes pass through Danish areas, and several species of waterfowl nesting populations winter in Danish Sea areas. Amendments to the

Danish maritime spatial plan, together with areas previously designated as renewable energy development zones and renewable energy cable corridor development zones, may have significant adverse effects on wintering and resting seabirds and migratory birds. For example, endangered species in Finland (e.g. Common Eider and Greater Scaup) wintering conditions and securing migration routes have a significant impact on their vitality.

To manage and mitigate the cumulative impacts on migratory birds, it would be a good idea
to coordinate the development of marine renewable energy production not only with the
authorities of Germany and Poland mentioned in the assessment, but also with the
authorities of other Baltic Sea countries, at the latest in connection with planning and permit
applications.

Statement by the Ministry of the Environment on amendments to the Danish Maritime Spatial Plan

The Ministry of the Environment has received a request for comments from the Finnish Environment Institute on amendments to the Danish Maritime Spatial Plan and its environmental report on 1.12.2023. The Protocol on Strategic Environmental Assessment to the UN/ECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) is applied in the environmental assessment. The Finnish Environment Institute (Syke) acts as the competent authority for the Convention (Point of Contact) in Finland.

Regarding the overall quality of the environmental report, we would like to make the following observations:

- The impacts and conclusions concerning different countries (e.g. Finland) they should have been presented in an aggregated form in the environmental report.
- It is not clear from the environmental report whether reasonable alternatives have been examined for new site reservations (including depreciation of existing plan reserves) and their impacts assessed. In connection with this, no selection justifications have been presented for the new bookings and their location.
- Although it is justifiable that the assessment has focused on changes to the plan, the overall
 effects of the plan to be amended (existing plan + its amendments/deletions what kind of
 effects will result from the implementation of this package) should still have been presented.
- Chapter 5 target review; Are all relevant international, national, and other relevant objectives set at other levels now included?

In its statement, the Ministry of the Environment draws attention to the following details.

2. Proposed amendments to the Danish maritime spatial plan

2.2. Proposed changes to the maritime spatial plan

In this section, it would have been good to consider the qualitative objectives of protected areas, not just percentage targets.

2.3 Approach and method of the design process

2.3.1. Ecosystem-based approach

It would have been good to have taken biodiversity into account as a separate item in this section. The cumulative effects on the table are also important, but it would also have been good to indicate how they will be assessed.

2.4 Relationship with other plans and programmes

This paragraph states that 'in the Maritime Spatial Plan, a large part of the marine area has been designated as environmental and nature conservation areas. However, the designation of an area as a nature conservation or environmental protection area in a maritime spatial plan does not mean that these areas are protected in any specific way, nor does the maritime spatial plan specify exactly what these safeguards might be.'

It is stated here that a large part of the marine area has been designated as environmental and nature reserves, which sounds good, but it would have been good to provide figures and preliminary plans, if they were known. Likewise, the following sentence, which states that "... However, the maritime spatial plan does not mean that these areas are protected in any particular way' and very vague, and it would be good to clarify what is meant by it. It would have been good to refer here, for example, to the EU Biodiversity Strategy and its objectives, as well as proactively to the possible impacts of the EU Restoration Regulation, for example. Obtaining this information across the Baltic Sea is also important when assessing the coverage of the network of protected areas in the Baltic Sea and the pressures on them, including cross-border impacts.

4. Strategic Environmental Assessment

4.1 Renewable energy and energy islands.

4.1.2. Hesselø in the Kattegat

Marine mammals

There are two distinct populations of porpoises in the Baltic Sea region, the porpoise population in the main basin of the Baltic Sea, which has been assessed as critically endangered, and the population in the Danish straits, which has been assessed as viable until now, but new census results show that a decreasing trend is visible. This information should be included in the report. This also has an impact on the porpoise population in the main basin of the Baltic Sea, as population mixing can be observed in the southern parts of the Baltic Sea Thus, the decline in the Danish population may also have major effects on the already degraded population in the main basin. Separate plans have been drawn up for both populations under the ASCOBANS agreement, and they have also been taken into account in Helcom's porpoise recommendation.

<u>The conclusions</u> note that the plans will have a limited impact on marine mammals. However, given that even minor impacts can be very large on the critically endangered porpoise population in the main basin of the Baltic Sea, the precautionary principle should definitely be followed at this point.

4.2 Renewable energy on Bornholm

Birds

The Ministry of the Environment suggests that the section on Long-tailed Duck (*Clangula hyemalis*) should have been written a little more extensively. However, this is a species that is endangered throughout the Baltic Sea, and there is a species in the vicinity of the area to be developed. species conservation area. Especially, it would have been good to assess the effects on migration and wintering. Although in the next paragraph describing Velvet Scoter and Common Scoter, it is stated that there is no important area for wintering, which depends on the presence of mussels. However, it must be remembered that occurrences can change, and withit wintering areas, especially taking climate change into account.

<u>The impact assessment has examined the migration routes of cranes,</u> but not, for example, the migration routes Long-tailed Duck (*Clangula hyemalis*), which nests e.g. in the northern parts of Finland, and its main wintering area is the Baltic Sea, the Baltic Sea. As discussed above,

activities in wintering areas have an impact on the entire population. Therefore, it would have been good to justify why the effects are considered minor.

The estimate excludes, for example, Common Eider (*Somateria mollissima*), and other seabirds wintering in Denmark, so the impact assessment paragraph is incomplete in this respect. For example, the Common Eider population has declined sharply in recent years, so changes in wintering areas may affect the vitality and recovery of the entire population.

<u>The conclusions</u> conclude that the impact on migratory birds is moderate, which is a step in the right direction. It is also good that there is discussion between the German and Polish authorities, but many of these species are also found in Finland, so these should be discussed on a Baltic Sea scale, for example at Helcom, taking into account e.g. Helcom's recommendation 34E/1 and, for some species, even more extensively, e.g. AEWA level.

Fish

In this section, it would have been useful to report on the situation of cod stocks in the southern Baltic Sea, where no quotas have been allocated for cod fishing for several years, only by-catches have been determined.

<u>The impact assessment</u> concludes that "the use of the renewable energy development zone is expected to have only minor impacts on benthic fauna and fish". It would have been good to justify this, especially in view of the situation of cod stocks and the fact that the Bornholm area is one of the key cod breeding grounds and could jeopardise cod recovery.

Marine mammals

The conclusions state that "the use of the Bornholm renewable energy development zone is expected to have minor negative impacts on marine mammals." This assumes that artificial reefs result in more fish and thus no harm to the porpoise. It would have been good to have presented studies and studies as a basis for this. The porpoise is a sensitive species, and any disturbance can be detrimental to a population that is almost on the verge of extinction. During operation, e.g. Ship traffic can interfere with porpoise's foraging, for example, and therefore the reef benefit is not a good enough argument to suggest that there are only minor negative effects. Since the population of the Baltic Sea is common and the impacts are transcendent, discussions should therefore be held not only with Germany and Poland, but especially with Sweden, but also with other Baltic Sea countries, as well as, for example, with the Baltic Sea countries. Helcom or ASCOBANS connection.

Natural and environmental protection areas

Figure 4.10 does not clearly show where this new area is, mixed with the "stone banks" and "stone reef" boundaries, among others. Here, too, it would have been good to highlight not only the wintering area of the Long-tailed Duck (*Clangula hyemalis*), but also the effects on the migration itself, i.e. describe the migration routes.

The report suggests that porpoises are disturbed by underwater noise and states that mitigation measures should be taken, but it would also have been good to set out what these measures are. In particular, what measures are intended to reduce e.g. the sounds of transport vessels. However, we are talking about a critically endangered population, for which any adverse effect can be very damaging. See previous text on porpoise and transboundary impact.

<u>The conclusions conclude</u> that there are no significant impacts. Considering that there are several species in the area that are endangered and migrate in the Baltic Sea region, it would have been good to look at the impacts even more extensively than what is presented here.

Tangible assets

This paragraph states that cod is particularly fished, which certainly refers to the situation in the past and is somewhat at odds with the current situation. It would have been a good illustration of the current situation, where, for example, the eastern cod stock is in a very poor state and fishing for it has been closed since 2020, with the exception of by-catches. Similarly, the western cod stock is in a poor state and its fishing has also been reduced. The state of cod stocks is also important for Finland, as Finland has its own share of the quotas.

5. Impact assessment for environmental objectives

In this paragraph, it would have been useful to take into account CBD's **Kunming-Montreal Global Biodiversity Framework adopted in late 2022, in particular** Goal 1 "*Ensure that all* areas are subject to participatory, holistic biodiversity spatial planning and/or effective management practices to mitigate biodiversity loss caused by land and sea use change, in order to: The reduction of areas of high biodiversity importance, including ecologically sound habitats, will be brought close to zero by 2030, while respecting the rights of indigenous peoples and local communities."

Reference could also have been made to Objective 3, which states that "Ensure and enable that, in 2030, at least 30% of land, inland water, coastal and marine areas, in particular areas of particular importance for biodiversity, ecosystem services and functions, are effectively protected and managed through ecologically representative, well-connected, equitably and fairly managed systems of protected areas and other through biodiversity areas supporting the network of protected areas, recognising areas traditionally dominated by indigenous peoples and local communities, where appropriate, and linking them to wider terrestrial and marine landscapes and oceans, while ensuring that any sustainable use of these areas, where appropriate, is fully consistent with the achievement of their conservation objectives, recognising and respecting the rights of indigenous peoples and local communities including the territories traditionally controlled by them and respecting those rights.'

6. Monitoring of the Danish maritime spatial plan

This paragraph states that it is not considered necessary to establish a monitoring programme to cover the effects of the proposed amendments to the Danish Maritime Spatial Plan. It would have been good to justify why this is not being done.

This monitoring would be supported, for example, by the Marine Strategy Framework Directive, whose monitoring programmes will use information to determine good environmental status in the marine environment. This information should be used to assess the impact of the maritime spatial plan, supplemented where necessary, if the network of monitoring points is not dense enough. Correspondingly, the monitoring of the Habitats and Birds Directives also serves to monitor the effects of maritime spatial planning, and this information should also be used.

The Finnish Meteorological Institute has studied the Danish maritime spatial plan (https://havplan.dk) and states in its opinion that: The maritime spatial plan has identified areas where renewable energy production (e.g. offshore wind power) and the use of bottom resources (e.g. sand) can be developed in the future. Both processes have a local impact on the environment, but since the densest water masses in the entire Baltic Sea (which fill the near-bottom areas) pass through Danish seas, in these areas the shaping of the bottom and changes in currents may have a direct impact on the water exchange of the entire Baltic Sea and, for example, on the salty and oxygen-rich water routes from the North Sea. Planned wind farms/bottom modifications on the Kattegat side may also affect water exchange.

The Finnish Meteorological Institute therefore proposes that when infrastructure is built, especially in the following areas close to the main channel of dense bottom flow, the aim is to minimise the impact on bottom shapes and flows:

- 1) Development zone for new a Kattegat link (lb) lb5
- 2) Development zone for natural resource extraction (R) R1
- 3) Development zone for renewable energy (Ev) Ev68
- 4) Development zone for natural resource extraction (R) R17
- 5) Development zone for renewable energy and energy islands (No) Ei7

The Finnish Meteorological Institute considers that there is no need to consider changing the boundaries of these areas, but it might be appropriate to add attention to the fact that changes in dense water flows near the bottom affect the entire Baltic Sea.

In addition, as the Finnish Meteorological Institute has stated also with regard to project developers, the plans for the construction of offshore wind power weaken the possibilities to monitor the state of the Baltic Sea using traditional methods (observations from ships, automatic measuring devices), and therefore the strategy should take into account how the monitoring of the state of the Baltic Sea will be handled in the future.

The Finnish-Swedish Transboundary River Commissions statement regarding the Danish Maritime Agency's proposal for a new Maritime Spatial Plan

The geographical application area for the Finnish-Swedish transboundary river agreement includes the international watershed of rivers Torne- and Muonio as well as the coastal area outside of Torne and Haparanda. Thus, the most significant part is within the river area. River Torne is the home for the most important wild salmon stock of the Baltic Sea. Although the emphasis of the maritime spatial plan is outside of the aforementioned application area there are even significant impacts from maritime activities on the anadromous fish stocks. The transboundary river commission comments the maritime spatial plan essentially through the point of view of the anadromous fish species.

Offshore wind power in the Baltic Sea

The Finnish-Swedish transboundary river commission has noted that a large amount of offshore wind power is being planned all the way from the Gulf of Bothnia down to the Baltic Sea not only in Sweden and Finland but also other Baltic Sea countries. The commission notes that it is an especially difficult challenge to assess combined and cumulative impacts from all these projects considering the scale of the planned offshore wind power over the large geographical area encompassing several nations territories.

Impacts on migratory fish

River Torne is home for the most vital, wild salmon stock of Europe and produces a majority of the wild salmon in the whole Baltic Sea area. The salmon of river Torne migrates all the way down to feeding areas in the Southern Baltic Sea and back to river Torne during its migration for spawning. It is known that the salmon of river Torne swims even to Danish waters during its feeding phase in the sea.

The commission points out that also other migratory fish species such as eel, lamprey, whitefish and sea trout are important to take into consideration.

At the time of writing there is still a lack of exact information regarding the migratory paths of the salmon, but there is some knowledge based on catch data which points to the fact that the salmon migrates to a large extent along the Finnish Westcoast on its way to the northern salmon rivers of Gulf of Bothnia. During 2023 the Swedish Agricultural University's (SLU) Fish Telemetry group has tried tracking salmon with satellite trackers that were attached in the Southern Baltic Sea. The results indicate that part of the salmon migrate through or next to

several projected wind farms in the Gulf of Bothnia. There is however a need for more research and as a prerequisite also financing for the research.

The offshore wind power along the Swedish east coast and Finnish west coast is localized roughly along the salmon's migratory pathways. From the windfarms the produced electricity needs to be transferred to land via sea cables on the bottom of the sea and these cables are thus perpendicular to the migration paths so that the salmon needs to pass a large number of cables during its migration.

The commission notes that it cannot be assumed that impacts from electromagnetic fields as well as other effects from wind farms could not form a threat to the migratory fish species. The commission raises that at the time of writing there is a limited amount of experience from offshore wind power in the Baltic Sea which makes it harder to assess possible impacts. The big question mark is the combined and cumulative effects from a large amount of wind farms in industrial scale over a large area.

The commission finds it impossible to take a stand regarding the proposed energy areas without looking at the energy areas as a whole in the whole Baltic Sea and all the way up to the Gulf of Bothnia. It is possible that the salmon of river Torne use areas for feeding that overlap with the proposed Danish maritime energy areas. Considering the lack of experience regarding effects on migratory fish the transboundary river commission finds it important to act according to the precautionary principle.

Transboundary co-operation for a holistic assessment of the impacts from offshore wind power

The commission states that co-operation between the Baltic Sea countries in assessment of the total impacts is of utmost importance, especially considering that the migratory fish are common resources (especially salmon of river Torne). In case some of the Baltic Sea countries would through the building of offshore wind power for example cause migration barriers or in other ways harm the living conditions of the salmon, this could be seen as a transboundary impact.

The commission suggests that in the strategic work it is to be made sure that the buildout of offshore wind power is not rushed too much before a holistic assessment of consequences can be done and that it can be made sure no irreversible damage on the migratory fish is caused.

The Lapland Centre for Economic Development, Transport, and the Environment (ELY Centre) issues a statement in accordance with section 6 of the Decree on the Environmental Impact Assessment of Government Plans and Programmes (347/2005) on amendments to the Danish maritime spatial plan and its environmental report, stating the following:

Fisheries

The fisheries authority of the Lapland ELY Centre states that the coordination of the activities presented in the maritime spatial plan with safeguarding the vitality of fish stocks plays a key role, especially regarding the renewable energy development zone planned around Bornholm. It is important to consider not only fish stocks but also their habitats, food chains and other interactions. Current research data, especially on the significance of the offshore sea as a habitat and habitat for different fish species, is limited for the time being. This underlines the need to apply the precautionary principle to safeguard the viability of fish stocks in order to avoid adverse consequences.

Avifauna

According to the plan, cod, flounder, herring and sprat are the most abundant in this development zone, and the exploitation of the development zone for renewable energy

production would have only a minor impact on benthic fauna and fish. However, the Fisheries Authority points out that salmon stocks in the Gulf of Bothnia, as well as most other salmon stocks in the Baltic Sea, migrate to the South Baltic Sea to feed. Possible anthropogenic changes, for example in the nutritional situation of salmon in the South Baltic Sea, may have a wide-ranging impact on the vitality of salmon stocks.

The Lapland Centre for Economic Development, Transport and the Environment considers it important that the impacts of the plan on Natura areas also regarding migrating birds and wintering in the area are properly assessed. According to the plan, the projects may have an impact not only on nesting species, but also on forest geese wintering in the area or birds migrating across the areas.

The Natural Resources Institute Finland (Luke) states the following: Denmark's sea areas are important wintering grounds for many waterfowl nesting in Finland, such as eiders. In addition, the migration routes of many species nesting in Finland or its vicinity pass through Danish territory. Luke states that the wind power areas added to Denmark's maritime spatial plan, if implemented, would increase the risk that wind power areas in the Baltic Sea and its vicinity would also cause adverse combined effects on bird life in Finland. However, synergies are very difficult to predict with the available data. Efforts should be made to anticipate and assess potential impacts in broad transnational cooperation, if necessary, covering the entire habitat of species. At the same time, the clearest information gaps should be identified, and efforts should be made to collect the additional information needed to anticipate synergies.

Luke states that no significant impacts on fish populations extending to Finland are expected from the wind power areas planned for the Danish Sea area. Finnish commercial fishing vessels mostly fish in the northern Baltic Sea, and the new wind power area designated south of the island of Bornholm, for example, is not a significant fishing area for Finnish fishing vessels.

Luke considers that the amendments to the maritime spatial plan to enhance nature conservation by increasing the number of areas reserved for protection supports the conservation objectives of the European Union well.

The Finnish Transport and Communications Agency (Traficom) issues the following statement: From the maritime perspective, wind farms planned for the sea area may affect, for example, the functionality of the transport system, maritime radar and radio systems, and maritime safety. When expanding and increasing the areas allocated for offshore wind power, it is important to consider and ensure the safety and smoothness of international shipping also in the future.

In other respects, Traficom refers to its earlier opinion on the environmental assessment of changes to the Danish Maritime Spatial Plan: given Denmark's experience in reconciling offshore wind power and dense maritime traffic in its sea areas, it would be justified to follow the environmental assessment process of amendments to the Danish Maritime Spatial Plan. From Finland's point of view, it would also be useful to obtain more information on, for example, the studies used to support planning and practices in coordinating shipping and offshore wind power in densely trafficked Danish Sea areas.

The Ministry of Transport and Communications states that on August 18, 2023, it has issued a statement on the environmental assessment of the changes in the Danish maritime area plan. The ministry refers to its previous statement and states that the ministry has no comment on the draft Danish maritime area plan or its environmental report but taking into account Denmark's

experience in coordinating offshore wind power and frequent maritime traffic in its maritime areas, it would be justified to monitor the SEA process in the future as well. From Finland's point of view, it would also be useful to get additional information, e.g. of the studies and practices used to support planning when coordinating shipping and offshore wind power in heavily trafficked Danish sea areas.

The Geological Survey of Finland considers that the proposed changes to Danish maritime activities do not have such transboundary adverse effects on the abiotic marine environment (seabed and sedimentation in Finland) that should be considered in the Danish maritime spatial plan and its environmental report.

Metsähallitus stated that they will not comment on the matter.

Service development director

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This document has been electronically signed. The electronic signatures can be verified from the register office of the Finnish Environment Institute.

Enclosure Statements received

For information Ministry for Foreign Affairs of Finland

Ministry of the Environment

Finland's Maritime Spatial Planning Coordination Group The Finnish-Swedish Transboundary River Commissions

ELY Centre for Lapland

Ministry of Transport and Communications

Finnish Meteorological Institute (FMI)

Finnish Transport and Communications Agency (Traficom)

Geological Survey of Finland

The Natural Resources Institute Finland (Luke)

Metsähallitus