

## Yttrande

Datum  
2021-01-26  
Handläggare

Dnr  
Direkt

Mottagare  
Naturvårdsverket,

### Samråd om revidering av Tysklands havsplan för den ekonomiska zonen i Nordsjön och Östersjön

Havs- och vattenmyndigheten översänder här svar på samrådet enligt ESBO-konventionen om förslag till reviderad tysk havsplan med tillhörande miljökonsekvensbeskrivningar.

Vi lämnar våra svar på engelska enligt önskemål från Naturvårdsverket.

### Comments

The comments from the Swedish Agency for Marine and Water Management (SwAM) refers to the Baltic Sea solely. We welcome the opportunity to comment on the revision of the marine spatial plans for the German EEZ. We have recently commented on the German Site Development Plan for offshore energy and refer to that statement for more detailed comments related to impacts from offshore wind power.

The environmental report of the Strategic Environmental Assessment (SEA) concludes that significant environmental impacts is unlikely in Swedish waters. However possible significant transboundary impacts could arise from a cumulative view in the southern Baltic Sea for the highly mobile biological assets fish, marine mammals, seabirds and resting birds, as well as migratory birds and bats.

### Possible transboundary effects on the Baltic Proper harbour porpoise

Possible significant transboundary impact could arise on marine mammals such as harbour porpoises. This includes risks for negative impacts on the specific population of Baltic Proper harbour porpoises, which is a critically endangered population<sup>1</sup>. These risks may occur during the pre-construction, construction or decommissioning phase of a planned wind farm project.

The population's breeding grounds are in the more central parts of the Baltic Sea, around the offshore banks Hoburgs bank and the Midsea banks (Midsjöbankarna). However, it is shown that porpoises from this population may appear in the south-west Baltic Sea during the winter months. Construction/Installation of offshore windfarms can disturb and

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<sup>1</sup> The Swedish Red List 2020. <https://artfakta.se/naturvard/taxon/phocoenaphocoena-baltic-population--2324753/3>

possibly physiologically damage harbour porpoises (causing TTS, Temporary Threshold Shift or PTS, Permanent Threshold Shift) as this activity can cause high underwater noise levels during the installation phase. This disturbance effect can also occur during the pre-installation phase when seismic surveys are being undertaken.

SwAM considers mitigation measures to protect the harbour porpoise as vital and we assess the listed mitigation measures in the environmental report as appropriate according to current knowledge.

In addition to noise mitigation measures it is of great importance to adjust the installation schedule and seismic surveys to the time of the year when the probability of presence of the Baltic Proper harbour porpoises is the lowest. During May–October, there is a high probability of detection of harbour porpoises on and around the offshore banks south of Gotland and east of Öland.<sup>2</sup> Conversely, this indicates that the probability of detection of Baltic Proper porpoises in the area of the southern Baltic during May–October is presumably lower. Consequently, this period would be more appropriate for offshore activities such as piling and seismic surveys, from the perspective of protecting the endangered Baltic Sea harbour porpoise population.

The environmental report refers to "current knowledge and facts" in each sector/areas on the importance of the areas for the harbour porpoise resting and breeding. However it should be noted that only because there is no knowledge or proven presence of harbour porpoise, this does not guarantee that the areas do not constitute important areas for harbour porpoise or other protected species. Furthermore disturbance such as increasing shipping and construction of new wind farms in other areas than the German EEZ, might result in harbour porpoises searching new patterns of movements.

During operation the underwater noise emitted from a single wind farm is in general low compared to for example cargo ships. SwAM would however like to point out that cumulative effects potentially also can occur during the operational phase due to the contribution to a louder soundscape from multiple turbines from multiple farms in the ocean. As the development of more windfarms continues, their combined contribution of noise cannot be ignored<sup>3</sup>. Large-scale cumulative effects should be addressed in the upcoming environmental impact assessments for the specific offshore wind parks.

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<sup>2</sup> Carlén et al. 2018. Basin-scale distribution of harbour porpoises in the Baltic Sea provides basis for effective conservation actions. *Biological Conservation*. 226.

<sup>3</sup> Tougaard et al. 2020. How loud is the underwater noise from operating offshore wind turbines? *J. Acoust. Soc. Am.* 148 (5), Nov 2020.

### **Negative effect on aggregations of spawning cod stocks**

Eastern and western Baltic cod populate the area. Both are below safe biological limits and it is therefore important to give the stocks good conditions for spawning and fry production by avoiding pile driving and major noise disturbances during cod spawning periods. Dean et al. (2012)<sup>4</sup> showed that when accumulations of spawning cod were disturbed, they left the area so as not to return to this area. Stressed cod do not perform their normal spawning behaviour and are more likely to produce abnormal fry (Morgan et al. 1999)<sup>5</sup>. It is probable that piling and other disturbances that produce loud noises for the cod may disturb the cod during spawning, and thus negatively affect an already suppressed stock. In order to have a good fry production that this stock needs, the probability of disturbing the cod during spawning should be as small as possible.

SwAM proposes that pile driving should be avoided during peak cod spawning periods, from 15 May to 15 August to match the protective period for cod spawning implemented by the EU Council<sup>6</sup>. Mitigating measures should under all circumstances be used to as far as possible minimize the spreading of impulsive noise. Cod spawning is essential for the provisioning ecosystem services which small scale fisheries among other also rely on.

### **Negative effects from fisheries**

Negative effects from fisheries on other activities and sensitive species and habitats eg from by-catch of marine mammals and birds, could be more developed in the SEA. The plan proposal does not designate important areas for fisheries except for a reservation area for Norwegian lobster in the North Sea. We would welcome using the plan to indicate the most important areas for fishery as a basis for future trade-offs in relation to other interests. Areas with high nature values being part of the marine green infrastructure may as well be designated in MSP as a means to support sustainable co-existing uses.

### **Impacts on migrating birds**

We note the "Fehmarn-Lolland" bird migration area and understand that the offshore wind energy reservation area EO2 overlaps with another bird migration area "Rügen- Schonen". Further understanding of the impacts on bird migration and bird populations including effects of mitigation measures would be needed before exploitation of that area.

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<sup>4</sup> Dean MJ, Hoffman WS, Armstrong MP (2012) Disruption of an atlantic cod spawning aggregation resulting from the opening of a directed gill-net fishery. *North Am J Fish Manag* 32:124–134

<sup>5</sup> Morgan MJ, Wilson CE, CrimLW(1999) The effect of stress on reproduction in Atlantic cod. *J Fish Biol* 54:477–488

<sup>6</sup> Council regulation (EU) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2020/123 as regards certain fishing opportunities in other waters, article 7(3).

## Shipping

We note that reservation areas for shipping in the current plan are shipping areas in the revised draft. We understand that maritime safety is a major concern at sea but would like to highlight the need of keeping space for future marine uses. Further harmonisation between neighbouring countries on how shipping routes should be represented in MSP-plans in the Baltic is important.

## Effects on Swedish fishery

The German Exclusive Economic Zone is used by Swedish commercial fisheries. Fisheries have been taking place in all areas designated for offshore wind in the EEZ and more specifically by:

- Coastal fisheries using passive gear in area O-2 (western part) and O-3.
- Fisheries using demersal trawls in area O-1 (northern part) and O-2.
- Fisheries using pelagic trawling in area O-1, O-2 and O-3.

The documents do not include assessments relating to impacts on other activities such as fisheries. It is important to consider such impacts in this MSP-process as well as in the further processes following the Site development plan.

Beslut om detta yttrande har fattats av avdelningschefen [REDACTED] efter föredragning av utredaren [REDACTED]. I ärendets handläggning har även enhetschefen [REDACTED], utredarna [REDACTED] [REDACTED] samt verksjuristen [REDACTED] deltagit.

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