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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

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**Follow-up of Recommendation No. 144 (2009) of
the Standing Committee, on the wind park in
Smøla (Norway) and other wind farm
developments in Norway**

*Document prepared by
The Norwegian Ornithological Society (NOF)*

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FOLLOW-UP OF RECOMMENDATION NO. 144 (2009) OF THE STANDING COMMITTEE, ON THE WIND PARK IN SMØLA (NORWAY) AND OTHER WIND FARM DEVELOPMENTS IN NORWAY

Reference is made to the report from the Norwegian Government on this case, sent by the Ministry of Environment, Norway.

Norwegian Ornithological Society finds it necessary to make some comments on the report:

First part of the report is focusing on the BirdWind Project on Smøla and the results given at the conference on wind energy, Trondheim, Norway 2nd – 3rd May 2011. As it is mentioned, the BW Project was finalized on 31st December 2010, and not followed up during 2011. At least another two White-tailed Eagles were killed during spring this year, bringing the total of eagles found killed to at least 41 birds. As far as we know, however, nobody has the information about the true situation during 2011. It is necessary to bear in mind that in 2010 a total of 11 birds were killed.

Based on DNA-profiles of eagles the report is commenting that the population size of WTE on Smøla was overestimated previously to the BirdWind Project. The fact is that there were no DNA-analysis before 2006, and so there is no basis for concluding that the estimates of the breeding population of WTE before the construction of the windpower plant (started autumn 2001) was an overestimate. At that time the criteria for recording different sea eagle territories as separate pairs were based on simultaneous activities in the nests, i.e. either adult pairs recorded at the same time, or eggs/eggshell remains or chicks. So the DNA-profiles can only be used for analyzing the situation from 2006 onwards. Already before that time a number of adult sea eagles were found killed in the wind park. Further one has to be very careful when comparing the reproduction in 2002 with the situation 2010. The time used for field works and the thoroughness of the area searched was far less in 2002 compared to 2010.



BirdLife arbeider med fuglevern på global basis *NOF representerer BirdLife i Norge*

On the other hand the report is describing the complexity of the basis for mitigation measures, and that there by now is planned and applied for a prolonged study aimed at possible mitigation measures, but not at all on using the experience from the BirdWind Project (1) to impose such measures. We find it necessary to put the attention on the fact that the Norwegian Government still, as they have been doing during all years, still is talking about what they need of new knowledge, how important is to study the problems, but is showing no interest for following up the recommendations from scientists and from the Bern Convention Standing Committee on imposing mitigating measures.

Then our comments to the recommendations by BC Standing Committee from 2009:

1. Regional plans have been developed in some of the Norwegian counties, and some of these have been approved by the Government. In fact, however, the quality is differing very much from county to county, and in some regions these regional plans are suffering from the same lack of relevant data as have been the problems for individual wind power projects until now. Even more important is that several wind power plants have been licensed contradictory to what have been declared conflicting areas in these regional plans.
2. And 6. The governmental report is summarizing the formal procedures for the licensing of wind power projects in Norway, obviously trying to ensure and give the picture that there is an ongoing improvement of this process in Norway. Until now we can see no changes in the EIA programs for wind power projects in Norway and to what has been criticized for their low standards, not the less in "on-the-spot" appraisal report from 2009. Strictly opposite to what the Government report is saying, that the Ministry of Environment in cooperation with the Ministry of Petroleum and Energy is identifying possible changes in the requirements on EIA for wind farms following the Norwegian Biodiversity Act in force from 2009, the Directorate for Water and Energy in a letter to the Ministry of Petroleum and Energy, dated 6th April 2011, in plain words is telling that they are not accepting and are not intended to follow the requirements and demands identified by the Ministry of Environment on these questions, see attachment to this letter.
3. Again, in fact no mitigation measures have been imposed so far. The scientific report by NINA is recommending to close down some of the most problematic turbines during situations identified by experience to be potentially dangerous for birds (Kjetil Bevanger 3rd May 2011, Nationen.no). As late as during the conference mentioned in the introduction, representatives for the owner of the Smøla windpower plant was saying that they were not intended to close down any turbines during such situations. The reason why was that the efficiency of windpower production in Norway was so low, that they could not accept the loss of any power production once the potential of power production was there (Bjørn Iuell 2nd May 2011, Teknisk Ukeblad).
4. Following the EIA-processes and hearings of wind power plans in Norway, it is very difficult to find that the experiences from Smøla have been taken into account for other wind farm projects. Quite opposite, in the general debate about these questions, as well as when the Smøla Wind farm is demonstrated for the public or other interests, it is very often said that "look to Smøla, everything is going well, the nature is there and the WTE and the other birds are behaving well". In other situations the arguments are that the Smøla situation is so unique that it is impossible to take the experiences from Smøla into account for other areas.
5. And 7. Still it is talking about what the Norwegian government is on their want to do, not what they actually have done and put into operation. I. e. nothing has been done so far.
8. and 10. Neither can we see that this is correctly answered by the governmental report. There are a number of cases where wind farms have been licensed next to nature reserves and bird sanctuaries. In one case the borders of a planned bird sanctuary (seabird colonies) was changed ab 300 m, so that most of the nesting areas of the colony in question fell outside the sanctuary borders and close to a licensed wind farm (Haramsøy, county Møre & Romsdal).

9. It is a pity that by now we are close to half the way of the license period of the Smøla Wind farm, and still nothing has happened to diminish the negative effects of the wind power plant to the birdlife and the nature on Smøla.

Conclusion:

To our opinion the Norwegian Government's report on the following-up of Recommendation No. 144 (2009) is not correctly giving information on a number of points. Most important, however, is that more than clearly it is demonstrating the bad fact that the Norwegian Government by no means are showing any signs to be willing to or even intending to give some attention to the recommendations given by the Bern Standing Committee in their Recommendation No 144 (2009). Further, as demonstrated by our attachments, the authorities for licensing wind power plants represented by the Directorate for Water and Energy, and by the Ministry of Petroleum and Energy, are not intending to give any priorities to the values of nature and the environment in wind power processes.

Sincerely yours,

Kjetil Aa. Solbakken, Director

Alv Ottar Folkestad, Chairman