REGIONAL DIRECTOR FOR ENVIRONMENTAL PROTECTION IN SZCZECIN

Szczecin, 3 April 2024

WONS-OŚ.420.35.2023.KK.8

RULING

Pursuant to Article 123 of the Act of 14 June 1960 Code of Administrative Procedure (Dz. U. [*Journal of Laws*] of 2023, item 775, as amended), in connection with Article 69(3) and Article 66 and Article 68, as well as Article 75(1)(1)(c) in connection with Article 75(2) of the Act of 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessment (Dz. U. [*Journal of Laws*] of 2023, item 1094, as amended) in connection with § 2(1)(5) of the Regulation of the Council of Ministers of 10 September 2019 on investments that may have a significant impact on the environment (Dz. U. [*Journal of Laws*] of 2019, item 1839, as amended), having considered the application of the Cormano Sp. z o.o., on issuing a decision on environmental conditions for the project consisting in the construction of an offshore wind farm 43.E.1

I decide as follows:

I. To define the scope of the environmental impact assessment report for the aforementioned project in accordance with the scope defined in Article 66 of Act of 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessment (Dz. U. [*Journal of Laws*] of 2023, item 1094, as amended), referred to as the EIA Act, with particular emphasis on the following issues:

1. Provide a detailed description of the planned project, including:
    a) precise locations of the wind turbines and associated infrastructure within the project area boundaries (including geographic coordinates enabling clear identification of each element of the project),
    b) characteristics and comprehensive description of the project scope, including all phases,
    c) predicted types and quantities of pollution expected during all phases of the planned project,
    d) outline the project's staging and execution timeline, including – if the project will be implemented in stages – a description of the scope of activities planned for each stage.
2. Present the environmental conditions, including the natural environment, through:
    a) description and distribution of elements of the marine natural environment (also in graphic annexes), i.e. flora, fauna (ichthyofauna, avifauna, mammals), planktonic organisms, benthic organisms, and natural habitats. This should particularly address natural habitats and species of plants and animals listed in the Council Directive on the conservation of natural habitats and of wild fauna and flora (Habitats Directive), birds listed in the Directive of the European Parliament and of the Council on the conservation of wild birds (Birds Directive), as well as plants and animals protected under national law and species identified as rare

and endangered (listed in national ‘red books’ and regional ‘red lists’);

b) description of nature protection forms specified in Article 6 of the Act on Nature Conservation, located in the Baltic Sea area, which may be affected by the project;
c) location of green corridors of international, national, regional, and local importance;
d) surface area and condition of marine natural habitats, as well as distribution of seabed biotopes;
e) conservation status of populations and habitats of plant and animal species (categorised into species listed in the Habitats Directive, Birds Directive, and other relevant regulations);
f) information on taxonomic composition, abundance, and biomass of phyto- and zooplankton, as well as phyto- and zoobenthos;
g) information on ichthyofauna, including species composition, abundance, biomass, distribution, density, and age structure;
h) information on marine and migratory avifauna, including species composition, distribution, abundance, with specific focus on wintering and resting birds during migration and their period of abundance, migration routes;
i) information on mammals, including harbour porpoise activity, sightings of live and dead seals, key locations, and migration routes;
j) information on underwater heritage present;
k) information on hazardous facilities, such as conventional munitions, chemical munitions, and their remnants.

3. The nature surveys must adhere to the following requirements:
    a) describe natural elements of the environment based on current data obtained from field research and supplementary source materials that enhance the current understanding of the area’s natural resources,
    b) the spatial scope of natural resource surveying should encompass the project’s impact area, considering areas with potential cumulative impacts with other investments (both direct and indirect, short- and long-term),
    c) the fauna survey should span at least 12 months, with research duration, inspection frequency, and timing tailored to the biology and ecology of studied species or species groups, accounting for their varying activity in successive phenological periods,
    d) create thematic maps overlaying maritime maps, depicting the distribution of natural habitats, protected plant and animal species in Natura 2000 areas, migration routes, and existing/planned forms of nature protection or other protected areas,
    e) ensure the report’s content is based on completed and reliable research, not ongoing or yet-to-commence studies.
4. Determine the predicted impacts of the project on the environment, including, but not limited to:
    a) impacts on inventoried elements of the biotic environment, considering:
        – changes in hydrogeological and hydromorphological conditions (changes in water flow size and dynamics, changes in sea current direction and speed, changes in seabed depth and structure, potential shoreline transformations),

- physical effects of project execution, such as habitat destruction, transformation, fragmentation, or isolation of plant and animal habitats and natural habitats,
- impact on ecological structures and processes crucial for animal population and natural habitat functioning,
- effects on forms of nature conservation within the project's impact range, particularly Natura 2000 areas and continuity of green corridors connecting these areas, including the provisions stemming from the existing or proposed conservation plans for those areas,
- forecast changes in the parameters of the populations of inventoried fauna species (e.g. impact on abundance as a result of increased mortality, change in population density, structure),
- impact on breeding sites, feeding grounds, resting places, migration routes (continuity and functioning of international, national, regional and local corridors),
- creation of a barrier limiting or preventing the migration and dispersion of organisms, limitation of their area of occurrence,
- impact on biodiversity,
- effects of increased anthropogenic environmental impact,

b) impact (both direct, indirect as well as short- and long-term) at each stage of the project on the forms of nature protection, with particular consideration of the Natura 2000 areas, including the conservation objectives of the objects of protection in the Natura 2000 areas, with particular consideration of Ławica Słupska PLC990001, located in the distance of approx. 4.5 km from the investment area, as well as other Natura 2000 areas located in the Baltic Sea on which the objects of protection may be affected by the investment, including Przybrzeżne Wody Bałtyku PLB990002, Ostoja Słowińska PLH22002; Pobrzeże Słowińskiego PLB220003; Zatoka Pomorska PLB990003; Ostoja na Zatoce Pomorskiej PLH990002, or the Swedish area Hoburgs bank och Midsjöbankarna SE0330308. An analysis of the source materials should comprehensively cover all objects of protection to establish the current state of knowledge regarding the natural resources of the study area. This includes considering data from the Standard Data Forms (SDFs), data collected for conservation plans, and specific conservation task plans. Subsequently, a thorough analysis should be conducted to assess the impact of the investment on the established conservation objectives for protected natural habitats and species;
c) analysis of the risks associated with the appearance and spread of invasive alien species,
d) assessment of the impact on stocks and recruitment of commercial fish (fish species relevant to fisheries) and on spawning grounds and survival of early life stages of fish (eggs and larvae) of commercial species,
e) assessment of the impact on the morpho- and lithodynamic processes in the coastal zone,
f) assessment of the impact on the conservation status of wintering and resting birds during migration and their period of abundance, taking into account migration routes,
g) cumulative impacts in terms of noise resulting from the siting of the wind farm, taking into account the impact on marine mammals and fish spawning grounds,
h) cumulative impact on avifauna and the maintenance of bird migration corridors, particularly the objects of protection in Natura 2000 site Ławica Słupska, with special regard to the long-tailed duck (*Clangula hyemalis*),
i) impact on the aquatic ecosystem, due to, i.a.:

- excavation and uplift of seabed sediments, leading to an increase in suspended solids concentration in water;
- noise (using underwater noise propagation modelling) and vibrations;
- potential emergencies (such as uncontrolled petroleum products' spillage or ingress of contaminants from dumped munitions);
- changes in species composition, range, abundance, and biomass of fauna and flora;
- introduction of structures that may constitute potential artificial habitats colonised by aquatic organisms.

5. Present variants of the project, including:
   a) location of each planned variant of the project (including geographic data enabling unambiguous identification of specific elements of the project), with indication of the selected variant for implementation, the rational alternative variant, and the rational environmentally preferable variant. The rational environmentally preferable variant may coincide with the selected variant for implementation or the rational alternative variant,
   b) the variant of not undertaking the project, along with a description of the predicted environmental impact in case the project is not undertaken,
   c) determination of the predicted impact of analysed variants on the environment at each stage of the project's execution, considering the project's staging and indicating impacts on the environment, and in particular on:
      - human beings, animals, plants, and water, including the Baltic Sea ecosystem, particularly regarding the functioning of the entire aquatic ecosystem, including natural habitats and species designated under Natura 2000 sites and other potentially affected areas, as well as on the integrity and coherence of the Natura 2000 network,
      - physical assets,
      - mutual impacts among the above elements, with reference to legal conditions arising from existing nature conservation provisions,
      - anticipated impacts in case of serious accidents, natural disasters, and other events,
      - anticipated cumulative impacts on the environment, including the natural environment,

   d) presentation of information on the variants and their impacts in a manner that enables authorities to compare and evaluate them effectively.
6. Present the geological conditions and information on marine, surface, and underground waters, along with the determination of the investment's impact on these environmental components, considering:
   a) description of geological conditions in the project area and its impact zone,
   b) presentation of quantitative and qualitative characteristics of waters,
   c) presentation of quantitative and qualitative characteristics of seabed sediments (including lithology, chemical composition, including heavy metals, and granulometry), especially at the project site and its impact zone, with considerations on possible pollution migration,
   d) hydrographic conditions such as water exchange, salinity, currents, pollution levels, vulnerability of the water area to human activities (including seabed sediment disturbance), and interactions with other components of the environment, e.g. with

seabed sediments – through suspended solids composed of sediments, nutrients and harmful substances with the fauna and flora present in the area,

e) information on the project's location relative to surface water bodies, groundwater bodies, open marine waters,
f) analysis of the project's impact on achieving environmental objectives for surface water bodies and groundwater bodies and on the status of marine waters, in the context of the requirements of the Water Framework Directive and the Marine Strategy Directive,
g) presentation of measures required to achieve good environmental status of marine waters as outlined in the National Programme for the Protection of Marine Waters,
h) occurrence of risks related to major accidents or natural and construction disasters (based on current scientific knowledge), considering substances used and technologies applied.

7. Provide information on the potential creation of a new stream of ship traffic between the offshore wind farm (OWF) and the service port during the construction and operation stages of the project. This should take into account HELCOM routes.
8. Analyse the impact of the project on climate and climate change, considering:
    a) climatic and meteorological conditions within the project's range of impacts,
    b) analysis and assessment of the impact of substances and energy (including greenhouse gases) emitted to the environment from the project on climate and climate change,
    c) analysis of the impact of climate change resulting from the project on biodiversity of ecosystems within the project's range of impacts,
    d) analysis of the project's resilience and potential adaptation to the effects of climate change, considering factors such as heat, hurricanes, sea level fluctuations, storms, and periods of extreme frost and snow.
9. Present an analysis of the project's impact on air quality, considering all sources of organised and fugitive emissions characteristic of the technological process and generated by other devices, installations, and vehicles used in the course of the project.
10. Present an analysis of the project's impact in terms of noise and vibration emissions, divided into emissions from, for instance, machinery, equipment, and maritime traffic, taking into account:
    a) the current state of the acoustic climate within the planned project's range of impacts,
    b) detailed qualification of the areas (with borders indicated in graphic annexes),
    c) all sources of noise, including the level of acoustic power, the duration of their operation, and the variability of the intensity of noise generated during day and night, divided into emissions from:
    – project implementation, including emissions from equipment and installations carrying out the works,
    – maritime traffic connected with the execution and operation of the project, including during maintenance works,
    d) all sources of generated vibrations and the analysis of the impact of vibrations on animals, with particular attention to marine mammals and ichthyofauna, along with a graphic illustration of the obtained results.
11. Present issues related to waste management, including:
    a) the types, codes, sources, and maximum anticipated quantities of hazardous and non-hazardous waste to be generated,

b) ways of handling the aforementioned waste, detailing all activities related to its management and transport,
c) the environmental impact of the waste management operations.

12. Present issues related to wastewater management, including information on: water supply, domestic and process wastewater management, rainwater and snowmelt disposal, both for the construction, operation, and decommissioning phases of the project.
13. Present the socio-economic conditions, including:
    a) the current socio-economic conditions in the project's range of impacts, including but not limited to uses of water resources, including land use for tourism, recreation, fisheries, and shipping,
    b) an analysis of the project's impact on socio-economic conditions in each phase of the investment, with particular attention to the impact on the quality of life and living conditions of people,
    c) the impact of the project on fisheries within the project location and its range of impacts, considering both execution and operation phases,
    d) the impact of the project on tourism;
    e) the impact of the works being carried out on the safety of navigation and the presentation of methods to ensure safe vessel traffic in the area affected by the project.
14. Provide an analysis in terms of changes in land use and development in relation to:
    a) land use in the municipalities surrounding the project,
    b) development of maritime and coastal areas.
15. Provide a description of the anticipated cumulative environmental impacts of the project in conjunction with other existing and planned investments and emission sources, considering:
    a) planned and existing wind farms in the Baltic Sea,
    b) associated investments,
    c) transport and communication in the project area;
    d) existing infrastructure, including existing pipelines, submarine cables, and other activities in the maritime area.
16. Present the anticipated measures to prevent, limit, and compensate for the negative impact of the project on the environment during each stage of the project, with a particular emphasis on:
    a) impacts on human nuisance during construction and operation,
    b) impacts on the different components of the natural environment, specifically: benthos, marine mammals, ichthyofauna, ornithofauna, and bats,
    c) the cumulative impacts in terms of noise resulting from the siting of the wind farm, considering its effect on marine mammals and ichthyofauna,
    d) noise minimisation measures, indicating their effectiveness and using existing results from post-implementation monitoring of operational wind farms where such minimisation measures have been put in place,
    e) actions aimed at preserving existing migratory corridors for avifauna, referencing solutions applied in other offshore wind energy projects and assessing their effectiveness,
    f) impacts on marine, surface, and underground waters, including the method of arranging construction backup facilities, transport bases, distribution stands for liquid fuels necessary for the execution of the investment, the method of managing

domestic and technological wastewater and removal of rainwater and snowmelt, as well as the periodic storage and further waste management,

g) impacts on air quality,

h) impacts on the acoustic climate and vibrations, including measures to minimise above-standard noise levels, specifying the parameters of the proposed safeguards and their locations,

i) impacts on climate change and measures to adapt the project to climate change,

j) indication of methodological assumptions for the monitoring programme, specifying dates, places of observation/research areas, with particular emphasis on the state of water quality, benthos, marine mammals, ichthyofauna, and avifauna,

k) actions and precautions related to the possible need to dispose of military munitions,

l) measures implemented to reduce and mitigate the effects of major incidents.

17. References to the findings of the current Maritime Spatial Plan of the Polish Internal Maritime Areas at a scale of 1:200,000, hereinafter referred to as the 'Plan', adopted by the Regulation of the Council of Ministers of 14 April 2021 on the adoption of the maritime spatial plan for internal marine waters, the territorial sea, and the Exclusive Economic Zone at a scale of 1:200,000 (Dz. U. [*Journal of Laws*] of 2021, item 935, as amended), including:

    a) with regard to technical infrastructure and artificial islands and structures in the POM.43.E basin – present how the works will be carried out without jeopardizing the ecological function of spawning grounds and the survival of early life stages of fish (eggs and larvae) of commercial species (§ 53(7)(4)(a) and (7)(b) of the Plan),

    b) considering the impact on stocks and recruitment of fish of fishery interest – given the existence of moderate conditions for commercial fish reproduction (§ 53(13)(3) of the Plan),

    c) presenting the impact of the generation of physical fields (electromagnetic fields) and possible cumulative negative impacts with neighbouring offshore wind farms and the risk of collision-related accidents, including in emergency situations (§ 53(13)(4) of the Plan),

    d) if it is necessary to establish a passage corridor for migratory birds, specification of its exact direction and size, taking into account maintaining its width of not less than 4 km and the straight line of its axis (§ 6(2) of the Plan).

18. In the context of transboundary impacts, it is necessary to take into account the comments and proposals made by the affected states, including:

    1) by the Swedish Party:

    a) impact on the object of protection of Natura 2000 sites located on the Danish and Swedish sides, with particular reference to the Natura 2000 site Hoburgs bank och Midsjöbankarna, also in a cumulative context,

    b) analysis of the cumulative environmental impact with all projects of a similar nature, taking into account existing and planned projects in the Baltic Sea in various sectors, including Bornholm II (Denmark), Baltic Edge, Baltic Offshore Beta, Neptunus and Cirrus and others in Sweden,

    c) impact in terms of long-term impact, taking into account underwater noise, vibration, changing currents or electromagnetic field around the cables, on fish stocks and fisheries (including fish spawning, foraging, migration, growth) as well as other marine fauna during construction, operation

and decommissioning of the wind farm, with a particular focus on the herring population in the Baltic Sea,

d) impact of the construction and decommissioning stages on the abiotic factors of the marine environment related to water turbidity, increased nutrients, dispersion of possible toxins from benthic material and increased transport by ships, also in a cumulative context,
e) impact of wind turbines on wind, waves and ocean currents, also in a cumulative context,
f) the cumulative impact of the project on Swedish coastal water bodies, taking into account ship traffic and cable laying, with a presentation of mitigation measures,
g) the impact of the project on maritime traffic in the Baltic Sea,
h) effects on water quality and water quantity: if metals are released into the water and if sediment is spread during the work, with a presentation of mitigation measures,
i) presentation of solutions and techniques to avoid collisions of wind turbines with birds and bats, including the application of methods available in this respect which make it possible to immediately shut down the wind turbines in the case of high-risk conditions, the application of a radar system stopping the operation of wind turbines during bird migration, the adaptation of lighting preventing the attraction of birds, the painting of one or more rotor blades to create a stronger avoidance effect,
j) presentation of the impact of the project on birds that use (and can be predicted to use) the area, based on current knowledge of the risks to birds from offshore wind farms and studies carried out from ship or aircraft or/and telemetry studies with GPS transmitters,
k) analysis of the collision and barrier risk and avoidance effect on birds and bats, taking into account changes in their routes and migration modifications, and the impact on the population status, taking into account the ship traffic associated with the project,
l) the cumulative impact of the wind farm, together with other wind farms in the vicinity and other shipping and fishing and extraction activities on the status of bird populations based on radar surveys, taking into account the size, diversity and variability of mass migrations of birds/bats, as well as an indication of the predicted annual mortality statistics of migratory birds, taking into account weather conditions.

2) Regarding the comments made by the Danish Party:

a) outline the impact of the project on the range of the Danish main military radar on Bornholm.

19. Provide a description of the impact forecasting methods applied by the applicant, including the assumptions and methodology of the analyses presented in the report, in particular concerning substances and energy emitted into the environment, including the natural environment and its changes caused by the planned project, together with the literature sources.
20. Take into account the environmental information relevant for the project, resulting from the analysis of the available literature data and existing studies, such as the Marine Spatial Plan for Marine Waters along with the Environmental Impact Assessment, nature documentation and draft conservation plans for marine Natura 2000 sites, including Zatoka Pomorska PLB990003, Ostoja na Zatoce Pomorskiej PLH99002 or Ławica Słupska PLC990001, adopted provisional conservation objectives for natural habitats

and species and their habitats being the objects of protection in the above mentioned Natura 2000 sites, as well as environmental documentation drafted for the purposes of other projects.

21. Present the issues in the graphic and cartographic form, in a scale corresponding to the subject and the level of detail of the issues analysed in the report and enabling the comprehensive presentation of the conducted analyses of the environmental impact of the project, as well as the identification and verification of the information included in these annexes (also in the form of .shp files). The map attachments should cover the predicted area where the project will be implemented and the area affected. When determining the predicted affected area, all the impacts generated by the project should be taken into account, including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary impacts. The criterion of the possibility of the effects occurring in the form of real impact, which does not have to be an abnormal impact, should be followed.

II. Undertakes to submit a report on the environmental impact of the project in written and electronic form, in one copy for the authority conducting the proceedings, and two copies in electronic form for the reviewing and consulting authorities.

Justification

Cormano Sp. z o.o., represented by Klaudyna Świstuń, on 19.10.2023 (received by this authority on 23.10.2023 electronically via ePUAP), applied for the issuance of a decision on environmental conditions for the project consisting in the *construction of an offshore wind farm 43.E.1*, simultaneously applying for the determination of the scope of the report, in accordance with the provisions of Article 69 of the EIA Act. In the application for the issuance of the decision on environmental conditions the applicant also indicated the possible transboundary impact of the project on the environment and at the same time requested the determination of the scope of the report covering the said issue.

The application for the issuance of the decision on environmental conditions was accompanied by:

- Project Information Sheet (KIP),
- A map at a scale ensuring the legibility of the presented data with the indication of the intended area where the project will be implemented and the intended area which will be affected by the project,
- The power of attorney to represent the Applicant,
- Proof of payment of the stamp duty for the issuance of the decision on environmental conditions,
- Proof of payment of stamp duty on the power of attorney,
- A current excerpt from the National Court Register.

The application in question, as a result of a request from the authority dated 06.11.2023, ref.: WONS-OŚ.420.35.2023.KK, was supplemented in formal terms on 28.11.2023 by a letter from the Director of the Maritime Office in Szczecin, dated 12.11.2023, ref.: GPG-I.61120.5.23.JS(2), on the findings of the maritime spatial plan for internal marine waters, the territorial sea, and the Exclusive Economic Zone at a scale of 1:200,000, adopted by the Regulation of the Council of Ministers of 14 April 2021 (Dz. U. [*Journal of Laws*], item 935, as amended) regarding the location of the planned project.

In the course of the proceedings, in a letter dated 22.03.2024, the investor informed that the address of the company had changed to the following: Cormano Sp. z o.o., ul. Rondo Ignacego Daszyńskiego 1, 00-843 Warsaw, and at the same time submitted a power of attorney for Joanna Grochocka to represent the company in the administrative procedure for the issuance of a decision on environmental conditions for the

planned project consisting in the construction of an offshore wind farm 43.E.1 and a proof of payment of stamp duty for the said power of attorney.

The planned project involves the construction and operation of the offshore wind farm (OWF) 43.E.1 with a maximum installed capacity of 1,694.2 MW, together with the technical, measurement and research, and service infrastructure, in the Polish Exclusive Economic Zone. The planned investment is located in the central part of the South Baltic Sea, at the foot of the northern slopes of Ławica Słupska, at a distance of about 43.9 km from the land at the latitude of the Postomino municipality. The total area of the OWF is approximately 118.4 km². The offshore wind farm 43.E.1 will consist of: a maximum of 113 wind turbines comprising a foundation, tower, nacelle, and rotor assembly; a maximum of 5 marine substations (MSE); a maximum of 330 km of internal power and telecommunication cables (inter-array cables) connecting individual wind turbines with each other, groups of wind turbines with the marine substations, and the marine substations with each other.

The information obtained from the Director of the Maritime Office in Szczecin (letter dated 29.12.2023, ref.: WŚ.52011.11.23.AZ(2)), indicates that for the area 43.E.1 defined in Appendix 2 to the Act of 17 December 2020 on promoting electricity generation in offshore wind farms (Dz. U. [*Journal of Laws*] of 2023, item 1385, as amended), the Minister of Infrastructure, for the benefit of PGE Baltica 4 Sp. z o.o. with its registered office in Warsaw, issued a permit for the erection and use of artificial islands, structures, and equipment in Polish maritime areas for the project 'Baltica 7 offshore wind farm complex together with technical and measurement and research infrastructure' (Decision No MFW/43.E.1 of 8 August 2023, ref.: DGM-3.530.56.2021), in accordance with Article 23(1b)(1)(b), (5), (6) and Article 27k(1) of the Act on maritime areas of the Republic of Poland and maritime administration (Dz. U. [*Journal of Laws*] of 2023, item 960), hereinafter referred to as the Act on maritime areas.

The case files indicate that the project concerned is classified as a project that may always have a significant impact on the environment in accordance with § 2(1)(5) of the Regulation of the Council of Ministers of 10 September 2019 on investments that may have a significant impact on the environment (Dz. U. [*Journal of Laws*] of 2019, item 1839, as amended). Since the investment is located in Polish maritime areas, i.e. within the exclusive economic zone, as referred to in Article 2(1)(2) and Chapter 3 of the Law on Maritime Areas, the competent authority for issuing the environmental permit is the Regional Director for Environmental Protection in Szczecin, in accordance with Article 75(1)(1)(c) in connection with Article 75(2) of the Act of 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessment (Dz. U. [*Journal of Laws*] of 2023, item 1094, as amended), hereinafter: 'EIA Act'.

After completing the application for an environmental permit, in accordance with Article 61 § 4 and Article 10 § 1 of the Code of Administrative Procedure, by letter dated 30.11.2023, ref.: WONS-OŚ.420.35.2023.KK, the authority notified the parties of the initiation of administrative procedure in the case.

Due to the fact that the applicant submitted the project information sheet instead of the EIA report, an opinion on the scope of the environmental impact assessment report was requested from the following bodies involved in the procedure, namely:

- Director of the Maritime Office in Szczecin, in accordance with Article 70(1a) of the EIA Act (letter dated 21.12.2023, ref.: WONS.420.35.2023.KK.5);
- State Border Sanitary Inspector in Szczecin, in accordance with Article 70(1)(2) of the EIA Act (letter dated 21.12.2023, ref.: WONS.420.35.2023.KK.6).

The Director of the Maritime Office in Szczecin, by letter dated 29.12.2023, ref.: WŚ.52011.11.23.AZ(2), established the scope of the report, which was included in its entirety by the Regional Director for Environmental Protection in Szczecin. Whereas the State Border Sanitary Inspector in Szczecin, by letter dated 10.01.2024, ref.: ONS.ZNS.403.1.2024 found the need to conduct an environmental impact assessment and also determined the scope of the report, which was

taken into account in this ruling.

Based on the documents submitted by the investor, as well as an analysis of the materials in the resources of the local authority, it was concluded that the project may have transboundary environmental impacts on Sweden and Denmark. During the development of the position on the case, the ongoing and completed procedures at the local authority were taken into account in the framework of the strategic environmental assessment in the transboundary context for the following: the Maritime Spatial Plan of the Polish Internal Maritime Areas, the update of the Maritime Spatial Plan for the German Exclusive Economic Zone (EEZ) of the North Sea and the Baltic Sea, the Maritime Spatial Plan for the Danish Maritime Areas, and within the framework of the environmental impact assessment in the transboundary context, for wind farms located in the Swedish Exclusive Economic Zone, including: MFW Södra Midsjöbanken, MFW Kultje, MFW Dyning, MFW Aurora, MFW Triton, MFW Skåne Havsvindpark, MFW Herkules, MFW Baltic Offschore Beta, MFW Neptunus, as well as completed environmental impact assessment procedures for offshore wind farms in the Natura 2000 site Ławica Słupska PLC990001, such as: FEW Baltic II, Bałtyk II OWF; Baltica 2 OWF; Baltica 3 OWF; Bałtyk Środkowy III OWF, or the pending procedures at the local authority for 44.E.1 OWF. Based on the analysis of the submitted documents and data in the local authority, the planned wind farm, together with other planned wind farms at Ławica Słupska, as well as with other planned and existing wind farms in the Baltic Sea, located in the territories of Denmark and Sweden, may cause significant impacts in a transboundary context, mainly on birds, marine mammals, and fish.

The authority took into account the fact that the wind farms planned at Ławica Słupska may constitute a significant barrier along the route of migration corridors of seabirds and other species, protected not only by Polish, but also Swedish and Danish Natura 2000 sites. In addition, the area north of Ławica Słupska is considered a potential and most important breeding and rearing area for the harbour porpoise *(Phocoena phocoena*), a species whose eastern population in the Baltic Sea is extremely endangered. Another important issue that determines the transboundary effects of the project is the impact on the avifauna and the preservation of migration corridors. Since the above-mentioned animal groups are protected under marine Natura 2000 sites, the implementation of the project may affect the coherence of the network of Natura 2000 sites in terms of cumulative impacts. It should also be pointed out that as part of the ongoing procedure for strategic environmental assessment (hereinafter: 'SEA') in a transboundary context for the Maritime Spatial Plan of the Polish Internal Maritime Areas, countries such as Denmark and Sweden declared their willingness to participate in the transboundary procedure for the planned wind farms and requested detailed analyses on the impact of wind farms on nature. Therefore, these states should have been allowed to consult this information.

Accordingly, considering the provisions of the Convention on Environmental Impact Assessment in a Transboundary Context, signed in Espoo on 25 February 1991, hereinafter referred to as 'the Espoo Convention' (Dz. U. of 3 December 1991) in accordance with Article 108(1)(1) of the EIA Act, on 30.11.2023, the local authority issued a ruling, ref.: WONS-OŚ.420.35.2023.KK.3, on the need for proceedings on transboundary environmental impact of the project in question, and obligated the applicant to prepare the following documents in Swedish and Danish: the application for an environmental permit, the project information sheet (KIP), and a part of the environmental impact assessment report that would enable the state on whose territory the planned project may have an impact to assess

the possible significant transboundary environmental impact, as submitted in the subsequent stages of the proceedings.

The following documents submitted by the investor on 15.12.2023 (via ePUAP), translated into Danish and Swedish: the application for an environmental permit and the project information sheet with a map delineating the spatial extent of the impact of the investment, were immediately forwarded to the General Director for Environmental Protection as the body responsible for coordinating the environmental impact assessment procedure in a transboundary context (letter dated 20.12.2023, ref.: WONS.420.35.2023.KK.4). The GDEP, by letter dated 6.03.2024, ref.: DOOŚ-TSOOŚ.440.15.2023.BW.2, informed that the Swedish Environmental Protection Agency, by letter sent via electronic correspondence (e-mail of 12.02.2024), dated 8.02.2024, ref.: NV-00137-24, and the Environmental Protection Agency of the Ministry of the Environment of Denmark, via electronic correspondence (e-mails dated 29.02.2024 and 1.03.2024), expressed their interest in participating as an Affected Party in the proceedings on transboundary environmental impact of the project in question, and forwarded the relevant comments to the Project Information Sheet submitted by the said states, in English, Swedish, and Danish, which were then forwarded to the investor by a letter dated 8.03.2024, ref.: WONS.420.35.2023.KK.7, for translation into Polish. The translated documents were handed over to the local authority on 22.03.2024.

Taking into account the positions of the Swedish Party, presented by the following institutions: the Swedish Transport Administration (e-mail of 9 February 2024, case No: TRV 2024/4192); the Swedish Fishermen Organization (SFPO) (letter of 8 February 2024); the Swedish Geotechnical Institute (SGI) (letter of 10.01.2024, No 4.3.3-2401-0050); the South Baltic Water District Authority (letter of 7.02.2024, No 537-1253-2024); the Geological Survey of Sweden (SGU) (letter of 24.01.2024, ref.: 33-25.2024); the Swedish Pelagic Federation Producers Organisation (letter ref.: 2024-02-061/1); the Swedish University of Agricultural Sciences (letter of 8.02.2024, ref.: SLU.ua.2024.2.6-59); BirdLife Sverige – the Swedish Ornithological Society (letter of 20.01.2024, case No: NV-00137-24); the Swedish Metrological and Hydrological Institute (letter of 31.01.2024, case ref.: SMHI Ref: 2024/69/5.4.1), and of the Danish Party, presented by the Danish National Defence Agency (letter of 29 February 2024, No: 2024/000380), it necessary to address these in the report, which has been taken into account in this proceeding.

Analysing the assumptions and scope of the project, the authority is of the opinion that the construction of a wind farm in the maritime area generates many risks in relation to the various components of the environment, at each stage of its implementation. They are caused, among other things, by works interfering with the seabed, related primarily to the laying of poles for windmills, the movement of floating equipment for various works, as well as the operation of wind turbines themselves. The main environmental disturbances may result from physical interference with the seabed, the disturbance to the sediments and the release of contaminants, the settling of suspended solids or underwater noise emission, so they may affect the different environmental compartments, mainly marine mammals, fish, and avifauna. The data presented in the KIP indicate the need for the report to detail the information related to the identification of the various components of the natural and social environment in order to assess and select the optimal method of implementing and operating the farm. Therefore, taking into account the data on the project, the findings indicated in the letter of the Director of the Maritime Office dated 29.12.2023, ref.: WŚ.52011.11.23.AZ(2), and of the State Border Sanitary Inspector in Szczecin dated 10.01.2024, ref.: ONS.ZNS.403.1.2024, the comments and requests made by the affected states, as well as the data held by the authority on the natural environment, in the operative part of this ruling the local authority set the requirements for the scope of the report.

The planned project is located in the maritime waters area for which there is a maritime spatial plan of the Polish internal maritime areas in place, at a scale of 1:200,000, hereinafter referred to as the 'Plan', adopted by the Regulation of the Council of Ministers of 14 April 2021 on the adoption of the maritime spatial plan for internal marine waters, the territorial sea, and the Exclusive Economic Zone at a scale of 1:200,000 (Dz. U. [*Journal of Laws*] of 2021, item 935, as amended), in the POM.43.E basin, with the primary function of 'renewable energy generation (E)' with permissible functions, including 'artificial islands and structures' and 'technical infrastructure.' Therefore, the report should refer to the provisions of this Plan, with particular reference to prohibitions or restrictions on the exploitation of particular areas.

In addition, by this ruling, the applicant is obligated to provide basic information about the planned project, including its characteristics and conditions of land use, taking into account each of the phases of the project: construction, operation and decommissioning, to provide the exact location of the different elements of the project, including the geographic data enabling unambiguous identification of their location.

As the implementation of the project will cover a long time horizon, the ruling indicated the need for the report to cover the scope of the planned activities and the deadlines for each phase of the project. In the opinion of the Regional Director for Environmental Protection, this information is necessary to take into account their sequence and schedule (time scale) until all possible stages of the project are completed when analysing the environmental impact of the project. The applicant was also obliged to present the predicted amounts of pollutants emitted at all stages of the project. The estimated emissions resulting from activities directly or indirectly related to the implementation and operation of the project (e.g., the consumption of raw materials and energy for the production of the materials necessary for the project and the supply of the project with the raw materials, materials, and energy necessary for its construction and operation) should also be taken into account here, due to the specific nature and scale of the planned project.

One of the obligatory elements of the report on the environmental impact of the planned project is the variant analysis. According to the KIP, preparation of variants will be based on the project's technical parameters, including the number of turbines, distances between them, rotor diameter, height of the structure, and minimum clearance between the bottom position of the wing and the sea surface, all of which will affect the scope and scale of the project. As stated in the KIP, the final decision on the choice of the variant will be made after detailed analyses and presented in the environmental impact assessment report. Therefore, the submitted report should present a detailed description of the variants taking into account the specificity of the project and its impacts, including: the variant proposed by the applicant and a rational alternative variant, as well as a rational environmentally preferable variant, together with the justification for their selection. The authority at the same time draws attention to the necessity to present the variants in a manner which makes it possible to compare the impact of the investment on the environment in each of the analysed variants.

Due to the anticipated transformation of the land surface and changes in the use and management of the land (concerning: management of maritime areas, management and use of land in the area of the project, land use in municipalities, transformation of infrastructure), the ruling requires that these issues are included in the report.

The report should specifically address issues concerning the impact of the project on climate and climate change. When presenting the analysis of the impact of the project on climate change, it is necessary to provide the adopted climate change scenarios and the impact of climate change on the biodiversity of ecosystems within the impact range of the project.

The ruling also includes requirements concerning the presentation of an analysis of the project's impact on air quality, considering

all sources of organised and fugitive emissions characteristic of the technological process and generated by other devices, installations, and vehicles used in the course of the project.

The ruling also sets out the requirements for presenting an analysis of the environmental impacts of noise and vibration generated by the project. Analyses of noise emissions and dispersion into the environment should take into account, among other things, all sources of noise (including acoustic power levels) and vibrations, the duration of their operation and the variability of the intensity of noise generated during day and night, as well as their impact on marine mammals, ichthyofauna and avifauna.

The ruling indicates the need to provide information on the generation and management of waste, including hazardous waste. Given the scale and characteristics of the project, it is expected that significant amounts of waste will be generated at all stages of the project, which must be safely collected and managed in accordance with current legislation. It is therefore important to state in the report the anticipated environmental impacts resulting from the envisaged waste management.

Surface and underground waters will be particularly affected by the planned project. In view of the above, the ruling sets out the requirements for including these issues in the report, taking into account the geological conditions closely related to the hydrology and hydrogeology of the area. The analyses should be based on a reliable description of geological conditions and the aquatic environment, which should take into account, inter alia, data specific and relevant to the marine environment, such as quantitative and qualitative characteristics of seabed sediments (lithology, chemical composition, including heavy metals) and the quantitative and qualitative status of waters. When analysing the impacts on surface and groundwater, it is also necessary to consider the impact of the project on the achievement of environmental objectives set for surface water bodies and groundwater bodies, as well as marine waters located within its impact range.

The ruling identifies issues related to the description of the natural conditions and the analysis of the impact of the project on the biotic elements of the environment. The analyses of the impact of the investment on the natural environment, including on the objects of protection and conservation objectives of Natura 2000 sites, should be based on a reliable description of the natural environment made on the basis of up-to-date data obtained during field research. The aim of natural resource surveying conducted for the purposes of the investment in question should be to recognise the current composition of species and locations of occurrence of representatives of the various species, as well as to determine the functions of the area performs for these species. Therefore, this ruling specifies the detailed scope of data and information that the authority considered relevant and necessary, as well as the requirements for conducting the nature surveys. Additional sources of information on the initial state of the environment should include, inter alia, literature data and data obtained from the competent authorities, which should be relevant to the conducted surveys and up-to-date. The ruling also includes an obligation for the natural resource surveys to cover the project's area of impact, taking into account areas where cumulative impacts with other projects may occur. As for fauna, the investor is required to conduct surveys for a period of not less than 12 months, adapting the surveying methodology to the biology and ecology of the studied species/species group, considering the varied activity of animals in successive phenological periods. Such surveys should cover the full cycle of activity of the various species or groups of animals, enabling the determination of factors such as the occurrence of a given species, its level of activity, or abundance. This issue is extremely important as, for example, in the case of avifauna, seasonal variation in species composition and abundance (breeding season, migration, winter period) is significant. In the part presenting the description of the environment related to mammals, it is necessary to indicate the key areas for the occurrence of seals and harbour porpoises, together with their migration routes in the Polish coastal zone and maritime area.

Regarding seals, information is required on the number of individuals seen and the number of sightings of live and dead animals. Observation of seals should be conducted throughout the year, with a frequency of twice a month. Surveys should include seal counts conducted along the coast and during boat trips. In the case of harbour porpoises, a survey of their activity should include continuous monitoring using detectors to determine, among other things, the days on which the presence of these animals was recorded. Particular emphasis should be placed on the migration patterns of harbour porpoises and the populations using the area in question, in an ecological perspective for the species/population concerned. The results of the harbour porpoise surveys should be presented in comparison with existing results from similar surveys carried out as part of the harbour porpoise monitoring carried out under the SAMBAH project (a LIFE+ EU funded international project to acquire data on the occurrence and abundance of Baltic harbour porpoises). This should be supported by research results and information collected, among others, under the SAMBAH project and by the Hel Marine Station of the Institute of Oceanography of Gdańsk University. As underwater noise is a significant anthropogenic pressure in the marine environment, the ruling indicates the need to present the results of underwater acoustic background monitoring for specific seasons. These results are to be used to assess the impact of underwater noise generated by the project on the Baltic Sea ecosystem, its fauna, and in particular on mammals, which show low tolerance to this type of impact. It is reasonable to include in the above analysis the results obtained in the course of monitoring the state of the marine environment as regards underwater noise, in accordance with the requirements of the Marine Strategy Framework Directive, performed using the indicators specified in the aforementioned Monitoring Programme of the Chief Inspectorate of Environmental Protection (GIOŚ). In the analysis of the impact of the investment on the marine environment, it is also necessary to refer in detail to the impact of the investment on fish, which constitute a key link in the trophic chain of the marine ecosystem. Juvenile and adult fish feed on plankton and benthic organisms and are themselves a component of the diet of predatory fish, marine mammals, and birds. Therefore, the population status of individual ichthyofauna species is one of the key indicators of good environmental health of marine waters, and the conservation of marine fish is essential for the protection of the entire marine ecosystem. The analyses should take into account the impacts of the project on spawning grounds and the survival of early life stages of fish (eggs and larvae) of commercial species, as well as on marine fisheries.

The report should also address the threat posed by the appearance and spread of invasive alien fauna and flora species. Therefore, it is considered important to present in the report the information obtained during the field surveys regarding their abundance and distribution. Based on these data and those collected as part of environmental monitoring (including marine water monitoring), an analysis should be conducted to determine whether the planned project will contribute to an increase in the pressure associated with the presence of these species.

Field suryveys should be conducted according to developed good practices, methodological guides, guidelines, and standards (including those issued by the GIOŚ, ensuring reliable data that can be verified. It is also advisable to consider standards binding in marine biological research procedures, as applied within the framework of international monitoring of the Baltic Sea (HELCOM guidelines) and monitoring of Polish maritime areas (as part of the State Environmental Monitoring – PMŚ). The application of these methodologies will ensure appropriate quality of measurements and research and the reliability of the data obtained. The report must describe and provide detailed information on the applied environmental surveying methods.

Based on the aforementioned analyses and the data concerning the surveyed natural resources, a natural valuation of the area located within the predicted impact range should be carried out. It is also necessary to present the results of a comparative analysis of the variants

of the project's location (the applied-for variant and alternative variants), and to determine the extent to which the natural values of the project site stand out compared to similar sites in the region. The results of natural resource surveying (e.g., the location of habitat patches, species stands, migration routes), should be presented on maps at an appropriate scale to enable the proper presentation of the collected data. These maps should also show the location of individual project variants and elements of the supporting infrastructure.

The ruling obliges the investor to determine the impact of the projected transformation of hydromorphological conditions on the natural environment, including phytoplankton, zooplankton, macrophytes, zoobenthos, and ichthyofauna. This is due to the fact that changes in water flow size and dynamics, changes in sea current direction and speed, changes in seabed depth and structure, and shoreline transformations may affect the communities of organisms inhabiting the affected marine waters. Indirect impacts as a result of the environmental interference associated with the project are also an issue requiring consideration.

The ruling also addresses issues relating to the impact of the project on the Baltic Sea ecosystem, particularly with regard to the effects of construction. The risks associated with emissions and changes in water quality must therefore be analysed. It is important to present in the report an analysis of possible changes in the species composition, range, abundance and biomass of the marine ecosystem's fauna and flora resulting from the project. The construction of the wind farm may cause the disturbance of the seabed sediments, which will result, e.g., in the increase of suspended solids concentration in the water, and the pollutants released from the sediments to the water depths may cause the deterioration of the water quality. The above may adversely affect the condition of organisms living in marine waters. These issues should be detailed in the report using dispersion and sedimentation modelling. In addition, the report should address the impact of the wind farm on the marine ecosystem under normal and emergency operating conditions. Moreover, due to the nature and scope of the investment, the report should also take into account the impact of the project on the morpho- and lithodynamic processes occurring in the coastal zone.

One of the main components of the natural environment, which will be affected by the project at the stage of its operation, is avifauna and bats. Therefore, in the report a thorough analysis of the impact of the investment on seabirds should be conducted, including stationary species, resting or feeding on the water surface and birds in flight, migrating birds and bats, based on current monitoring surveys, using available techniques in this respect, such as radars. Particular consideration should be given to the risk of collisions and barriers during the operation of the project.

In connection with the aforementioned natural conditions, the ruling imposes the obligation to carry out an analysis of the impact of the project in question on the forms of nature conservation referred to in Article 6 of the Act on Nature Conservation, also taking into account the issue of species protection. A particular analysis should be made of the impact of the investment on the objects of protection of the Natura 2000 Ławica Słupska PLC990001 site, located at the distance of approx. 4.5 km from the body of water intended for the wind turbines. Moreover, taking into account the joint responsibility of the states in the Baltic Sea region for the condition of the Baltic Sea ecosystem, due to the nature and type of the project which poses the greatest risk to migrating avifauna and marine mammals, the analyses should also include areas located in this body of water, where the above mentioned animal groups are under protection, including Przybrzeżne Wody Bałtyku PLB990002; Ostoja Słowińska PLH22002; Pobrzeże Słowińskie PLB220003; Zatoka Pomorska PLB990003; Ostoja na Zatoce Pomorskiej PLH990002, as well as the Swedish area Hoburgs bank och Midsjöbankarna SE0330308. The analyses should address in detail the conservation objectives and the identified existing and potential threats established for the objects of protection in the above-mentioned protected areas,

taking into account the available data on these areas, including the results of natural resource surveying carried out for the purposes of the conservation plans or conservation management plans (PZOs). At the same time, I would like to inform that the information on objects of protection in Polish Natura 2000 sites concerning Ławica Słupska PLC990001, Zatoka Pomorska PLB990003, and Ostoja na Zatoce Pomorskiej PLH990002, including their distribution and specific conservation objectives for each species, can be found on the website of the Maritime Office in Szczecin under the following links: http://www.natura2000ums.eu/materialy and http://natura2000umsl.eu/o-projekcie/materialy and the website of the Regional Director for Environmental Protection in Szczecin under the following links: https://www.gov.pl/web/rdos-szczecin/zatoka-pomorska-plh990002 and https://www.gov.pl/web/rdos-szczecin/ostoja-na-zatoce-pomorskiej-plh990002, whereas information concerning the location of areas designated for wind farms in Polish maritime areas can be found on the website of the Ministry of Infrastructure under the following link: https://sipam.gov.pl/geoportal.

Due to the nature and location of the planned project, there is a possibility of cumulative impacts with projects of a similar nature. Cumulative impacts will mainly concern the impact on the natural environment, including mammals, fish, birds, and bats as well as emissions of exhaust fumes, dust, and noise emissions. Therefore, in the report, the analysis of cumulative impacts should be carried out with reference to other projects existing or planned to be implemented in the Baltic Sea area, with a particular focus on all wind farms in various stages of design, located in Polish, Swedish, and Danish maritime waters.

The analysis shows that the information provided in the Project Information Sheet indicates a wide range of possible environmental impacts during both the implementation and operational phases. Therefore, the environmental impact report should enable the participants of the environmental impact assessment (authorities, parties, and the public) to assess and evaluate:

- direct and indirect effects of the project in question on the environment, with particular emphasis on the natural environment, including the duration, frequency, and reversibility of the impact,
- the cumulative impacts with other planned or existing projects,
- determination of the range of impact of the project during the construction and exploitation phases.

Taking the above into account, having regard to the application of the party, after a thorough analysis of the evidence, familiarisation with the positions of the reviewing authorities, guided by the scale and location of the planned project and taking into consideration possible threats to the environment, as well as on the basis of the provisions of law indicated above, the ruling is as stated in the operative part.

Notice

The parties are not entitled to appeal against this ruling.

Acting Regional Director for Environmental Protection
in Szczecin
Marcin Siedlecki
/signed by certified electronic signature/

Received by (ePUAP):
Joanna Grochocka, authorised representative of Cormano Sp. z o.o.

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