

Ants Animägi

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Yours of 19.04.2024 No 3- 6.1/2024/2665 Ours of 16.05.2024 No 7-9/24/8331-2

Intention to close ditches in the permanent capercaillie habitat in Jaamaküla

Dear Ants Animägi

You reported that the State Forest Management Centre is planning to close ditches in the Jaamaküla capercaillie habitat in the village of Jaamaküla in the municipality of Saarde. The work will include closing drainage ditches, building peat dams and, if necessary, route drainage. You are asking the Environment Agency for its opinion on the intention to close the ditches and the conditions to be taken into account when designing the work.

The object is located on state land, in the target protection zone and the restriction zone of the Jaamaküla permanent capercaillie sanctuary. A modification of the protection regime has been initiated for the Jaamaküla Capercaillie Permanent Reserve, and the proposed protection regime for the entire reserve is a target protection zone.

In the Jaamaküla capercaillie permanent habitat there is a Vaskrääma white-tailed eagle permanent habitat target protection zone.

The site has been inventoried as a habitat for the white-tailed eagle, a habitat for the capercaillie and the rabbit, a habitat for the species of conservation category I, and a habitat for the species of conservation category II, and a habitat for the species of conservation category III: black grouse, tawny eagle, dunlin, horseshoe bat, black-backed gull, feathered grouse, belted woodpecker, brown willow flycatcher and Heller's spotted flycatcher.

The permanent habitat of the White-tailed Sea Eagle1 was registered in EELIS on 11.06.2008. If the permanent habitat has not been designated by a decree of the Minister of the Environment, it is the nesting tree of the White-tailed Sea Eagle and the surrounding area within a radius of 200 m2 , where the protection regime of the target protection zone provided for in § 30 of the Nature Conservation Act applies3 and where human presence is prohibited from 15 February to 31 July4 . In the target protection zone, the protection rules may authorise the restoration of the water regime and the formation of communities in accordance with the conservation objective5 as activities necessary for the conservation of the protected natural object or as activities that do not damage the object. Since the permanent habitat of the Caspian Sea Eagle has not been designated by a decree of the Minister for the Environment and there are no conservation rules for its protection, restoration of the water regime and landscaping are prohibited.

Permanent habitats of the capercaillie species (*Tetrao*

1 EELIS code KLO3000968

2 Nature Conservation Act § 50(2)(2)

3 Nature Conservation Act § 50(4)

4 Nature Conservation Act § 50(5)

5 Nature Conservation Act § 30(4)(1)

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*urogallus*) to ensure favourable conditions6 . As an activity necessary for the maintenance and improvement of the living conditions of the species, the manager of the permanent habitat may authorise the thinning of undergrowth, regrowth and second growth in the target protection zone from 1 September to 31 January, the removal of the consequences of natural disasters and the restoration of the water regime7 .

Trapping and intentionally disturbing a protected species during breeding, rearing, hibernation and migration is prohibited8 . Intentional disturbance of naturally occurring birds, in particular during breeding and rearing of young, is prohibited9 .

Destruction and harvesting of plants, fungi and invertebrate animals of conservation category III is prohibited to the extent that it threatens the conservation of the species in the habitat10 .

On 17.12.2023, the Ministry of Regional Affairs and Agriculture submitted the planning solution, the strategic environmental assessment (SEA) report, the Natura assessment report and the Natura compensation measures plan to the Pärnu County Environmental Board for approval of the Pärnu County Regional Planning "Determination of the location of the Rail Baltic railway line" for the line sections 3A, 4A and 4H. The Environmental Protection Agency approved this planning on 17.01.202411 .

In order to avoid and compensate for the negative impacts of the construction of the Rail Baltica high-speed rail line in south-western Carniola, an implementation plan has been prepared for the Rail Baltica Wildlife Conservation, Monitoring and Habitat Restoration Programme12 . According to the implementation plan, it is necessary for the Jaamaküla permanent capercaillie habitat to act as a stepping stone between the Kikepera-Somaa and Luitemaa and the North Livonia populations. As a result of the positive effects of the action, the southern connection of the Kikepera-Soomaa population with the Luitemaa and North Livonia populations will be maintained and restored, the dispersal of birds between populations will take place, and the site will make a significant contribution to the maintenance and recovery of the viability of the adjacent populations.

A package of compensatory measures was developed to offset the unmitigated impacts described. This was largely based on work carried out previously13,14 .

The Natura assessment prepared in the framework of the regional planning SEA concluded that, regardless of the chosen route option, the implementation of the Rail Baltic railway project will have an unmitigated negative impact on the capercaillie population in the Luitemaa bird area. The protection of the capercaillie and its habitats is a conservation objective for the Luitemaa bird area. In order to ensure the integrity and coherence of the capercaillie population, the Natura assessment should continue with the derogation phase and compensatory measures should be considered. The compensatory action plan foresees, among other things, the creation of permanent habitats to protect capercaillie habitats and activities related to the restoration of capercaillie habitats, including the cleaning up of ditches in the Jaamaküla game. In order to improve the habitat quality, it is necessary to eliminate existing ditches in the Jaamaküla mitigation area over a total area of 440 ha for restoration works, covering a total area of approximately 14995 m. However, the no mitigation plan acknowledges that the extent of the restoration works (including the number, length and location of ditches to be closed) will be specified after the design works have been carried out.

6 Decree of the Minister of the Environment of 13.01.2005 No 1 "Protection of permanent habitats of the capercaillie" § 1.

7 Decree of the Minister of the Environment of 13.01.2005 No 1 "Protection of permanent habitats of the capercaillie" § 4(6).

8 Nature Conservation Act § 55(6)

9 Nature Conservation Act § 55(6)1 p 2

10 Nature Conservation Act § 55(8)

11 17.01.2024 by letter of the Environment Agency No 6-5/23/25292-3

12 Kose, M.; Tammekänd, I.; Ojaste, I., 2021. 2021. Rail Baltica Wildcat Conservation, Monitoring and Habitat Restoration Programme. Implementation plan. Estonian Ornithological Society

1. Estonian Ornithological Society, 2021. 2021 Rail Baltica Wildcat Conservation, Monitoring and Habitat Restoration Programme. Implementation plan.
2. Leivits, M. 2021. Priority habitats of the capercaillie in Estonia in need of protection.

Restoration of the water regime in the permanent habitat of the White-tailed Sea Eagle and the White-tailed Sea Eagle habitat will not adversely affect the favourable status of the White- tailed Sea Eagle if the works are carried out outside the breeding season of the White-tailed Sea Eagle.

The restoration of the water regime will create the preconditions for maintaining and improving the condition of the forest communities necessary for the capercaillie's habitat, and thus, in the long term, for improving the condition of the protected species. The Environment Board is of the opinion that the restoration of the water regime of the Jaamaküla capercaillie permanent habitat will have a positive effect on the conservation objective of the Jaamaküla capercaillie permanent habitat and on the maintenance of the favourable conservation status of the capercaillie populations in Kikepera-Soomaa and Luitemaa and North Livonia.

The restoration of the water regime will not lead to the destruction of plants and fungi of conservation category III to an extent that would threaten the conservation of the species in this habitat.

In the light of the above, the Environment Agency should take the following measures there are no objections to the restoration.

The Environment Agency draws attention to the following when designing the work:

* Restoration work is prohibited in the Bald Eagle Habitat.
* In order to avoid disturbance of the breeding birds present in the area, it is necessary to set a time limit for the works from 01.02 to 31.08 (the time limit set in the target protected area of the permanent habitat also covers the breeding period of other breeding birds).
* In forest habitats, design the routes of sealed ditches as narrow as possible, and in places try to leave trees along the edges of the ditches to avoid long, open corridors.
* Bear in mind the principle that the aim of restoration in the capercaillie habitat is to restore the forest community.

a moderate improvement in the moisture regime, but not the replacement of forest stands by peatland stands.

* In the project, provide an analysis of the compliance of the proposed activity with the Rail Baltica Pärnu Regional Plan, the South Pärnu County Plan, the Natura Assessment Compensation Scheme.

Note:

The title of subsection (a) of the intention to eliminate ditches " Purpose of ditch and road elimination" is incorrect, as no road elimination is proposed.

Yours sincerely

(signed digitally) Meeli Kesküla Lead Specialist

Department of Nature Management

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