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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

32nd meeting
Strasbourg, 27-30 November 2012

Specific Site - File open

**Proposed navigable waterway in the Bystroe Estuary
(Danube delta)
(Ukraine)**

REPORTS BY OTHER CONCERNED STAKEHOLDERS

Document compiled by the Directorate of Democratic Governance, Culture and Diversity

The document is being circulated in the form and the languages in which it was received by the Secretariat



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WWF International, Danube-Carpathian Programme

Vienna, 6 November 2012

To: Council of Europe, Biological Diversity Unit

Attn: Mrs. Ivana d' Alessandro, Secretary of the Bern Convention

Dear Mrs. d' Alessandro,

We are writing in response to your letter of 3 October 2012 regarding case-file open on "Ukraine: Proposed navigable waterway in the Bystroye Estuary (Danube delta)".

We would like to provide you with WWF's analysis of the document: **"Final Decision on the Implementation of the Full-Scale Phase of the Danube-Black Sea Navigation Route Project in the Ukrainian Part of the Danube Delta"** as follows:

I. General comments on impact assessment

- The above noted document complies with principles of the Convention on Environmental Impact Assessment in a Transboundary Context with the following exceptions:
- there are serious **doubts concerning the statements that the design minimizes transboundary environmental impact** and that completion of phase 2 would be of benefit for the environment
- **emergency situations** are not assessed (oil spills, vessel collision, shipwreck);
- for **biological parameters: method, underlying assumptions and input data are not specified**, therefore conclusions are not compelling;
- the **knowledge gaps and the level of uncertainties** are not indicated;
- **the post-project analysis** of results of the monitoring and management programs are not outlined;
- there is a lack of **social and economic forecasts**;
- section 5 **does not take into consideration the latest hydro-morphological changes** in the Delta, in particular, the fact that the island of Novaya Zemlya has increased significantly in the direction of the Sulina Branch;
- **long-term projections** for siltation of the channel are not provided, although it is known that the Chilia delta advances 0.22 km² / year. During the last 10 years the coastal stretches of Bystroye and Vostochny changed rapidly¹.
- the list of measures to reduce the negative **impact does not contain institutional arrangements**, namely the possibility of creating an insurance funding scheme or other legal or institutional

¹ Cheroy A., *Processes of delta formation in the Danube estuary*, 2007; available at: <http://repository.ibss.org.ua/dspace/handle/99011/618>

mechanisms to guarantee rapid recovery of environmental damage from construction and operation of the channel;

- **there is no data on socio-economic impact** of the construction and operation of the channel (e.g. fisheries, tourism, hunting), nor compensation measures for the national and transboundary context.
- the document provides a superficial analysis of 8 **options for the Danube-Black Sea Navigation Route**, (in fact a repetition of the information provided in the 2004 documentation), not taking the DHV study commissioned by WWF into account². According to independent evaluation, Ust-Dunaysk Channel has positive economic indicators, and Solomonov Channel looks more economically viable than the project of Bystroye Branch. The decision on the dam opening of Sasyk estuary has been approved by local self-governance bodies appreciating the benefits for the water ecosystem. Also the construction of a port in the estuary is considered feasible;
- the document mentions **public consultations** but there is no clear reference of how criticisms and suggestions were incorporated;
- **the cumulative environmental impact** in the transboundary context is not analysed;
- while the report states that “**compensation payments** for unmitigable damage caused during the construction phase have already been transferred by the Project Client to the State Budget according to the procedure defined by the Ukrainian legislation”, there is no calculation of costs incurred, or about the amount that has already been transferred and consequently this statement cannot be verified;
- **sediment management** issues have not been properly investigated.

II. Comments related to principles of sustainable navigation and economics

- there is no integrated transport concept, no reference to the, Joint Statement or Platina Manual;
- there is no integration of costs related to loss of ecosystem services within the cost-benefit analysis;
- training of staff and River Information Services should be focus for investments but are not mentioned;
- there is no economic investigation of overall maintenance costs.

III. Comments on Summary of Findings

Summary of Findings (T-PVS/Files (2012) 7 add. Page 239 etc)	WWF comment
<p>1) Assuming that all proposed design provisions are fully and properly implemented, the transboundary impact of the Project on water levels and flow discharges in the Chilia, Starostambulske and Bystre Branches is likely to be insignificant. Estimated minor changes in the hydrological regime of these river branches are not expected to cause any loss of spawning and nursery habitats for fish and/or nesting and feeding habitats for birds.</p>	<p>WWF has doubts that this conclusion can be drawn based on data and information presented in the document, (see our arguments in the following points). WWF misses in particular the exercise of modeling <u>optional</u> structural interventions (e.g. chevrons), and of the refilling rate of dredged material. Before this is done, the presented conclusion is premature.</p> <p>Suspended solids/sediments is being transported through the seaward channel into the deep sea, which in effect means that it is not available any more for building the delta. The effects on hydromorphology and ecology have not been investigated and discussed.</p> <p>The division of flow between Bystroye and Starambulski channels is of great importance for the ecologically valuable sites at the mouth to the sea and might change</p>

² WWF (DHV Consultants) *Sustainable Navigation in Ukraine: Alternatives in and around the Ukrainian Danube Delta*, 2009; available at: <http://wwf.panda.org/?uNewsID=184821> (Related Links)

	<p>significantly. A lot also depends on location and design of the planned guidance wall or deflector. However, there is no information on it so that a judgment of negative impacts is not possible.</p>
<p>2) The results of analysis of impact on fish and birdlife due to the loss of habitats caused by dumping operations, dredging activities and bank protection measures indicate that those riparian dump sites that are located along the left bank of the Chilia Branch and planned to be further used for emplacement and storage of dredging material lie outside the boundaries of valuable and protected areas and are not considered to be likely to cause any significant adverse transboundary impact to fish and bird communities. Planned dredging and bank protecting activities will occur within the limited sections of the riverbed that have low ecological value, and therefore are not considered likely to cause any significant adverse transboundary impact on fish and bird life.</p>	<p>There are two issues related to dumping sites, the one in the sea region and those along the Ukrainian bank of Chilia arm.</p> <p>The one on the left (Ukrainian) bank of Chilia arm might increase the hydro-morphological pressure (bank erosion) to the Romanian right bank where the flood defense system is put at risk.</p> <p>The dumping site on the sea side: As long as they are not secured/consolidated (for which there is no indication in the documentation), storm events can lead to negative remobilization of suspended solids down to the south (Romania).</p>
<p>3) The results of modeling studies indicate that estimated concentrations of suspended solids on the Romanian border appear to be significantly lower than their background levels even under the maximum-intensity dredging scenario that assumes the intensive dumping of dredging material to the marine dump site. Proposed mitigation measures and dumping intensity restrictions are considered to be adequate to ensure that the transboundary impact of the Project on the turbidity of marine waters is minor.</p>	<p>Not only the overall change in amount of suspended sediment counts but also the rate of change. Rapid changes are usually detrimental to the ecological system as biota have difficulties to adapt,</p> <p>Proposed dredging works on the 10 or 15 shallow parts upstream from Vilково to Reni have critical cross-border impacts, in WWF's assessment . They have likely negative effects on flows between the two river channels Chilia (RO-UA) to Tulcea, possibly also negative effects on water levels and cause further incision upstream (negative cumulative impacts). Impacts might even be felt on the Moldavian side on the river Prut.</p> <p>The impact of the second stage (dike and subsequent work) on the transboundary Danube section from Reni down to Vilково and the complete Delta needs to be fully assessed, both with respect to socio-economic and environmental factors.</p> <p>Dumping of dredged material on the Ukrainian side might prevent negative impacts on the Romanian banks but increase the risk of bank erosion on the Romanian side where flood defense dykes are usually very close to the banks.</p>
<p>4) The impact of planned repeated maintenance dredging operations on fish habitats in the area of seaward access channel in the mouth section of the Bystroye Branch is expected to be local in scale and thus not considered to constitute a likely significant impact in the transboundary context.</p>	<p>The impact might indeed be local in scale but remobilization of sediment and change turbidity are likely (see above), so consequently, an assessment of impacts is needed.</p>
<p>5) Mitigation measures incorporated in the project design are considered to be adequate to prevent and avoid any significant cumulative impact on fish and bird life during the operation of the Danube-Black Sea Navigation Route, especially considering that all potential factors that may contribute to this impact will continue to be monitored as part of the post-project analysis to ensure that planned mitigation measures are adjusted appropriately.</p>	<p>The seaward dyke close to the shore line in WWF's assessment is likely to impede fish migration along shore (maybe also flow of sediments and suspended solids). This has not been investigated. If WWF's judgment is confirmed, mitigation measures (such as an opening of the dyke at critical points) should be investigated and proposed.</p>

<p>6) The post-project analysis is planned to involve systemic environmental monitoring and additional modelling studies, in order to receive additional knowledge and information required to a more accurate assessment of likely significant environmental impacts that have been identified by the Inquiry Commission. These include, inter alia:</p> <ul style="list-style-type: none">• Impact of dredging on the turbidity of river and marine waters;• Long-term impact of changes in the morphometric characteristics of the Chilia Branch and Bystre Branch in its sandbar section, combined with the development of protective hydroengineering structures, on the redistribution of flow among the Danube Delta branches;• Long-term impact on the coastal morphology of the Romanian coastal section between the Chilia and the Sulina Branches from the construction of the retaining dam and the maintenance dredging of the Bystre sandbar section;• Long-term impact on migratory fish, passing the dredging area and/or shifting between different habitats across the border during dredging operations;• Effect of the dump site in the Black Sea on the benthic fauna at and around the dump site in relation to the increased suspended sediment concentrations and deposition, loss of habitat and burial of fish food organisms;• Impact of the navigation on fish life. <p>The additional analysis of transboundary environmental impacts that are likely to be associated with the full-scale implementation of the Danube-Black Sea Navigation Route Project (impact on hydrological regime; impact on the Delta's morphodynamics; impact on river and marine water quality; impact on food base for fish; impact on spawning/feeding habitats and migration of sturgeons and Danube herring; and impact on bird habitats, population numbers and species diversity, including valuable and vulnerable species) indicates that all these impacts can be considered as local-scale and limited, and thus not likely to cause any significant change in the key characteristics of natural environment and loss of biodiversity in the Danube Delta.</p>	<p>We are content with this monitoring plan but don't understand why this monitoring programme has not started earlier so that the impact of construction work of the past years can be assessed. It is regarded good practice to have three phases of monitoring: before construction starts to establish the baseline, during and after construction to assess the impact and if necessary adjust the works.</p> <p>Implementation of monitoring measures so far has been weak, we therefore believe it needs to be underpinned by a strengthened institutional setting and sufficient budget of which we see little indication.</p>
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Proposals for the Standing Committee:

- An expert workshop (or possibly a series thereof) should be organized to facilitate the dialogue on the EIA.
- The Ukrainian side has currently a great opportunity to fully estimate the outcome of the operation of the navigation canal Danube - Black Sea from 2004 till now. This assessment must include all environmental protection aspects, trends, and changes in the level of biodiversity, as well as the transformation of landscapes and ecosystems in the Danube Delta. This should be done immediately.
- The exercise of modeling different structural interventions, and of the refilling rate of dredged material has to be done in order to prove that the changes in the hydrological regime of Chilia, Starostambulske and Bystroye Branches will not cause any loss of spawning and nursery habitats for fish and/or nesting and feeding habitats for birds. Cost-benefit analyses (including costs and benefits in terms of ecosystem services) are also needed.
- Any further implementation actions should be based on latest data on the state of ecosystems and their dynamics.
- As doubts about the impact on flow dynamics on the Romanian side of the Delta have not been eliminated, further work is to be done in full cooperation with relevant Romanian authorities of the Danube Delta and on the basis of complete data as well as recognition of the outstanding value of the Delta as a World Heritage site.

Irene Lucius