

## Answers to Comments by Mr. Staros on the Documents Presented by the Ukrainian Expert at the 4<sup>th</sup> Meeting of the Enquiry Commission

### Comment to Annex 29

Mean annual volume of sediment transport (2.5 million m<sup>3</sup>) relates to the whole sandbar area within the Bystre Branch. According to preliminary estimates, provided in the Conclusion 10 (Annex 29 (Ukr.)), annual volume of sediments, deposited within the area of seaward access channel (SAC) cutting through the sandbar in the Bystre Branch and needed to be removed, may account for up to 20-30% of total volume of sediments deposited in the sandbar area. From this, mean annual operational/maintenance dredging requirement for the sandbar section of the Bystre Branch *in the absence of protective dam* can be estimated at 500,000-750,000 m<sup>3</sup>.

*Taking into account the protective function of the dam*, the estimated mean annual dredging requirement goes down to 250,000-350,000 m<sup>3</sup>/year, which is consistent with the design characteristics.

The operational dredging, provided for in the design, will be carried out in the periods agreed on by the local environmental authorities to ensure that the impact of dredging on biota is minimal.

The operating agency (Delta Lotsman) takes all measures necessary to take account to the maximum possible extent of environmental requirements in carrying out its dredging operations in order to minimize the disturbance to birds inhabiting the Ptashyna Spit. It has installed the restricting buoys to prevent navigation of smaller vessels within 150 m shoreline strip extending along the Ptashyna Spit.

The possibility of any significant transboundary impact of dredging operations, both construction and maintenance, on fish migration, water quality and benthic fauna is considered as non-existent, and this is confirmed by monitoring results and modelling estimates.

### Comments to Annex 30

#### *Points 1-12*

Monitoring results clearly indicate that the accumulation of soil material associated with dredging spoils dumping operations is limited to the area of offshore dumping site as defined by the design, where the depth of emplaced earth material is up to 2,5 m (see Annex 34 and Annex 39, where depth-sounding data of 31.03.06 (marked in red) are presented along with preliminary depth measurement data of 17.05.04). It is this area where the benthic fauna was affected, and this local impact was considered and examined in the 2003 EIA Report prepared by USRIEP. There is no indication that the impact of dumping operations extends beyond the area of offshore dumping site.

Significant oxygen deficit in the bottom water layer of the Black Sea that developed in September 2005 was recorded in various locations of the sea below the halocline formed at depths higher than 18 m, regardless of their proximity to the offshore dumping site. Consequently, there are considered to be no reasonable grounds for attributing this natural phenomenon to be the result of dumping operations.

***Points 13 and 14***

The fact that the 2005 monitoring results do not provide any indication of navigation-related impact on fauna is a confirmation of insignificance of this impact.

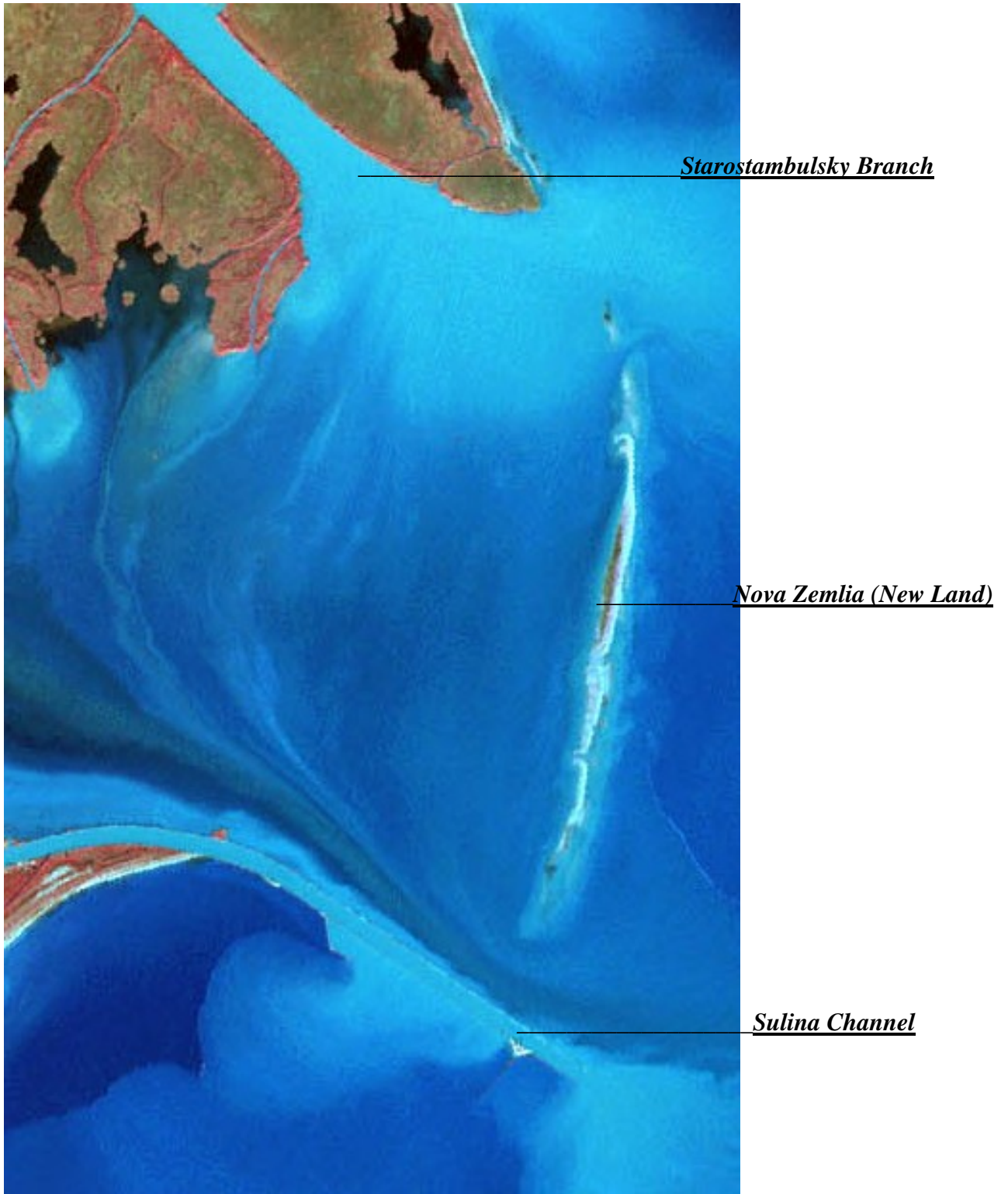
***Point 15***

No obvious cause-effect relationship between the dredging operations and nesting failure in 2004 was established, therefore it cannot be concluded with confidence that the move of bird colony to the southern part of the Ptashyna Spit in 2005 was caused by the dredging-related disturbance to birds in 2004, rather than by natural events that occurred in 2004 (e.g. storm).

It is our view that the first and foremost concern for the Enquiry Commission is to examine the impact of navigation route on the general condition and state of protected bird communities within the Danube Biosphere Reserve, rather than the change in their migration pattern from year to year. Just to reconfirm, the monitoring results indicate that the number and distribution of birds within the Ukrainian part of the Danube Delta in 2005 were within the historical averages.

The history of the Ptashyna Spit as a nesting bird habitat has spanned a rather short period in the past and is not expected to extend beyond the time in the future when it will have merged with the nearest coast as a result of delta development and thus become accessible for predators.

In any case, the evolving delta itself 'takes care' of continuing to function as a major habitat for birds through the formation of new spits. For example, it is expected that a new spit, named Nova Zemlia (New Land, see Figure 1 below), which has been formed at the Starostambulsky Branch mouth at 1 km distance from the coast, will have a longer lifecycle. This spit has already proved attractive for a multi-thousand colony of nesting birds. The available nesting capacity is more than sufficient to accommodate the loss of the Ptashyna Spit, while the nesting ultimate success and efficiency of nesting effort solely depends upon the Romanian party, because the strengthening of the Sulina Channel has the potential for adverse impact on the reproduction of birds in this area.



**Figure 1. Satellite Image Showing the Southern Section of the Chilia Delta**