



## ROMANIA \* THE MINISTRY OF FOREIGN AFFAIRS

**TO MR. JEREMY WATES  
SECRETARY  
CONVENTION ON ACCESS TO INFORMATION,  
PUBLIC PARTICIPATION IN DECISION-MAKING  
AND ACCES TO JUSTICE IN ENVIRONMENTAL  
MATTERS**

Nr. E VI-1/3912

The 15<sup>th</sup> of June 2004

**Dear Mr. Secretary,**

Thank you for your letter from the 14<sup>th</sup> of June 2004 concerning the Romanian demarche regarding the project developed by Ukraine to build a deep navigation canal through the Bystroe estuary.

In this context, I would like to confirm you that, having in view the final paragraph of my previous letter, in which the relevant provisions of the Aarhus Convention infringed by Ukraine were underlined, my letter from the 7<sup>th</sup> of June 2004 should be taken into consideration as a submission within the meaning of paragraph 15 of the annex to the Decision 1/7 ("Review of Compliance") of the First Meeting of the Parties to the Aarhus Convention.

Having also in view our reservations about the Ukrainian's Party compliance with its obligations under the Convention, I will be grateful to you if you will forward my letter to the Compliance Committee and to the Ukrainian Government, according to the above-mentioned paragraph of the Aarhus Convention.

Please find enclosed an updated document regarding the possible negative impact of the Bystroe canal building on the Danube Delta ecosystem and a map of the Danube Delta, including the Bystroe canal area.

I will keep you in touch with the Ukrainian project progress, as soon as I will have news on this issue and, please, don't hesitate to contact me for any additional information you may consider to be relevant for the future developments in this case under the provisions of the Aarhus Convention.

Please, accept, Dear Mr. Secretary the assurances of my highest consideration,

**Bogdan AURESCU,**

*Bogdan Aureescu*  
Secretary of state

## **The possible impact of the Bystroe Canal building on the environment**

The negative impact of the Bystroe Canal on the Danube Delta ecosystem can also be observed in the following **preliminary study made by the Romanian Ministry of Environment and Water Management, based on unofficial data:**

### **1. Hydrological regime**

Construction and navigation activities on the Canal **will change the Danube Delta hydrological regime, will activate the flow on the Bystroe Canal**, detrimental towards the other canals, **with impact on the neighboring natural ecosystems.**

As a result, the changes in the hydrological regime of the Chilia Delta **will lead to the water eutrophication in the inner depressions**, due to the disappearance of the canals that have been connected to the Bystroe Canal; **the lack of the water circulation will transform the actual wetlands in pastures**, that will have a **negative influence on the Danube Delta most important function: biofiltration.**

### **2. Pollution**

The navigation on the canal **will increase the risk of the pollution by oil products in the area.**

### **3. Fish communities**

- The building activities and navigation on the canal **will cause damages to the habitat and to the nuriture**, for the most part of the fish species in this area, including the 7 species mentioned in the European Red List and the 16 mentioned in the Ukrainian Red List.

- Another result will be **the decrease of the annual fresh water fishery** by approximately 19 tones and **the decrease of the annual sea fishery** by approximately 80 tones.

- **The Danube shad breeding migration takes place, too, by the Bystroe Canal;** building and navigation activities will damage the natural development of the populations of this fish species and will reduce the industrial fishery by 90 tones.

- The deepening of the Canal bottom, the permanent dredging works for its maintenance, as well as the waves due to ships passing through the canal, **will impair the breed development (sturgeons, shads, etc).**

- The dyking of the banks of Bystroe estuary **will destroy the breeding area of many fish species.** Sand banks in the front (aval) of the Bystroe Canal represents the feeding territory for a lot of fish species, used for trade purposes; construction activities and navigation on the canal, as well as the subsequent washing of the sandbanks **will destroy the nuriture area.**

#### 4. Birds communities

**In the „Danube” Biosphere Reserve (Ukrainian part of the Danube Delta) are present 257 birds species, 9 of them listed in the European Red Book and 42 of them listed in the Ukrainian Red Book.**

This area represent also the specific habitats for thousands waterfowls. This area is a nesting zone for 1000 pairs of pygmy cormorants (*Phalacrocorax pygmeus*) and 3 pairs of white-tailed eagles (*Haliaeetus albicilla*). During the breeding period there are around 2,500 white pelicans (*Pelecanus onocrotalus*), 80 Dalmatian pelicans (*Pelecanus crispus*), 800 pygmy cormorants (*Phalacrocorax pygmeus*), 900 red-breasted geese (*Branta ruficollis*) and 35 white-tailed eagles (*Haliaeetus albicilla*). **The proposed navigation canal will affect the banks where there are 223 birds species, 5 of them listed in the European Red Book and 31 of them listed in the Ukrainian Red Book; the building of the canal and the navigation will lead to the destruction of the nesting areas and will worsen the living condition for birds, as well as the loss of the resting, feeding and wintering areas.**

From the existing three birds migration routes in the Black Sea catchments', the Pontic way is the most important and it cross the area situated on the Western coast, area which include the Danube Delta too. On this migration route pass species which are nesting in the North and Central Europe, but also some which have the distribution areas in Asia.

The most migratory species are flying on the route situated near to the seaside, where the trophic resources are rich and there are moderate climate conditions.

**Into the “Danube Delta” Biosphere Reserve were identified over 331 bird species, very important for European fauna, listed on the different Annexes of the International Conventions concerning the species conservation and protection (Red Book – DDBR). Only the Bern Convention mentioned 320 protected bird species.**

It must be mentioned that any antropic interventions that determine changes in the natural habitats affect the optimum development of the essential process of the existing species in this area.

**The hydrotechnical works for navigation have the biggest impact because affect the entire deltaic biom, taking into account that the aquatic ecosystems are interconnected into such complex structure.**

The setting up of a navigable channel in the central part of the Ukrainian Delta – Bystroe – by the increasing of the water flow **will affect not only the natural habitats from neighboring, but also on large scale, including the Danube Delta Biosphere Reserve.**

First areas affected will be situated in the North-Eastern part of the Danube Delta, from which: the strict protected areas Letea (S=2825 ha) and Rosca-Buhaiova (S=9625ha), reconstructed islet Babina (S=2100 ha) and Cernovca (S=1580 ha), as well as the restored areas Popina (S=3600 ha) from the fishery with the same name.

As a result of the changes into the aquatic habitats firstly **it is possible to disappear the pelican colonies from Hrecisca-Buhaiova, and other polispecific colonies of egrets (*Egretta* sp.), herons (*Ardea* sp.), spoonbills (*Platalea leucorodia*), glossy ibis (*Plegadis falcinellus*) and cormorants (*Phalacrocorax* sp.).**

As a result, the avifaunistic value of the Danube Delta will be considerable reduced, including the other biodiversity components.

#### 5. Animals and plants communities

- **The vascular plants community of the reserve counts more than 950 species, 3 of them are mentioned in the European Red List, 16 of them are mentioned in Red Book of Ukraine. Half of them can be found in the area proposed for the canal construction, between them immigrant species presence.**

- The communities from the reserve are considerably different from those from other deltas (Nipre, Nistre, Don, Kuban) from the North-West Black Sea coast and Azov Sea. The area comprises of a majority communities specific to the wetlands, that represent 80% of the total area.

- There will be two types of impact of the construction works:

- the waves produced by the ships will determine changes in plant communities, many species, including the rare ones will disappear;
- the navigation represents a vector for the exotic species introduction;

- The proposed canal will cut the central area of the biosphere reserve and will result in a high level of pollution on an area of 5 km all around the canal and negative influences on the reserve's flora and fauna. The reserve's territory is the permanent or temporary habitat for rare or endangered insects, amphibians and reptiles, many of them being on the European Red List or on the Red Book of Ukraine. The majority of the mentioned vulnerable species are affected by the industrial activities.

#### 6. Human communities

The local people livelihood in the Danube's mouth area is based mainly on fishing. The canal construction put under a question mark this traditional activity.

The „Danube-Black Sea” transport canal construction through the Bystroe estuary will cause the destruction of the natural communities from Danube Delta, at the same level that will destroy the traditional forms of natural resources management and can lead to worsening the socio-economic conditions of the region. In other words, the completion of this project will lead to the violation of the management principles for a biosphere reserve defined by UNESCO under the “Man and Biosphere” programme.

#### 7. Existing transport ways

Today, the sea ships traffic on the Danube river take place on the Sulina-Braila sector.

The sediments carried by the Danube river through the Chilia branch – that limits the Romanian-Ukrainian border – and implicitly through the new Bystroe transport canal will be deposited by the sea currents on the north-south direction on the Sulina canal's mouth, being necessary dredging works, very expensive – due to silting – to maintain the navigation depth.

Also, the important sediments contribution carried through the new canal section will cause morphological changes with irreversible effects in the delta-sea contact area.

As conclusion, the construction of the canal through the Bystroe estuary threatens the existence of the Danube Biosphere Reserve from Ukraine with impact on Danube Delta Biosphere Reserve from Romania, as well.

