

**Comments on documentation presented by Ukrainian expert
at 4th meeting of the Inquiry Commission (16 Dec. 2005)**

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On Annex 29

A detailed sediment transport pattern of the Chilia and Bystroe branches has been provided. The average annual volume of sediments deposited in the sand bar section of the Bystroe branch over the last 25 years was estimated to be 2,5 million m³. This will require permanent or frequent dredging activities for maintaining the designed depth for navigation which is relevant for considering the significance of the likely impact on migratory fish and birds by disturbances, and on benthic fauna along to Ukrainian-Romanian coastal area caused by dumping of sediments.

It is obvious that the likely impact has a long-term character and not single-term as stated in previous Ukrainian documentation.

On Annex 30

-points no. 1-12

The dredging works in 2005 were carried out in August.

The results of the monitoring of water quality are presented.

It is stated surprisingly that no elevation in the suspended solids were found in the location of marine dump (point 5) whereas previous report (annex 26, point 12) mentioned the benthic fauna was affected in the dumping area (at least).

A general deterioration of ecological status of the coastal area of the Black Sea including mass kills of benthic fauna, was recorded in Sept. 2005 (point 12) and was explained previously at point 11 as a result of anoxic conditions due to stratification which occurs in wet years.

The likely contribution of dredging and dumping to this deterioration has not been taken into consideration even the consequences of dumping was predicted by previous reports as „destruction of the bottom biocenosis, worsening of oxygen conditions, increase in trophic structure and toxic action on hydrobiotones” (Report on Scientific Research work, Ukrainian Scientific Research Institute of Environmental Problems, Kharkov, 2003, page 110/Author: L.Ya. Anishchenko).

- point no.13.

It is possible that in absence of dredging activities the impact on migratory Danube herring could be lower. But the traffic intensity during the pick of migration (April-May) was the highest (Annex 31) and is likely to affect the migration.

However, the likelihood and significance of the impact on migratory fish as Danube herring and sturgeons has been derived from the projected activities

including vessel traffic and maintenance works at Bystroe mouth and seaward canal.

-point no.14.

It is stated that an impact on fauna in 2005 was not recorded due to the low intensity of vessel traffic and suspended dredging activities.

Thus, the impact of navigation and dredging on fauna, including migratory species of birds and fish is indirectly accepted.

Moreover, this impact on migratory birds is confirmed by the results of the monitoring presented under point no.15 below, even its evidence is finally ignored.

-point no. 15.

The long-term impact on migratory birds as Sandwich Tern (*Sterna sandvicensis*) and Common Tern (*Sterna hirundo*) is first recognized, but finally denied.

Previous documentations (Feb. 2005, Oct. 2005) did not or hardly admitted this impact in 2004 (when proved by NGO's and ornithologists), but defined it as a „likely single-term impact” (Feb. 2005, Annex 8, page 37).

The findings presented at 4th meeting mention that the adverse effects of the dredging works carried out in 2004 prolonged to 2005 when the colonies changed the nesting grounds and moved to the „less suitable” areas (lowland) being „nearly completed destroyed” by storm.

It is stated that this change of the nesting grounds (with subsequent destruction) „ might be attributed to be the result of disturbances occurred in 2004”.

The overall breeding efficiency in 2005 of these species was at minimum in 2005 (not higher than 15%), as stated.

Notwithstanding, the final conclusion at this point is that „there has been no or little direct impact on the bird population” due to activities associated with Navigation Route. Moreover, „the number and distribution of bird colonies in the Ukrainian part of the Danube Delta (including Bystroe branch mouth” were well within the historical averages” as stated.

This manner of judgment does not contribute to the scope of the Inquiry Commission.