

**NOTIFICATION TO THE AFFECTED PARTIES ON A PROPOSED ACTIVITY IN ACCORDANCE WITH ARTICLE 3
OF THE ESPOO CONVENTION**

regarding the Phase II of the Project on the Renovation of Deep-Water Navigation Route "Danube – Black Sea" in
the Ukrainian part of Danube Delta

1. INFORMATION ON THE PROPOSED ACTIVITY	
(i) Information on the nature of the proposed activity	
Type of activity proposed	The renovation of the navigation in the Ukrainian part of the Danube delta in Kiliya and Bystroe arms (Phase II of the project). Type of waterways – international waterways. VII class according to the European Waterways Classification.
Is the proposed activity listed in Appendix I to the Convention	Yes
Scope of proposed activity	Dredging on separate bars of Kiliya arm; hydro-technical works in frames of Phase II of the Project on renovation of deep-water navigation route in frames of full development project aimed at provide merchant and passenger transportation.
Scale of proposed activity	Parameters of the route: i) Total length - 172.36 km: - By the river beds -168,928 km (which includes – the length of bars where the bottom dredging is planned – 31 km and 137,928 km of the route where <u>no</u> bottom dredging is planned), - By the marine approach canal - 3.432 km; ii) The width of dredging bars - Of the marine approach canal – 100 m; - River part: <u>Bystroe arm</u> (the length of 11 km) with natural width – 60 m, Bystroe arm – port Reni – 120 m. iii) project vessel draft - 5,85 m (Phase I)/7,2 m (Phase II – Full development);

Description of proposed activity	<ul style="list-style-type: none"> - Bottom dredging on separate bars of the Kiliya arm using the dredging equipment, disposal of the soil at the coastal areas behind the flood-control dam only on the Ukrainian territory; - Bottom dredging on the marine approach canal using the dredging equipment, disposal of the soil on the sea underwater disposal on the more than 20 m depth and at the 8 km distance from the coast on the Ukrainian territory; - Construction of the hydro-technical equipment under the project: protective dam on the marine approach canal made from the natural mined rock, bank protection, stream directing dam on the separation of Bystroe and Starostambulskoe arms. The construction of the stream directing dam is aimed at compensation of the water redistribution.
Description of purpose of proposed activity	<p>The natural conditions of the Danube delta enable Ukraine to have an opportunity to possess the water route that meets the requirements of the highest class international waterways. This opportunity is stipulated by the existence of Kiliya arm with high water and active stable part of the delta. The current and forecasted tendency of the decrease in suspended solids ejection gives a possibility to account on the stable favorable conditions for no less than several decades.</p>
Rationale for proposed activity	<p>Currently Ukraine does not possess its own deep-water route connecting the Black Sea and the Danube river. At the same time, the huge Ukrainian ports, such as Reni port, Izmail port, Kiliya and Vilkovye are situated in this region. The capacity of the fleet of Ukrainian Danube Shipping Company, shipbuilding and shiprepairing factories ensure the welfare of the population in this area.</p> <p>The average life quality level in the region is estimated as low, even in comparison with Ukrainian national standards of living. The main social problems of the region are the following: the high level of unemployment of population which is about twice higher than the average in Ukraine; the low level of wages; poorly developed social infrastructure. The level of medical service is twice lower than the average in Odessa region. The illness frequency in the region constantly increases. The most dangerous diseases are the tuberculosis and heart diseases. The region has the high level of child mortality that is almost twice higher than the average in Odessa region.</p> <p>The further solution of these social and economic problems in the Ukrainian Danube Delta is very much dependent on the navigation usage of Danube arms by Ukraine.</p>
Additional information/comments	
(ii) Information on the spatial and temporal boundaries of the proposed activity	
Location	Kiliya and Bystroe arms of the Danube river.
Description of the location	The length of the Danube delta arm is 115 km. It separates into two big arms: Kiliya and

	<p>Tulcha. Kiliya arm is the major arm of the delta. It separates into the two internal and one external (marine and Kiliya) deltas.</p> <p>In Kiliya delta the main arms are Ochakovskiy and Starostambulskiy arms. The latter divides into Bystroe, Vostochnyi and other arms. Currently there is the natural stream redistribution from Ochakovskaya water system into Starostambulskaya water system with the overwhelming activization of the Bystroe arm.</p>
Rationale for location of proposed activity	<p>Based on the analysis of hydro-dynamic conditions of the delta in the area of the deep-water route, the conclusion can be that the positive factors for its creation and sustainable maintenance are the following:</p> <ul style="list-style-type: none"> - the sufficient natural depths of the Bystroe arm; - the more slow extension of the marine part of the delta in the Bystroe arm in comparison with other areas; - the constant increase of the river discharge of the Kiliya delta through the Bystroe arm; - the fast increase of the depth in the sea area behind the bar; - the ejection of the main sediment run-off from the Bystroe arm outside the sea coast. <p>The option of the route chosen meets the following environmental and economical criteria:</p> <ul style="list-style-type: none"> - one of the smallest areas for maintaining soil excavation; - the smallest volume of soil excavated during maintenance. <p>The option for the route was chosen on the basis of the scientific analysis implemented by specialized Ukrainian institutes with participation of national (National Academy of Sciences of Ukraine) and international experts. During the feasibility study development and the project drafting more than 10 options of the route were considered, including the lock canals construction. The Conclusion of the State ecological expertise (dated 19th April 2006, # 345) states that "the project "Renovation of the deep-water navigation route Danube-Black Sea in the Ukrainian part of the Danube delta. Full development" is assessed as positive and its implementation can be considered environmentally acceptable in frames of project decisions taken and compliance to the appropriate international environmental norms".</p>
Time-frame for proposed activity	Works under the Phase II (with 7,2 draft) will start after the implementation of procedures in frames of international environmental Conventions and in accordance with national legislation.
Time-frame for proposed activity	The map is enclosed
Additional information/comments	
(iii) Information on expected environmental impacts and proposed mitigation measures	
Scope of assessment	<p>The EIA Documentation includes:</p> <ul style="list-style-type: none"> - General characteristics of existing construction area;

	<ul style="list-style-type: none"> - Analysis of environmental, social and technogenic factors; - List of possible environmental impacts of the activities with definition of their scale, levels and zones of impact; - The forecast of changes to the environment according to the list of possible impacts; - The description of the mitigation measures to reduce or prevent possible impacts in frames of the project; - Assessment of an acceptability of expected residual impacts on the environment.
<p>Expected environmental impacts of proposed activity</p>	<p><u>Possible impact on the geological environment</u></p> <p>Impact of the dredging of the navigable route through the sea bar of the Bystroe arm and the completion of northern protective dam can result to the local changes in the process of the formation of the coastal line adjacent to the Bystroe arm (Ukrainian territory).</p> <p><u>Possible impact on atmosphere</u></p> <p>The local impact of emissions and noise from vessels engines, the working mechanisms and transporting vessels noise (during the hydro-technical works).</p> <p><u>Impact on water resources</u></p> <p>Damage of a bed surface in place of dredging and soil dumping, also the completion of the protective dam and construction of the stream directing dam upper from the Bystroe arm. Change of a hydrological and hydro-dynamic regime of arms where the navigable route will be renovated as the result of works implemented and navigation itself (in the limits of 1-2 % of existing values of relevant parameters). Local and time-limited accession of the weighed and dissolved polluting substances to the water from movement of bed sediments in the period of renovation and maintenance of the navigation route. Certain local impacts on the level and quality of underground waters resulted by creation of coastal disposal sites.</p> <p><u>Impact on land</u></p> <p>Separate land plots are used as disposal sites which are located only on the coastal part of the delta behind the flood control dam on the Ukrainian territory.</p>

	<p>Lands allocated for hydro disposal areas are those considered unusable and for that reason were allotted for the long term usage according to the national legislation. The soil taken from the consolidation is planned to be used for construction and reparation of dams that will give an opportunity to use these territories of the delta even during the periodical floods in the river. They can also be used as pastoral lands after their recultivation.</p> <p><u>Impact on plants</u></p> <p>Local negative impact of waves as a result of navigation on the marine approach canal and by the Bystroe arm can arise in relation to the rare groups of plants on the natural levee and the coastal line of the arm.</p> <p><u>Impact on animals</u></p> <p>Local and time-limited impact on the hydrobionits (mainly on the ichthyofauna as the result of loosing the feeding source) resulted by the creation of the marine approach canal during the bottom dredging works and also by inpuring of the salt water into the arm. Concerning the bird fauna – local disturbance of the nesting conditions and winter time conditions on the Ptich'ya spit and in the coastal line of the Bystroe arm resulted by disturbing factor.</p>
Proposed mitigation measures	<p><u>Resource saving measures</u></p> <p>The option to use the periodically flooded and marshy lands which are overgrown with bushes and reed for temporary coastal disposal site enables to minimize the damage to land resources.</p> <p>The location of the marine dump for soil taken accordingly to the environmental needs enables to minimize the damage to biocenosis and to provide the dumping of the soil taken during the dredging and to prevent the secondary pollution of the coastal line.</p> <p>Floating navigation signs due to the project design enables not to allocate the additional coastal areas along the Bystroe arm for navigation signs placement.</p> <p><u>Protective measures</u></p> <p>The following hydro-technical measures aimed to provide the navigation by the navigation</p>

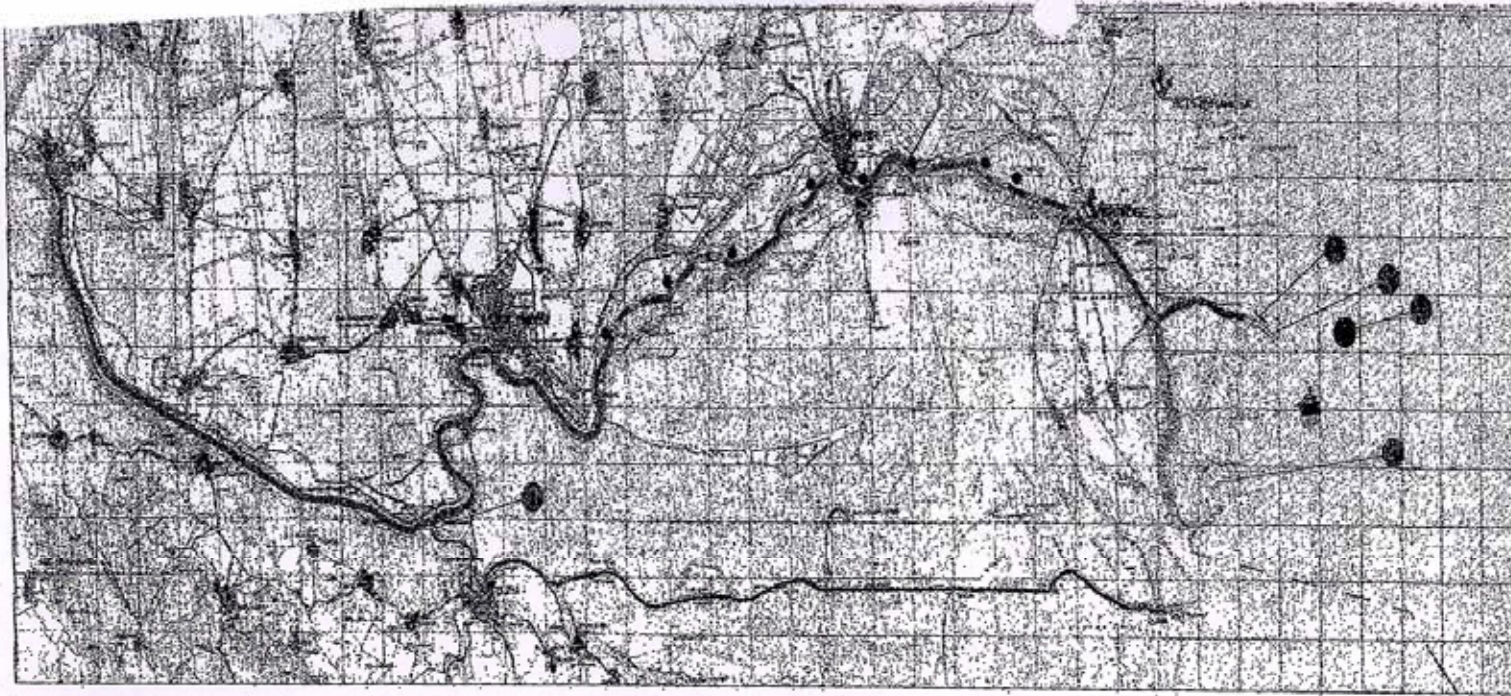
	<p>route can also be considered as environmental mitigation and protection measures as they prevent stream bank erosion and decrease the volume of dredging works that have the negative impact on the quality of water and conditions for water habitats:</p> <ul style="list-style-type: none"> * sediments control of the Starostambulskiy arm in the place of Starostambulskiy and Bystroe arms separation; * creation of the stream directing dam in the Starostambulskiy arm before the Bystroe arm in order to compensate the flow redistribution in favor of the Bystroe arm and to remove the transboundary impact; * areas of bank protection along the shores of the Bystroe arm; * construction of the defensive dam along the marine approach canal with the length of 2830 m; * sediment ponds on the territories of coastal depositing sites of the soil from the dredging and internal dams that lengthen the clearing path; * biological strengthening of natural levees along the Bystroe arm by planting the Danube flora: White osier, Black poplar, White poplar, European ash, local wave-resisting plants. <p><u>Limiting measures:</u></p> <ul style="list-style-type: none"> * limitation or avoidance of all the construction and reparation works on the navigation route path during the spawning and period of fish youngs downstream migration; * limitation or avoidance of all the construction and reparation works in the area of the marine approach canal and in the area of the Bystroe arm in the period of birds nesting; * dispersal of the mechanization facilities, their adjustment by the capacity and varying of the mechanisms work synchronism coefficient; * restriction on vessels horns and music on the decks during the passage through the territory of the Danube Biosphere Reserve, limitation of the vessel passage in the daytime
Transboundary impacts	<p>According to the Conclusions of the Inquiry Commission of the Espoo Convention, the six transboundary impacts were defined as likely significant (being outside the limits of natural variations). The Inquiry Commission came to the following final conclusions:</p> <p>The likely significant adverse transboundary impacts are:</p> <ol style="list-style-type: none"> 1) impact of dredging or deepening of the rifts on the distribution of the flow discharge between the Bystre and the Starostambulski branches and on the water level dynamics along the Bystre branch, resulting in loss of floodplain habitats, important for fish (spawning and nursery) and birds (nesting, feeding). <p><i>In order to compensate the impact of the full development project there was envisaged</i></p>

	<p><i>the construction of the stream directing dam in the place where the Bystroe and Starostambulskoe arms are separated.</i></p> <p>2) impact of habitat loss by coverage of riparian dump sites and dredging through the offshore sandbar and measures for bank protection on birdlife and fish.</p> <p><i>To compensate the impact during the designing of the project on full development on the basis of the Inquiry Commission Conclusions, the Ukrainian party refused from using the riverine underwater disposal sites and riverside temporary disposal sites (deposits). According to the design of current project on full development, the soil from the bottom dredging of the navigation route is taken away only to the shore behind the flood control dam,</i></p> <p>3) impact on the increase of suspended sediment concentration, downstream of the dredging site on fish.</p> <p><i>The impact was mitigated considerably by time and place of works implementation;</i></p> <p>4) impact on the turbidity of marine waters as a result of dumping of spoil at the dump-site at sea, under conditions of southbound alongshore currents.</p> <p><i>The impact was mitigated considerably by time and place of works implementation. According to the results of the monitoring works, the length of the muddiness tail does not exceed acceptable limits.</i></p> <p>5) impact of repeated maintenance dredging hampering the recovery processes of affected areas for fish in the long term</p> <p>6) cumulative impact of loss and/or disturbance of habitats and by shipping traffic on fish and bird life on a large scale and long time.</p> <p>Other impacts defined by the Inquiry Commission as likely transboundary were considered as those with a lack of information for making further concrete conclusion. Also, the necessity to carry out the relevant joint researches in frames of international cooperation was considered. Other impacts were considered to be unlikely or not significant transboundary impacts.</p>
Additional information/comments	
(iv) Proponent/developer	
Name, address, telephone and fax numbers	<p>State Enterprise "Delta-pilot", Ministry of Transport and Communications of Ukraine www.delta-pilot.ua Liagina str., 27, Mykolayiv, 54001, Ukraine Tel./fax: +38(0512)500901, +38(0512) 500999 e-mail: office@delta-pilot.ua</p>

(v) EIA documentation	
Is the EIA documentation (e.g. EIA report or EIS) included in the notification	The EIA Documentation designed in 2004 and updated in 2005 was sent to the affected party and concerned parties in 2007. At the end of year 2008 the amended and updated EIA Documentation according to the requirements of the Espoo Convention and international practice of the EIA Documentation design will be sent to the affected Party.
2. POINTS OF CONTACT	
(i) Points of contact for the possible affected Party or Parties	
Authority responsible for coordinating activities relating to the EIA	Focal Point/Secretary of the Council – Volodymyr Buchko, tel. +38(044) 2451008, e-mail: vbuczko@gmail.com Ministry of Environmental Protection of Ukraine Ukraine, Kyiv, Urytskogo str., 35 Intergovernmental Coordination Council on Implementation of the Espoo Convention by Ukraine 12/2, Hrushevskogo str., Kyiv, Ukraine tel. +38(044) 2566264, fax +38(044) 2530202, e-mail: vp3@kmu.gov.ua , imakarenko@kmu.gov.ua , Head of the Council – Deputy Prime Minister of Ukraine – Hryhoriy Nemyrya Ministry of Transport and Communications of Ukraine 14, Peremogy Lane, Kyiv tel. +38(044) 2359770, e-mail: makarenko@delta-pilot.ua
List of affected Parties to which notification is being sent	Romania (copy – to the Convention Secretariat)
(ii) Points of contact for the Party of origin	
Authority responsible for coordinating activities relating to the EIA	Ministry of Environment and Sustainable Development of Romania
3. INFORMATION ON THE EIA PROCESS IN THE COUNTRY WHERE THE PROPOSED ACTIVITY IS LOCATED	
(i) Information on the EIA process that will be applied to the proposed activity	
Time schedule	Stage 1. Consideration of the information presented in the Notification – 6 weeks from the moment when affected party receives the Notification Stage 2. Consideration of the information presented in the updated EIA Documentation – from

	<p>the moment when affected party receives updated EIA Documentation up to the stage 5</p> <p>Stage 3. Presenting the comments from the public – from the moment when affected party receives Notification up to the stage 5</p> <p>Stage 4. Direct Consultations with Romanian Authorities and Consultations with the potentially affected public – within 2-4 weeks after transmitting of the EIA Documentation</p> <p>Stage 5. Consideration of the comments and their inclusion to the EIA Documentation – within 2-4 weeks after the Stage 4</p> <p>Stage 6. Adoption of the Final Decision – within 2-4 weeks after stage 5</p>
Opportunities for the affected Party or Parties to be involved in the EIA process	Participation in the development of the Upgrades to the EIA Documentation. Consideration of documentation and sharing the comments.
Opportunities for the affected Party or Parties to review and comment on the notification and the EIA documentation	
Process for approval of the proposed activity	According to the Law of Ukraine “On the environmental protection” №1264-XII, “On ecological expertise” №45/95-BP.
4. INFORMATION ON THE PUBLIC PARTICIPATION PROCESS IN THE COUNTRY OF ORIGIN	
Public participation procedures	Will be sent separately within 3 weeks 4
Expected start and duration of public consultation	Within 2-4 weeks after the affected Party receives the EIA Documentation. Duration – 3 days.
Additional information/comments	<p>According to the requirements of current Ukrainian legislation the statements on the environmental consequences of the project on full development were published and the public hearings on the project of the deep-water navigable route in the Ukrainian part of the Danube delta on full development were carried out twice:</p> <ul style="list-style-type: none"> – on 17th December, 2004 in town Izmail – on 20th December, 2006 in town Izmail <p>Ukrainian and Romanian public had an opportunity to study the previous version of the EIA Documentation on the full development project (in Ukrainian and English languages) on the web-site of the State Enterprise “Delta-pilot”.</p> <p>In order to inform public in 2007-2008 the following activities took place:</p> <ul style="list-style-type: none"> ➤ on 18th June, 2007 in Vilkove town the “Consultations on the environmental impact assessment during the execution of the project “Creation of the deep water navigable route Danube – Black Sea on the Ukrainian part of the Danube delta. Full development” were held with the participation of representatives of Ukrainian and Romanian public.

	<ul style="list-style-type: none"> ➤ on 18th July, 2007 in Tulcha (Romania) in accordance with Article 2 (2.4-2.6) and Article 5 of the Espoo Convention were held the public consultations on the invitation from Romania on the compliance of Ukraine with the Espoo Convention concerning the implementation of the project "Renovation of the deep-water navigable route "Danube – Black Sea". ➤ on 25th July, 2007 the State enterprise "Delta-pilot" held the Internet Conference on the Project. ➤ on 21-23rd September, 2007 was held the International Media-Forum dedicated to the issues of the navigation renovation, the possible transboundary impacts of the "Danube – Black Sea" navigation route ➤ on 26th September, 2007 Ukraine hosted the international environmental expedition "Danube – 2" under the ICPDR aegis. ➤ on 22-26th June, 2008 in Odessa was held the international conference "The safety of navigation and environmental security in a transboundary context in the Black Sea basin" ➤ on 28-31st July, 2008 the meeting with NGOs and public was held in frames of expert visit under the Council of Europe aegis.
5. DEADLINE FOR RESPONSE	
Date	6 weeks after the affected party receives the Notification.



- ~ - Суднової хід по природному руслу
- - Суляцький канал (Румунія)
- ⚓ - Порти
- - Перекази річкової частини
- - Дамби
- - Морський відвал
- - Місце відвалу ґрунту річкової частини
- - Кам'яна дамба довжиною 430м. Будівництво було розпочате Румунією у 1902 році
- - Захисна дамба з геотекстилю облицьованого каменем. Недобудована. Фактична довжина 410 м
- - Барова частина.
- - Морський відвал
- - Кам'яна дамба довжиною 1900 м збудована Румунією у 1943 році