

Ministry of Environment, Water
and Forests of the Romanian Republic

*Regarding public discussion
of the project*

Dear Sir,

The Ministry of Environmental Protection and Natural Resources of Ukraine brought to the attention of NIBULON LLC the letter of the Ministry of Environment, Water Resources and Forests of the Republic of Romania No. DGEICPSC/21143/01/02/2023 dated 01/02/2023 regarding the results of public discussion on the territory of the Republic of Romania.

After carefully studying this letter, we inform the following, NIBULON LLC respects and understands the concern of the Romanian side regarding the condition of the Danube River. NIBULON LLC guarantees that the project initiated by the company is carried out in compliance with current Ukrainian and international legislation in the environmental sphere. At the same time, NIBULON LLC tried to take into account as much as possible all the comments and suggestions outlined in the letter of the Ministry of Environment, Water Resources and Forests of the Republic of Romania No. DGEICPSC/1363/04/08/2022 dated 04/08/2022 and enter relevant information in the Environmental Impact Assessment Report.

In particular, regarding the observation of the reaching of the mark of 8.23 meters from the "0" of the Izmil Sea Port, it is re-emphasized that the planned activity of NIBULON LLC has local nature - on the Danube River from 91.09 to 91.55 km wide from the border of the shipping lane to the left bank, a map-scheme of dredging works is attached.

The design depth of hydrotechnical equipment in the future will be 8.23 meters from "0" of the Izmil Sea Port, which corresponds to the design depth of the "Vylkove - Izmil Ceatal" shipping channel, which was approved by Government Resolution No. 136 dated 09/02/2022 with the clarification: "the depth has not been reached in connection with the non-completion of construction works under the project". NIBULON LLC does not plan to reach it with its hydrotechnical equipment until this depth is reached by the Government of Ukraine in accordance with international agreements. The planned activity of NIBULON LLC provides dredging works only to the declared passport depths of the Izmil Sea Port (7.32 m).

The planned activity does not include dredging works in the areas: The Sulina branch, Sulina canal, Tulcea branch, Izmil Ceatal, further following the Kiliya branch to Izmil.

The above information confirms that the company does not intend to transfer to itself the functions of the state regarding the deepening of the Danube waterway, as well as any other public waterway.

With regard to comments on the migration of sturgeon fish, we note the following. The water area of the Danube River, where construction of the operational water area with the approach channel was planned by NIBULON LLC is located in an industrially developed zone with intensive navigation, therefore, the conditions for the fish reproduction belonging to the lithophilic type of reproduction, such as beluga, starry sturgeon, sturgeon, starlet, etc. remain adverse.

The area of the bottom damage during the dredging works at the mark 7.32 m from the "0" of the Izmail Sea Port is 2.2 hectares, with a maximum width of the work site of about 100 m, which does not prevent the free movement of fish, because the width of the Danube River at this point is 470 m. On this section of the Danube, the way to the sea is overcome by enduring individuals (linear dimensions from 13 cm and above), which are able to avoid places with adverse conditions.

According to scientists (scientific and biological substantiation "Assessment of the impact of hydrotechnical works on the state of ichthyofauna and aquatic biocenoses" - appendix 2), after grazing in the Black Sea, sturgeon fish species during spawning migration enter the water area of the Danube River and, rising far up the river, pass ending their way in the area of the Derdap-2 hydroelectric power station dam (864 km of the Danube), next to which, on a short section of the river, there are the main spawning areas of these species.

During the migration of young sturgeon fish species from the spawning grounds to the Black Sea water area, the fish stay close to the water surface, in a water column that does not exceed 3.2 m. Meanwhile, dredging work will take place at a depth of 4 m, which according to scientific observations does not use to overcome regular movements.

The period of predicted migration of sturgeon fish in the delta of Kiliya branch falls on the July - October period, therefore, in order to minimize the damage that can be caused to passing species of fish, NIBULON LLC will not carry out dredging works during this period (then it must be included in activity report).

In Appendix No. 3 to this letter, we resubmit our answers and comments regarding the issues covered in the letter of the Ministry of Environment, Water Resources and Forests of the Republic of Romania dated No. DGEICPSC/21143/01/02/2023 dated 01/02/2023. Separately, we would like to emphasize that during the 30 days of public discussion on the territory of Romania, no comment was received from the concerned public.

Based on the above, dear sir, I kindly ask you to pay attention to the provisions of this letter and take them into account when preparing the conclusion on the environmental impact assessment of the project "New construction of a transport infrastructure object - a river port (terminal) in the Izmail, Izmail district, Odesa region with the railway access track - adjacent to the Izmail station of the Odesa Railway regional branch (registration number 20225199566).

I am asking you to provide the conclusion of the environmental impact assessment of the above-mentioned project to NIBULON LLC as soon as possible, which is important for attracting additional investments in the construction of critical infrastructure along the Danube river.

Applications:

1. Map-scheme of dredging works - on 1 sheet in 1 note.;
2. Scientific and biological substantiation "Assessment of the impact of hydrotechnical works on the state of ichthyofauna and aquatic biocenoses" - on 55 sheets in 1 note.;
3. Information on the comments made in the letter of the Ministry of the Environment, Water Resources and Forests of the Republic of Romania, ed. No. No. DGEICPSC/21143/01/02/2023 dated February 1, 2023. - on 11 sheets in 1 note.

Best regards
General director
of NIBULON LLC

Andriy VADATURSKYY