



Wadden Sea Forum

13th Meeting

Fanø, 18-19 November 2008

Agenda Item: 13
Subject: Reports Wadden Sea Advisory Boards
Document No. WSF 13-13-1
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Submitted by: Dutch Wadden Sea Council

Attached is a letter of the Dutch Wadden Sea Council to the State Secretary for Transport, Public Works and Water Management with regard to the Water Framework Directive (WFD)

PROPOSAL: The meeting is invited to take note of the information

To the State Secretary for Transport,
Public Works and Water Management
Mrs J.C. Huizinga-Heringa

betreft
Water Framework Directive

ons kenmerk
033/fz

datum
30.06.2008

Dear State Secretary,

In your letter of 5 March (appendix 1) you asked the Wadden Sea Council to provide its advice on the implementation of the Water Framework Directive (WFD) in the Wadden Sea region. You set out in your letter the points that could be covered in the advice. The Council is pleased to meet your request by way of this advisory letter. In keeping with your request, the Council will also be forwarding its advice to the *Stuurgroep Water 2000* [Steering Committee Water 2000] / *Regionaal Bestuurlijk Overleg Rijn Noord* [Regional Administrative Coordination Rhine North] and the *Regionaal College Waddengebied* [Regional Wadden Sea Region Board].

The Council will address below the subjects mentioned in the request for advice one by one, with some points that the Council has added itself.

The Wadden Sea ecosystem is crossing drainage basin boundaries

In 2004 (advisory letter Water Framework Directive, no. 2004/07) the Council warned that a disadvantage of the drainage basin approach was that the cohesion of the Wadden Sea ecosystem over the drainage basin boundaries - which are notional in the coastal waters - is subordinated to the relationships within the respective drainage basins. The purpose of coordinating the WFD translation of the goals for the trilateral Wadden Sea in advance was to prevent fragmentation of the ecosystem approach over drainage basins. The Council notes that there was no such coordination over the whole of the Wadden Sea. The implications of this are not yet clear. The trilateral differences in planning the implementation of the WFD and the implementation method are such that it is not yet possible to make any final comparisons or to draw any conclusions. That applies not only to the WFD goals, but also the method, such as limiting the bodies of water, operating the 'Prague Method', and so on.

The Council advises, in the determination of the ambitions and measures, paying attention to and where necessary providing for trilateral coordination that does justice to the relationships within the Wadden Sea ecosystem. The recently published final HARBASINS report (Steps towards a harmonized transnational management strategy for coastal and transnational waters, 15 May 2008) could be taken as a basis for that coordination.

In the Netherlands, the implementation of measures that contribute to meeting several state goals is encouraged by means of a contribution from the 'synergy funds'. The Council suggests that you consider calling for a provision of this nature at European level as well, aimed at encouraging the international coordination of goals and measures.

Public participation

In 2004 the Council advised deviating in the further implementation and development of the WFD from the formal points at which public participation is prescribed and opting as soon as possible for open communication and participation. The Council considered this necessary to gaining support. **The Council expresses its appreciation of how the**

ministry has tackled this with the assistance of regional groupings. The Council is convinced that this has made a favourable contribution to gaining support for the Directive.

Limitation and status of water bodies

The Council is very much in agreement with the currently proposed limitation and status of the water bodies, subject to the condition that the European Commission confirms the tenability of the substantiation of the choice for the Wadden Sea as a 'natural water' in the article 5 report.

Here, too, the lack of trilateral coordination in advance means that extra attention will have to be paid to preserving and strengthening ecological cohesion and striving to achieve balanced competitive ratios in the stage at which goals and measures are determined.

Use of the Prague method

Use of what is known as the 'Prague Method' is permitted for 'artificial' and 'substantially altered' water. Despite that, the method is also used for the parts of the Wadden Sea that are qualified as 'natural' water. The Council is sympathetic to this choice because the morphological qualities of the Wadden Sea have been altered to such a great extent that the 'undisturbed natural reference' does not as yet have much significance to the quantitative derivation of the Good Ecological Status (GES). The determination of the GES is the most vulnerable aspect of the method being used, all the more so since, for instance, the policy objective (= GES) for the acreage of sea grass was once again subjected to a substantial downward adjustment at a later stage, which at first sight does not project the high level of ambition that is appropriate to the Netherlands' most important area of natural beauty. **The Council advises providing a careful explanation of the drainage basin management plan in the adopted GES in order to avoid placing the acceptance of the Prague Method being operated and the ecological policy objectives determined with this method under threat.**

Phasing of measures

The Council indicated in its letter of 30 January (8/MvR) its willingness, based on a study carried out by *Vereniging Natuurmonumenten*¹⁾ [The Society for the Preservation of Nature in the Netherlands], to establish whether the phasing of measures - i.e. implementation after 2015 - for protected areas is at odds with the WFD. In the meantime, your ministry, too, has published a response to this study, highlighting the arguments on which grounds for the phasing of measures in protected areas are in line with the WFD. The Council shares the ministry's conclusion and sees no reasons to add anything to it.

1) Veltman, mr. J., Wijnberg Advocaten, Groningen, 1 November 2007, Advice on the question of whether it is possible to extend the 15-year period provided for in article 4, paragraph 1c of the Water Framework Directive.

Eutrophication

Eutrophication is regarded as one of the biggest problems throughout the whole of the Wadden Sea. As the first of its type, the WFD (in the drainage basis approach) offers possibilities to take measures for this purpose outside of the Wadden Sea. However, the extent of the problem and/or the scope of the required measures are not explicitly presented. This is limited to an announcement that the discussion will be entered into with the upstream dischargers without addressing other factors that stimulate or reduce the growth of algae (light, algae-eating/grazing zooplankton). The Council believes that this position is a missed opportunity to tackle the eutrophication problem at its core, or to present a clear image of the actual extent of the problem and which sources need to be tackled for that purpose ²⁾. **The Council advises, before proceeding with measures, identifying which environmental factors, in addition to nutrients, are currently forming the actual limiting factor for the recovery of primary production in the Wadden Sea.**

Salt discharge Eems

The Council does not believe that there is anything to be gained by advising on this subject in anticipation of the results of the study in Germany into the alternatives for discharging salt water in the Eems or at other locations in or close to the Wadden Sea. The Council does however ask at this stage for attention to be paid to the effect of slightly raised salt levels in the raised turbidity maximum, caused by an intensified density circulation, in the Eems and Dollard against the background of the existing turbidity problems in this area.

As a result of that intensified circulation, the turbidity maximum now features silt concentrations that are almost ten times as high as in the nineteen-fifties. Another aspect that needs to be addressed is the effective use of the (very salt) water for activities such as energy extraction.

Approach to island salt marshes

The Council ratified its advice on fresh-salt water transitions in the Wadden Sea region on the date on which your request for advice was sent. That advice comprehensively addresses the question of how more support can be obtained for the rejuvenation of the island salt marshes. **In short, the Council recommends the phased restoration of natural processes and dynamics in the outer dike eastern points, with effective monitoring. Agreements can be made beforehand with the island population about how a decision can be made on the basis of the monitoring results on whether to make a start with a subsequent phase.** Reference is made to that advice for a detailed explanation.

Yours faithfully, for the Wadden Sea Council,

Prof. F. Fleurke, acting chairman

Mrs J. Westinga, secretary

2) There are indications from (as yet unpublished) research that the availability of phosphor compounds in the western part of the Dutch Wadden Sea has diminished to such an extent that the Wadden ecosystem in that part shows signs of a low nutrient (oligotrophic) system.