



Comments on the Marine Strategic Framework Directive (MSFD) Programme of Measures - Seabirds 23rd March 2017

BirdLife Malta has revised the Marine Strategic Framework Directive (MSFD) Programme of Measures on Seabirds, the following comments serve as a reaction on this public consultation. This reaction document is structured according to the same sections as the initial document “Marine Strategy Framework Directive (2008/56/EC) Programme of Measures Descriptors 1 & 4: Seabirds” (hereafter MSFD PoM document) provided for the public consultations.

Section 1: Environmental Status and Relevant Pressures

Identified threats and pressures in Malta apply for all Malta’s seabirds, particularly on the breeding seabirds Yelkouan Shearwater (*Puffinus yelkouan*), Scopoli’s Shearwater (*Calonectris diomedea*) and the European Storm Petrel (*Hydrobates pelagicus*). These include the following (listed in order of highest to lowest threat):

Threat 1: Predation by alien mammals, particularly rats

Seabird breeding populations suffer heavily from predation pressure in the colonies by introduced mammals with observed population declines being attributed to alien predators, predominantly black rats *Rattus rattus* and brown rats *R. norvegicus*. Rats lower breeding success in most islands and archipelagos down to zero, leading to a reduction of colony sizes and to a desertion of entire colonies. Other species such as feral cats and ferrets are also believed to be a local problem. Predation of eggs, chicks and adults at colonies is a significant factor affecting survival and productivity at breeding colonies. Predation by rats is known to be a problem at all relevant sites which have nesting Yelkouan and Scopoli’s Shearwaters in Malta. Only the SPA Filfla is free of rats but will require increased bio-security planning to ensure it remains so. For most of the SPAs and SACs in Malta the impact of rats on seabirds has not yet been quantified which means scientific data has to be gathered to monitor the relevant sites.

Threat 2: Light and noise pollution from coastal zone development and large vessels and oil rigs parked in Maltese waters

Increasing touristic and industrial development and coastal urbanization impose an important threat on Malta’s seabirds. Stray light from developed areas such as harbours, hotels and industrial estates reduces available breeding habitat by illuminating dark cliffs and creates a problem for shearwater fledglings which get disoriented and as a result end up stranded on land. Heavily lit up coast roads and quarries close to the cliffs are adding to this problem. Up to more than 15 large vessels can be found on the lee sides of the island, sometimes less than 1km from shore, just in front of important Yelkouan Shearwater colonies. As bunkering operations for safety reasons take place with all deck lights, whole nesting cliff areas are lit up by light of these vessels during the night, often keeping shearwaters from coming back in such nights. Up to 5 oil-rigs, parked for maintenance create similar problems. Over the

last decades, light pollution across the Maltese islands has increased substantially but not all areas are equally affected. Examples for strongly light polluted locations are the harbour of Cirkewwa in the North of Malta. Two large areas for bunkering, one West of Anchor Bay (Park tal-Majjistral) and the other East of iRdum tal-Madonna create major problems for Yelkouan Shearwaters and other seabirds breeding in areas which are exposed to light pollution. Oil rigs are mainly parked off the southern coast of Malta casting light on the southern cliffs and on Filfla Island. Petards and other fireworks (village festas) also contribute to low breeding success especially in colonies close to urban areas. The illegal dumping of inert material over cliff edges, especially in the Hal-Far area is known to block shearwater nest entrances entombing both adults and chicks.

Malta's seas have also in recent years experienced another phenomenon, which sees a large amount of fuel-storing vessels parked just outside its official territory which stretches until the 12-nautical mile limit. A great number of vessels are often parked towards the South East of the island, keeping on various deck lights for safety reasons. Their overall affect in terms of contributing to light pollution at sea, and their effect on shearwaters is not known.

Threat 3: Recreational activities including hunting

A strong increase in leisure boat cruises, floating discos and boat trips into caves are another major problem for seabirds. The vessels often get close to coastal cliffs and into sea caves, where they create sound disturbance at day and sound and light disturbances at night. This can lead to a reduction in reproductive success. Private and commercial vessels are frequently found berthing in Natura 2000 sites close to colonies (e.g. Blue Lagoon), with the danger to introduce rats in normally inaccessible areas for these mammals. People picnicking and camping leave rubbish behind, which can attract, maintain and increase rat populations locally pose also an indirect threat. Unaware boat operators disturb the birds at sea, mainly by driving their vessels too close to congregations of rafting birds in front of the breeding colonies in the evening. Disturbance by recreational activities happens both in front of and inside the seabird colonies (SPAs and SAC). Other negative impacts include; target shooting of birds at sea and from land (at night). Fishing from cliff-tops at night results in Scopoli's shearwaters to become entangled in fishing lines. Also, a small number of fishermen still use the shearwater's underwing feathers for trolling, occasionally leading to the unnecessary killing of adult birds.

Threat 4: Seabird bycatch

In Malta, data on seabird by-catch is lacking although indications point to Scopoli's Shearwater (*Calonectris diomedea*) and the Yelkouan Shearwater (*Puffinus yelkouan*) as the main seabird by-catch species. Procellariiforms are generally characterised as being late to mature and slow to reproduce. On the other hand, they are very long-lived with natural adult mortality typically very low. These traits make any considerable increase in human-induced adult mortality potentially damaging for population viability, as even small increases in mortality can result in population declines. Seabird bycatch is unnecessary and preventable (to give an example, conservation efforts in South Africa and Namibia on Albatross led to a reduction of seabird bycatch by over 90% in recent years, most of these efforts work for seabirds in general and are not restricted to the Albatross species). In the case of Malta, the main

challenge lies within small-scale and recreational fishermen usually doing surface trolling. Awareness raising and educational measures have to target this specific group holistically.

A generally lack of understanding of the impact of other fishing methods, is a concern, given there is no concrete data which one can safely assess which fishery impacts most seabirds or otherwise, and how this can be mitigated.

Section 2: Good Environmental Status and Environmental Targets

- The breeding population of Yellow-legged Gull (*Larus michahellis*) on the Plateau of Filfla Island has long reached saturation point and in consequence a considerable number of pairs are now breeding among the boulder and rubble scree below the cliffs on Filfla. These gulls have now specialised their hunting techniques and are targeting incoming Storm-petrels. Studies carried out in the past show a significant number of adult petrels predated by the gulls especially during the gull's chick rearing stage.
- As a result of the above possible threat, continued monitoring of the Yellow-legged Gull and European Storm-petrel populations of Filfla is essential to determine any necessary future measures such as a breeding control program targeting the gulls nesting on the boulder screes needs to be formulated and executed. Various methods to various scales may be adopted such as one simple albeit time consuming action would be to coat the eggs with oil, impeding chick formation and hatching.

Section 3: Existing Measures

General comments directly linked to the paragraphs of the MSFD PoM document:

- First paragraph identifies that legal tools “may also contribute to the conservation of these [seabird] species” (p. 5). This might be the case for selected EU Directives, however, several EU strategies and policies can cause major negative impacts to Malta's seabirds if marine and terrestrial conservation is not considered during planning processes thereunder. This for instance includes development efforts under the Blue Growth Initiative (sector expansion of aquaculture, coastal tourism including recreational activities, and marine transport including bunkering), the Integrated Maritime Policy (aspired developments include blue energy, aquaculture, maritime, coastal and cruise tourism, marine mineral resources and blue biotechnology – however not all are suitable for Malta) and the EU Directive on Maritime Spatial Planning and Integrated Coastal Zone Management. Particular attention has to be drawn to potential constraints occurring from current and planned activities implemented by different stakeholders, both from the National Government and private sector, active in the area of Marine SPAs. To avoid tension and conflicts amongst the different stakeholders operating in the area of MPAs, potential impacts, threats, and opportunities have to be identified and addressed before occurrence and ideally it should be guaranteed from both, governmental side and private sector, that all planned activities will be implemented in close cooperation and consultation with the responsible management authority and NGO's.
- On page 7, BirdLife Malta's work is described. In the scope of different projects, BirdLife Malta has implemented rat control programmes, not rat eradication efforts as stated in several

sections of the document. Rats remain to be a serious threat to seabirds in Malta and control and eradication efforts need to be implemented in the upcoming years (see above Section 1 and below Section 5).

- On page 8, “the measurement of light pollution from bunkering, as part of the LIFE+ Malta Seabird project (2011-2016)” is a wrong statement since measurement of light pollution from bunkering is only currently ongoing under the LIFE Arcipelagu Garnija project which runs from 2015 to 2020.

Section 4: Gap Analysis

- A major gap – additionally to those already identified - for the protection of seabirds in Malta are the lack of management plans for the recently designated Marine Protected Areas. This is mentioned in the MSFD PoM document, however due to its pressing importance, the development and implementation of management plans for the recently designated Marine SPA’s has to be highlighted separately. The designation of the MPA’s carry further responsibilities for EU member states to draft management plans following designation of SCIs, and with no specific timeframes allocated for the upkeep and management of Special Protection Areas. Potential constraints with regards to the management of MPAs could arise from an insufficient implementation of the Marine Strategic Framework Directive. ANNEX III of the MSFD, lists pressures and impacts on the maritime environment, referring to the Directives articles 8(1), 9(1), 9(3), 10(1), 11(1) and 24.
- Regarding “areas identified as requiring further action in order to adequately address achievement of GES for seabirds” (p. 13):
 - i. Only one rat control programme is currently in place on the Maltese islands at the Rdum tal-Madonna SPA. Further programmes shall be adapted in due course as part of the LIFE Arcipelagu Garnija project.
 - ii. Bunkering and oil rigs as sources of light pollution have to be mentioned
 - iii. There are no measurements in place for seabird bycatch, no action is currently ongoing to address this issue
 - iv. Management plans for Marine Protected Areas have to be developed and implemented

Section 5: New Measures

- All existing and new measures under the MSFD Programme of Measures should aim towards minimising or eliminating all threats on seabirds mentioned in Section 1 of this document

MICMT-M008 - Awareness and educational campaigns targeting disturbance issues (noise, light and littering) in recreational areas where the presence of litter has been tied to rat predation:

- This measure will be implemented as part of the LIFE Arcipelagu Garnija project (LIFE14 NAT/MT/000991) for the Yelkouan Shearwater colonies, hence the Responsible Delivery authorities/organisations will be BirdLife Malta

- For the section “measure description, including mode of implementation” and “environmental targets” of the MSFD PoM, the LIFE Arcipelagu Garnija project activities aiming towards the same goals are described as:
 - o The LIFE Arcipelagu Garnija project will implement active predator management at all sites where the results of Actions A1-A3 reveal that these activities are necessary and feasible. Predator management will particularly focus on rats but may target other species such as feral ferrets, cats and dogs where they are known to be adversely affecting the breeding numbers and success of shearwater or other seabirds. This action covers 1) Control of rats and other mammalian predators around vulnerable colonies, 2) Biosecurity of currently or potentially predator free islands.
 - o The LIFE Arcipelagu Garnija project aims towards achieving a sustainable long-term improvement in the status of Yelkouan Shearwater in Malta, the attitude of the wider public users must be in support of the changes required to achieve this. General awareness raising through the media is an important part of this process and the effectiveness of this should be measured in order to determine best practice. The public attitude surveys will therefore enable the impact of these actions. The work to change behaviour by site users on land and at sea is vital to the success of this project and greater public understanding of why behaviour needs to change is vital to achieve support for Yelkouan Shearwater conservation measures.
- Since the LIFE Arcipelagu Garnija project mainly tackles Yelkouan Shearwater, the actions under this MSFD Measure should be extended to all other Maltese seabird colonies. Collaboration between the Responsible Competent Authority and BirdLife Malta is advisable for knowledge exchange and resource mobilization.

MICMT-M009 - Preparation of official guidance documents aimed at providing direction with respect to reduction/control/mitigation of light and noise pressures driven by both land-based and sea-based activities:

- This measure will be implemented as part of the LIFE Arcipelagu Garnija project (LIFE14 NAT/MT/000991) for the Yelkouan Shearwater colonies, hence the Responsible Delivery authorities/organisations will be BirdLife Malta
- Actions will tackle the following combined reasons behind high levels of light pollution in Malta:
 - o Insufficient public and business awareness of the impact of coastal light pollution on Malta seabird colonies
 - o Insufficient policy and legislation restricting the use of excessive exterior lighting schemes at developed coastal sites
 - o A lack of knowledge of innovative lighting schemes by both government authorities and the private sector in order to suggest and promote their use
 - o Insufficient financial incentives to revise, restructure or improve existing lighting schemes that could do with less light emissions
- BirdLife Malta will undergo a desktop review combining information from published journals on the subject matter with current policy and legislation governing exterior lighting schemes for coastal areas. This desktop study will result in concrete recommendations to reduce light

pollution on the Maltese Islands based on international standards taking into account the main light sources. The results can contribute to the development of guidelines under the proposed measure

General comment:

- Communicating the codes of conduct and guidelines to the right target group (particularly stakeholders from the maritime sector including shipping operators, bunkering operators and ship owners) should be implemented under this measure by providing regular training sessions, network and stakeholder meetings between private entities and experiences NGO's (including BirdLife Malta)

MICMT-MO10 - Knowledge improvement on the interactions of seabirds with fisheries activity and definition of good practice as necessary

- Operational actions of this measure should furthermore include focus group meetings with the aim of knowledge and experience exchange, particularly on mitigation measures and their applicability for Malta have to be communicated to raise awareness among the fishing community.
- BirdLife and the Agreement for the Conservation of Albatrosses and Petrels have produced a series of 15 Seabird Bycatch Mitigation Factsheets which describe the range of potential mitigation measures available to reduce seabird bycatch in longline and trawl fisheries. The factsheets assess the effectiveness of each measure, highlight their limitations and strengths, and make best practice recommendations for their effective adoption. They are designed to help decision-makers choose the most appropriate measures for their longline and trawl fisheries. These can be accessed on <http://www.birdlife.org/bycatch>

Section 8: Regional cooperation

- It can be very beneficial to establish regional cooperation for the implementation of the MSFD Programme of Measures for instance under the Environmental Implementation Review (EIR) which is a tool to improve implementation of EU environmental law and policy. It aims to address the causes of implementation gaps and try to find solutions before problems become urgent.