



BirdLife Malta's comments on MSFD Programme of Measures Draft Summary Report: first update (Seabirds)

23rd October 2023

BirdLife Malta has analysed the Draft Summary Report: first update under the MSFD Programme of Measures, particularly the part relating to Seabirds. We would like to present the following feedback as part of the public consultation.

Primarily, we have a number of comments on separate measures covered by section 2.0 *Updates to Programme of Measures per Descriptor/Theme: 2.1 Seabirds - MSFD Descriptor 1 & 4:*

➤ M004

We would like to take the opportunity and once again recommend taking relevant action to designate two current SACs additionally as SPAs due to their listing as Important Bird Areas by BirdLife International in respect to the significant *Puffinus yelkouan* colonies they support. These areas are:

+ Selmunett;

+Qammieh to Majjistral NHP.

ERA has been presented with data supporting the designation of these SPAs since 2016, which has since not materialised. We are willing to assist ERA with data updates in relation to a newly confirmed colony at Qammieh shall this foster the process of SPAs designation.

➤ M006

At the moment, only rodent control is implemented in selected seabird colonies. However, apart from rodent species, feral cats evidently create a threat of predation of chicks and adults across different colonies. Feral cats are increasingly being noted within shearwater colonies including the largest ones at Rdum tal-Madonna, Majjistral NHP and Ta' Ċenċ. In May 2021, a dead adult Yelkouan shearwater was found in Ras in-Newwiela (part of Ta' Ċenċ), confirmed killed by a cat via trail camera footage. In July 2023, a corpse of an adult Yelkouan shearwater found at Għarb had signs of predation by a cat. Therefore, M006 should ensure that measures to control cats in colonies are in place.

We also strongly recommend introducing biosecurity programmes for boats (also refer to comments on M007 below) operating in the vicinity of the colonies and especially within the 1nm buffer zone around Filfla which currently is the only site in Malta supporting rodent-free seabird colonies.



The EU LIFE PanPuffinus! Project (LIFE19 NAT/MT/982) will be finished in 2025, and to continue the rodent control programme, other sources of funding should be sought to ensure the GES of the breeding seabirds is maintained. Rodent control requires yearly efforts.

➤ M007

While the notices to mariners address the disturbance from recreational boat use, they do not address the light pollution issue from ships bunkering in front of colonies. The effect on colony attendance due to disturbance from such light pollution has been demonstrated in a recently published scientific paper¹. We strongly encourage the development of measures together with Transport Malta and BirdLife Malta based on the recommendations presented in the mentioned paper.

Crucially, measure M007 should also cover the 1nm buffer around Filfla² which is not only important in terms of reducing anthropogenic disturbance of colonies, but also to avoid accidental introduction of rodents. Any permitted vessels should undergo biosecurity checks and staff biosecurity training.

➤ M008

Despite a number of measures taken to address the problem of light pollution in the Maltese Islands, the issue is persisting. Light spill and glare from harbours, coastal roads, industrial estates and quarries close to the cliffs reduce the available breeding habitat for seabirds. BirdLife Malta keeps retrieving grounded shearwaters from heavily polluted coastal areas every year, especially during seabird fledging periods. The reduction of light pollution on land has at least been listed as a priority under some policies (including N2K management plans), while light pollution associated with bunkering and oil rigs has not been addressed at all. Two large areas for bunkering: West of Anchor Bay (Majjistral NHP) and East of Rđum tal-Madonna create major problems for seabirds breeding in the areas exposed to this extensive light pollution. Bunkering operations require deck lights on for safety reasons, lighting up nesting cliff areas during night, which has been proven to reduce colony attendance. Oil rigs located off the southern coast of Malta also badly illuminate the southern cliffs and the island of Filfla. The issue of light pollution from bunkering and oil rigs is complicated and should be covered by respective measures.

While we appreciate and welcome the draft 'Guidelines for the Reduction of Light Pollution in the Maltese Islands', we ask for an update on the document to be published following the public consultation exercise. The updated Guidelines should then be

¹ <https://rdcu.be/do3oc>

² https://era.org.mt/wp-content/uploads/2019/05/GN_1377_of_2016.pdf?fbclid=IwAR0lnA9UcyDCumeR5OYXxAEMNqro_AFQ1t8aQpC_PkiAYf1ouNtQeOuG87Y



integrated in the national legislation regulating current and new developments with external lighting affecting Natura 2000 sites and seabird colonies.

➤ M009

Signage should not only consider terrestrial signs but marker buoys at sea alerting mariners of relevant Notices to Mariners.

➤ M010

Although proposals for development are often being screened and assessed for potential disturbance to seabirds as part of EIA and AA processes, it does not necessarily mean that those disturbances are fully addressed and mitigated. Recent cases include amongst others:

- weak EIA findings (currently challenged in court by NGOs) in relation to environmental impacts of the Comino hotel redevelopment;
- an ongoing assessment process in relation to the motor racing track facility proposed in the immediate distance to seabird colonies in Hal Far;
- proposed fast-track schemes for offshore developments within the Maltese EEZ which can compromise the EIA and AA procedures.
- an ever-expansion of the tuna farming industry without a full consideration of the cumulative impacts of these activities.
- limited assessments carried out by ad-hoc authorities such as the Gozo Regional Development Authority which are substituting ERA's assessments of developments on Gozo.

The EIA and AA processes should ensure adequate evaluation of impacts and risks and propose strong mitigation measures only if those deemed efficient. The developments impacting SPAs should not be considered favourable if the impacts are far-reaching and unavoidable. Development applications should be considered in total in terms of the cumulative impacts on seabirds, their colonies

➤ M011

Currently, in Malta, the reported seabird bycatch is zero, while it is estimated that approximately 200,000 seabirds are incidentally caught in the EU waters annually. Such discrepancy exists due to a sheer lack of sufficient data and poor monitoring. Hence, M011 should contain concrete measures on how to improve the reporting of bycatch in the Maltese Islands, including adopting obligations on self-reporting on bycatch into the e-logbooks as well as increased investment into onboard observers.

Mitigation measures should not just be “promoted”, but implemented widely through active engagement with fishers. Fishing is a planned activity that also takes place within marine SPAs. Bycatch is considered as a deliberate act under the Birds Directive which



means that appropriate assessments should be carried out according to EU legislation to ensure the seabirds are protected and sound measures need to be proposed to guarantee that fishing is not conflicting with the protected status of the areas. We recommend that the mitigation measures included under M011 are updated to include night setting of lines and nets, when possible, for the specific fishery, while keeping deck lighting to a minimum. Another best practice measure is to implement discard management and avoid discards during setting or hauling, which applies across all gear types³.

LIFE PanPuffinus! as a leading project trialling reporting and mitigation measures with the Department of Fisheries and Aquaculture as partner should be included here, so that any lessons learned are transferred to the future PoM. One mitigation measure being tested is the 'scary-bird' device on longlines to avoid bycatch during line setting. Results can be transferred into future PoM.

➤ M012

It is said that the legislation in relation to the prohibition of illegal hunting “continues to be strictly enforced”, however this is far from correct. The problem of enforcement (linked to the lack of human resources and expertise) is one of the major problems reported by WBRU on the fora of the Bern Convention with regards to eradication of illegal killing, trapping and trade of wild birds. Surveillance and patrolling at sea for hunting is virtually inexistent with over 290 licenced hunters permitted to hunt from 3km of the shore away. Hunting of seabirds is still a recurring problem with shot shearwaters collected in past years, with birds targeted at both seabird colonies and also out at sea.

An emerging threat that is not addressed by the presented PoM is predation by feral cats (please refer to comments on M006).

Another emerging threat to be covered by the PoM is the planned offshore wind facilities development, especially in terms of the proposed fast-track procedure. An EIA and AA must ensure the impacts on breeding seabirds are evaluated properly and all measures are in place to avoid risks and pressures for seabirds associated with such installations.

Comments on Gap Analysis

There is an evident lack of data on seabird bycatch. It is important to take all necessary measures to ensure that comprehensive and updated data is available, including through improved reporting and monitoring (such as regular onboard observations).

³ https://www.birdlife.org/wp-content/uploads/2021/12/off_the_hook_reducing_seabird_bycatch_in_the_eu_bleca_report.pdf



Poor levels of monitoring and reporting lead to an absence of established thresholds. To date, Malta has not established the methodology to define concrete baseline and threshold values for any of the criteria of Descriptor 1 Biodiversity (D1C1-D1C5) regarding the three procellariiform seabird species. However, these values are believed to be crucial to evaluate whether GES for each of the species and for the entire species community is achieved. Thresholds should be applied based on adequate monitoring effort and, if such effort is inadequate, efforts should be made to improve on this. BirdLife Malta would be happy to provide its assistance in the compilation of such data.

According to the available long-term data, there is an evident steady declining trend in the breeding population of Scopoli's shearwater. Such a decline is likely to be associated with an urban sprawl onto the coastal areas, developments in close distance to colonies, light pollution and other anthropogenic disturbances. More in-depth monitoring is needed to fully assess the trend for this species and to address the reasons for such a decline. At the same time, further studies need to continue for all breeding seabirds in Malta to guarantee their GES is maintained and all necessary measures are taken to ensure their status is not jeopardised.

On page 9, the phrase "predation as a result of littering" needs to be reworded, for instance: "predation by invasive alien species (rodents, cats) whose populations are inflated as a result of inefficient waste management".

On the same page, in the sentence: "The existing measures adopted following the first cycle Programme of Measures seek the protection of the habitat of the seabirds as part of the consolidated Natura 2000 network and address the predominant pressures within such areas, in particular pressures from anthropogenic disturbance, such as light pollution and rat predation", "rat predation" should be changed to "predation by invasive alien species".

BirdLife Malta reserves its right to provide further comments at a later stage, however it strongly encourages ERA to revise the PoM and publish a revised version accordingly, addressing these comments and possibly other comments received during the public consultation.

Queries and/or clarifications to our submissions can be made to: info@birdlifemalta.org