



## **BirdLife Malta Comments on the Conservation Objectives and Measures for Malta's Terrestrial Natura 2000 Sites**

6<sup>th</sup> December 2024

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### **1. General Comments**

BirdLife Malta presents the following comments and recommendations in response to the public consultation on the Conservation Objectives and Measures for Malta's terrestrial Natura 2000 sites.

We understand that this public consultation forms part of the review process for measures initially published in 2016. It is also noted that, under Regulation 14(6) of the Flora, Fauna, and Natural Habitats Protection Regulations (S.L. 549.44), ERA, as the competent authority, is required to review the management plans for SACs and SPAs at least every five years. However, this review is occurring eight years after the previous publication. Therefore, we wish to emphasise the urgency of finalising and publishing these plans, as the statutory five-year review period has been exceeded by three years.

Additionally, we highlight that the recently enacted Regulation (EU) 2024/1991 on nature restoration necessitates that member states carry out preparatory monitoring and research to identify the necessary restoration measures. Consequently, the conservation measures of Natura 2000 sites should now aim to ensure compliance with the objectives and targets outlined in this regulation.

#### **1.1. Timeframes**

The conservation measures and objectives presented list several measures executable within stipulated timeframes categorised as short-term, medium-term and ongoing. While these measures are intended to improve the conservation status of habitats and species, we believe the timeframes are overly generic, and should be well specified in the respective management plans. They should be made more precise by specifying the exact year(s) when each measure will be implemented and its duration in months. This would demonstrate a stronger commitment from ERA to adhere to the proposed timelines. Additionally, presenting these timeframes in a visual format, such as a Gantt chart, would enhance clarity and provide a more effective overview of the planned actions for the five-year management period.

## **1.2. *Involvement of Stakeholders***

The measures and objectives should actively seek to include key stakeholders in the implementation of measures for Natura 2000 sites. While it is noted that the majority of actions fall under the responsibility of ERA and AM, engaging other stakeholders could yield significant benefits. Involving the community fosters a sense of ownership and responsibility for environmental protection. For instance, farmers, fishers and landowners could be identified as potential collaborators in implementing measures such as the removal of invasive alien species or the planting of native species. Their inclusion would enhance the effectiveness and sustainability of these conservation efforts. Thus the identification and engagement of stakeholders should feature as a measure or objective itself of each management plan.

## **1.3. *Specification of human impacts and their management***

While the conservation measures aim to mitigate human disturbances such as trampling, commercial activities, and outdoor sports, leisure, and recreational pursuits, the management plan should be more specific about the particular impacts that need to be addressed to establish clear and achievable goals. Certain activities pose a greater threat to specific sites; for instance, the management plans should explicitly address the need to restrict or reduce the frequency of activities like fireworks and outdoor events near sensitive habitats throughout the year. Over the past summer months, we have witnessed ourselves how certain human activities such as off-road makeshift parking areas for events, or even music events, are completely outside ERA's remit of control, even though these would be causing considerable disturbance or even habitat damage within the boundaries or just off the boundaries of a Natura 2000 site. There is a dire need that where such lacunae exist, these become enforceable and executable in the interest of protecting such Natura 2000 sites from abuse, and more so being unable to enforce and prosecute when such breaches result. The drafting of a list of permitted and non-permitted activities should be one of the results of the management plan for the N2K site and a buffer area to it.

Furthermore, the plan overlooks the threat of chemical alterations to water bodies caused by fertilisers and pesticides used in agriculture. Agricultural practices in or around sites such as Is-Simar, Is-Salini, and L-inħawi tal-Għadira present significant risks to these water bodies. It is essential to collect baseline data on the chemical composition of Natura 2000 water bodies to identify pollution levels caused by agricultural runoff. Based on these findings, measures should be implemented, such as educating farmers on the use of eco-friendly pesticides and conducting regular ex-situ checks to identify and mitigate sources of pollution. These actions would help ensure that agricultural activities within and around Natura 2000 sites are conducted in a manner that does not harm the surrounding ecology.

## **1.4. *Means of verification***

The measures and objectives do not include means of verification to assess whether the proposed objectives are being met. Moreover, no reports on the implementation of previous management plans have been published publicly, making it difficult for interested parties to evaluate the achievements of past conservation efforts or gain a clear understanding of the necessary future measures.

Additionally, the presented management plan appears to rely heavily on habitat area, species composition, and population numbers as performance indicators. While these figures are important as baseline data, they do not provide sufficient insight into the health and

representativeness of species populations within an ecosystem. Broader ecological indices could offer a more comprehensive understanding of habitat and species health. For instance, comparisons of population densities with historical data, age structure, genetic diversity, and reproductive success can provide deeper insights.

If such analyses are already being conducted or planned by ERA, summary reports should be made publicly available. This would enable stakeholders to provide more informed feedback during public consultations like this one.

### **1.5. *Light Pollution in all Natura 2000 Sites***

Light pollution is an increasingly significant threat to the integrity of Natura 2000 sites and the species they support. It is essential that, for each Natura 2000 site, all sources of light pollution (including those already in use), both within and outside the sites, are identified and mitigated. Particular attention should be given to external light sources that illuminate any part of a Natura 2000 site or cause elevated levels of illuminance within its boundaries. These measures should be part and parcel of the objectives and measures for each Natura 2000 site.

### **1.6. *Waste Collection in all Natura 2000 Sites***

Waste collection at all Natura 2000 sites should be conducted on evenings and all year round, complemented by the regular maintenance of bins to ensure they remain rat-proof where applicable. The use of surveillance equipment and/or patrols by enforcement officials should be implemented to deter illegal dumping. Waste management efforts should extend beyond the sites themselves to include surrounding areas, such as measures to minimise waste generated near the sites from boathouses, farms, and similar sources. Establishing a buffer zone with additional management measures could help address these external waste challenges effectively.

Therefore at all Natura 2000 sites the establishment of a waste management system should be included as a measure – which should detail how waste collection will be implemented at specific sites, how the managing body shall implement it, etc.

### **1.7. *Management of Invasive Alien Species***

The measures and objectives rightly list the removal of existing alien species, however seem to lack the prevention of new invasive alien species. Trained personnel from ERA/AM should actively monitor for signs or traces of new invasive species while conducting other on-site activities.

Efforts to remove invasive alien species should also address the establishment of new cat colonies. While practices such as trapping, neutering, and relocation of individuals are beneficial, legislative amendments are needed to prohibit the establishment of cat colonies in specific Natura 2000 sites to safeguard their ecological integrity.

## **1.8 Financing**

While all measures and objectives proposed in these documents would be great to be implemented, the financing of management plans has been a contentious issue for which clearly not enough investment has been afforded in past years. While management plans might detail the financial cost of needed management measures, the financial sustainability of such plans rarely features as an objective and should be regarded seriously if we are to see such measures and objectives transform into effectively implemented management plans.

Our further comments on the specific sites are as follows:

## **2. Il-Maqluba**

- Important tree sites such as il-Maqluba need more than just a Fire Management Plan to eliminate the risk of fire destroying this habitat. A buffer area preventing the letting of fireworks, lighting up of fires, bbqs, etc should be established within a distance of the site to minimise the risk completely. The current Trees and Woodland Protection Regulations and their amendments made this year are currently inadequate to give any peace of mind towards the proper protection of such sanctuaries from fire hazards.

## **3. Is-Simar (limiti ta' San Pawl il-Baħar)**

- Under the operational objectives of Simar there is mention of re-instating the adjacent fish farm to its original habitat. This will be probably unachievable because over the past 12 months the fish farm is back in operation (with plans for a new PA permit to refurbish the whole site) and for which ERA may have already been notified or consulted. Accordingly this operational objective is already possibly redundant.
- Despite EU's nature restoration law and ERA's National Biodiversity and Action Plan to 2030 there is no mention of enlarging the wetland by restoring land adjacent to the existing wetland. ERA should be on the forefront to lobby for such restoration projects, especially in view of the fish-farming area no longer being aimed for such a restoration purpose.
- On the other hand, the Xemxija side to Simar keeps seeing the development of blocks of apartments with little to no resistance from ERA in the planning process. A buffer area needs to be established, as clearly policies that are limited to the delineation of the Natura 2000 site boundary are ineffective at achieving a favourable conservation status of this site with construction and habitation happening right next to it.
- In view of the fishfarm area being possibly no longer viable for restoration, and the building onslaught that is engulfing Simar on one side, the enlargement of the reserve should feature as an objective.
- Simar is currently the victim of its own success in terms of the ever-increasing number of visitors which is now exceeding carrying capacity resulting in complaints of a poorer

visitor experience. This too points to the need of extended the reserve's footprint resulting in added amenities for visitors.

- Site specific regulations should be enacted to ensure protection of the site and a buffer area to it so as to effectively address a number of constant pressures the area is currently facing such as but not limited to: music and catering events outside the N2K boundary, insensitive construction just outside the N2K boundary, proliferation of cat colonies within and just outside the N2K boundary, etc.

#### **4. Is-Salini**

- Efforts should be made to control poaching activities on the perimeter of the reserve which is proving to be detrimental to the avifauna species, including potential breeding species. Such efforts could include the frequent presence of enforcement units in this problematic area to effectively curb illegalities which vary from use of electronic callers, hunting and trapping.
- This site includes the Kennedy grove park area where people tend to walk their dogs without a leash. This is detrimental to ground breeding birds with nests often destroyed as a result of this practice. Legislation needs to be enforced to cut down on this practice coupled with increased awareness on the detrimental effect of such an activity.
- The sukkursu canal should be included in the Management Agreement so that important species present are safeguarded, including *Aphanius fasciatus*, *Anguilla anguilla* and several Annex 1 bird species that frequent it such as *Aythya nyroca* and *Ichthyaetus audouinii* that are potential breeders.

#### **5. L-Inħawi tal-Għadira**

- Under operational objectives the restoration of all the remnants of the sand dune, currently not part of the footprint under the management of BirdLife Malta, should be included. The first part would be to ensure this land forms part of the management agreement footprint, following which BirdLife Malta will obtain the necessary funding to handle restoration.
- Efforts should be made to address the situation of the illegal buildings which have sprouted around the wetland over the past decade. Most have enforcement notices but no further action has ever been forthcoming. These buildings have resulted in increased traffic to the area, resulting in more light and noise pollution negatively effecting directly the avifauna of the reserve.
- Site specific regulations should be enacted to ensure protection of the site.

#### **6. Filfla u l-Gzejjer ta' Madwarha**

- Include and enforce the 1nm exclusion zone around Filfla adding that no navigation by any vessel should be allowed within 200m of the islet, except permits for research on the islet or within the 200m zone. Patrolling of the area should be regular and satellite monitoring of vessels should be considered.

- Even for permitted vessels on educational trips, all vessels capable of holding more than 20 passengers should maintain 750m distance and carrying out strict biosecurity measures before departure to reduce risks of rodent intrusion on the rat-free islet. These should include:
  - In at least the week prior to the scheduled departure deploy and maintain rat prevention & detection tools on board. These should include:
    - Rope guards on all mooring or anchor lines
    - 1x Non-toxic chocolate wax-block inside a closed bait station
    - 1x GoodNature E2 trap
- Given Filfa's significance for the Mediterranean population of *Hydrobates pelagicus melitensis*, any ex-situ threats to this seabird originating beyond Filfa and its islets but within Malta's marine waters, should be investigated, including potential interactions with fish farms<sup>1</sup>.

## 7. Il-Gzejjer ta' San Pawl (Selmunett)

- *P. yelkouan* should be included in the conservation measures for this Natura 2000 site and the relevant SDF for this N2K site should be updated as per ERA's commitment to include this species prior to the completion of the LIFE PanPuffinus project (support letter included as Annex 1 for reference). Ultimately, this site should be granted additional protection as a Special Protection Area with respective conservation measures addressing this species, as proposed by BirdLife Malta under the Birds Directive. The islet supports a recently established colony of up to 70 pairs, which would benefit from enhanced protection. Any failure to include this species in the management plan will be detrimental to the achievement of a favourable conservation status of the species at a local and national scale, and would possibly be even a breach of the Birds Directive.
- ERA and AM should enforce the regulation of no food on the islet. It should be mandatory for ferry operators to inform visiting tourists of such regulations prior disembarkment.
- One of the conservation measures for Selmunett should be to limit visitor pressure from tourist ferries by establishing a daily visitor cap. Selmunett has experienced an increase in ferry stops for tourists, which raises concerns about its conservation. According to G.N. 1378 of 2016, "ERA shall be authorised to establish daily limits on the number of visitors granted an entry permit." Furthermore, "no group larger than 10 persons shall set foot on the islets at any one time, unless specifically permitted by ERA following an assessment of the potential impact of the activity on the site's conservation objectives." These regulations should be strictly enforced by ERA and AM.
- ERA and AM should also assist tourist ferries to have biosecurity on board so as to reduce the risk of introducing more rodents on Selmunett.
- The increase of Feral pigeons and potential impact on other fauna and flora should be monitored.
- The St Paul statue should not be lit up for any period of the night during the time of year when shearwaters visit the colony on the islet, this being October to July.
- The effect of light pollution from bunkering ships in front of the colony is a concern and must be mitigated for. In a recent study conducted at the Majjistral Yelkouan shearwater

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<sup>1</sup> Borg, J.J. 2012. Tuna farms - a seasonal supplementary food source for storm petrels *Hydrobates pelagicus melitensis*. *Avocetta* 36: 91–94

colony, direct illumination from ships increased cliff face brightness, and colony attendance was significantly reduced in brighter conditions<sup>2</sup>.

#### **8. L-Inħawi tar-Ramla u tal-Irdum tal-Madonna**

- The issue of general sky glow must be addressed, along with specific point sources of light pollution, particularly from coastal resorts and clubs. Mitigation efforts should extend beyond the Natura 2000 site to include areas outside its boundaries, such as the Ċirkewwa ferry terminal and other locations where increased development and the use of powerful lights directed towards the sea impact the Rdum tal-Madonna cliffs. These areas include Armier, Mellieħa, Buġibba, Baħar iċ-Ċagħaq, and even Sliema. Increased cliff brightness from ships within the bunkering area is of concern and should be addressed as well.
- Cliff-top fishing poses a threat to shearwater colonies during the breeding season, as unattended fishing lines can lead to entanglement when shearwaters are present at the cliff faces. The management of cliff-top fishing should therefore be included as a conservation measure for this site.

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<sup>2</sup> Austad, M., Oppel, S., Crymble, J., Greetham, H. R., Sahin, D., Lago, P., ... & Quillfeldt, P. (2023). The effects of temporally distinct light pollution from ships on nocturnal colony attendance in a threatened seabird. *Journal of Ornithology*, 164(3), 527-536.

Annex 1 – ERA’s commitment letter regarding P.yelkouan inclusion in SDF forms





Our Ref. GF/Funding/126/19

7<sup>th</sup> February 2020

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Malta

**Subject: A declaration of support for the LIFE PanPuffinus project to be submitted for the LIFE 2019 Call under the Environment sub-programme**

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To whom it may concern,

Reference is made to the current project proposal entitled 'Improving the conservation status of endemic Balearic and Yelkouan shearwaters by ensuring safe land and sea' (LIFE PanPuffinus), to be submitted to the LIFE programme by the Lead Partner Birdlife Malta (BLM). The Environment and Resources Authority (ERA) understands that this project will be beneficial towards the conservation of two endangered *Puffinus* species, the *Puffinus mauretanicus* and the *Puffinus yelkouan*, across the Mediterranean Sea and the Atlantic coast of Portugal.

ERA supports the general aim of the project, and is willing to provide guidance, within the limits of ERA's competence.

The Authority is particularly interested in the following activities, which will work to improve the conservation status of both *Puffinus* species in mention:

- Conducting a pilot test for the quantification of the bycatch in the Mediterranean Sea and the Atlantic coast of Portugal;
- Implementation and testing of existing and new mitigation measures to reduce bycatch incidents;
- Control of invasive non-native predators and development of biosecurity measures;
- Collaboration with key stakeholders and decision makers to increase awareness and appreciation of Natura 2000 sites and seabirds among national governments and coastal communities, with the aim to drive changes in management.

Environment & Resources Authority

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With reference to the requirement of LIFE regulations to submit a declaration of support on the current status of the Standard Data Form (SDF) as part of the application package, ERA confirms that *Puffinus yelkouan* is included in the relevant SDFs.

The statement of clearance and support does not preclude ERA from requesting additional information or changes to the proposal, and/or any form of permitting or environmental assessment, as may be relevant. This support is also without prejudice to any current and future legislation and relevant environmental regulatory requirements or constraints that may apply to the proposed actions, including requirements pertaining to interventions impacting a Natura 2000 site and does not constitute endorsement or prejudice any decision on any applications for environmental permits or any authorization that may need to be processed by ERA or by any other authority in conjunction with the proposed project.

Dr. Louise Spiteri

Chief Executive Officer

Environment and Resources Authority



Signature

Louise Spiteri  
Chief Executive Officer  
Environment and Resources Authority

Stamp



Date