Public Consultation Submissions & Responses

Public Consultation: Updated Assessment of Status, Good Environmental Status and Environmental Targets for Malta's marine waters pursuant to the Marine Strategy Framework Directive 2008/56/EC (MSFD)

June 2020

Environment & Resources Authority

CONSULTATION FEEDBACK

Ref No.	Name of Stakeholder / Date	Comments Received	Response / Remarks
1	Michael Briguglio 03/12/2019	I am hereby proposing that this policy process incorporates Social Impact Assessments. A social impact assessment reviews the social effects of development and social change, both intended and not. The International Association for Impact Assessment defines an SIA as the process of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions and any social change processes invoked by those interventions. Such changes may range from natural disasters to population growth and from policy interventions to singular development projects. Consequently, SIAs investigate the effects on people's everyday lives in terms of culture, politics, community, health, well-being, aspirations, needs, rights and responsibilities, to name a few. They provide data for policymaking, which is based on evidence. Social impacts under assessment should include all those things relevant to people's everyday life. This may include one's culture, community, political context, environment, health, well-being, personal and property rights as well as fears and aspirations. Social impact assessments can help verify the consequences and impacts of development proposals in relation to the communities involved. Hence, a basic starting point for such assessments should be the compilation of a community profile. A social impact	The comment has been noted. The scope of the MSFD report is to provide an update on the status of the marine environment. Any policy interventions or management measures on the basis of this update would be sought as part of the MSFD Programme of Measures (PoMs), an update of which is due in 2021 and is not within the scope of the current report. The recommendation for a Social Impact Assessment will be taken into consideration as part of the PoMs process. It should be noted that the PoMs need to be subject to a cost-effectiveness analysis and a cost-benefit analysis.

		assessment that does not understand the society in question is practically worthless. This can help bring about genuine processes of engagement between communities, developers and authorities as well as identify and implement mitigation measures and compensation mechanisms. As things stand in Malta, various developers do quite the opposite, often causing huge inconvenience to residents and leaving a mess behind in surrounding infrastructure. Various methods, both quantitative and qualitative could be used within social impact assessments. The former refers to generalisable data especially through numbers, while the latter produce in-depth data on matters. Research methods in SIAs may therefore include surveys of concerned populations who are asked questions on their perceptions of the change in question. Ethnographic methods may involve a deeper look into everyday practices of people, while elite interviews may verify the advice, concerns and interpretations of persons who are experts or who have experience in the respective field under analysis. Methods may also involve the analysis of discourse on the subject in question, for example by looking at what is being pronounced in the public sphere, whether by the public, civil society, political actors, the media and the like. SIAs should involve the participation of different stakeholders, ideally through mixed research methods. Some other factors which should be included in social impact assessments include the consideration of reasonable alternatives to development proposals as well as comparative analysis of similar development proposals and related good or bad practices.	

		Analytic indicators should be provided and the entire process should be subject to peer review by independent experts in the field. Social impact assessments should not be one-off exercises which are rubber-stamped by authorities without any sense of critical engagement. To the contrary, they should be ongoing processes which engage with various stakeholders and which report back so as to ensure effective policy processes. They should also use complementary research methods so as to ensure reliable and valid data. Recommendations and mitigation measures could therefore be in place, and these would be based on social-scientific evidence. It is also important that SIAs are peer-reviewed. This means that if a study is being carried out by a team of social scientists, this should be scrutinised by other independent social scientists. This could help identify shortcomings, conflicts and possible improvements to the same SIA.	
2	Nicholas Barbara BirdLife Malta 03/01/2020	**General comments on the document MSFD Environmental Targets - Article 10 & Article 17** We reviewed the draft document dealing with the establishment of a comprehensive set of environmental targets and associated indicators for the marine waters in Malta and the following sections included information that we do not agree with: Target 4 "*Efforts are undertaken to control the population of the yellow-legged gull on the islet of Filfla*" BLM is not currently implementing any efforts to control the population of the yellow-legged gull but as an organization we believe that further study into its potential impact on *Hydrobates pelagicus* is required. This	Comment has been noted and the following text has been added to Target 4: *The interactions between the population of the yellow-legged gull and Hydrobates pelagicus on Filfla need to be subject to additional monitoring.* The matter will be considered as part of the update to the MSFD monitoring programme due in 2020. Progress in this row refers to both Targets 4 and 5.

		target should be maintained but reworded to monitoring rather than control. Assessment of progress column of target 4 seems to belong to target 5.	
		Target 5 "*Efforts are undertaken to reduce current levels of pressures originating from light pollution and predation by rats in areas to be selected*." LIFE Arcipelagu Garnija finishes in 2020, therefore new sources of funding need to be found if GES is to be maintained for these species. Rat control requires yearly efforts and is currently carried out in sites where it is feasible: L-Irdum tal-Madonna; Ta' Isopu (Gozo); Comino, Cominotto, Majjistral NHP and Cumnija. Filfla and sea caves where *Hydrobates pelagicus* nests require yearly biosecurity monitoring, as does Fungus Rock. Light pollution is an increasing problem and requires constant enforcement, monitoring and awareness.	It should be noted that a target in relation to light pollution and rats has been retained as the following updated target: ***The proportion of breeding seabird population and distribution, that is subject to disturbance as a result of light pollution, rat predation and other anthropogenic activities is reduced.*** Malta needs to define measures as part of the MSFD Programme of Measures to achieve this target and reduce the pressures mentioned therein. The update to the Programme of Measures is due in 2021. Funding would be allocated accordingly as part of the MSFD processes.
		Target 6: "*Marine Special Protection Areas are designated within the framework of the Birds Directive to include marine areas used by seabirds throughout their life cycle*." We recommend including a target for the next reporting period that the Marine Special Protection Areas are adequately managed according to respective management plans. We also take the opportunity to strongly recommend designating two current terrestrial SACs, additionally as SPAs due to their listing as Important Bird Areas by Birdlife International in respect to the significant *Puffinus yelkoun* colonies they have been found to hold. These are il-Gżejjer ta' San Pawl (MT22) and Majjistral Nature & History Park making part of SAC MT24. This would improve the protection of two important *P. yelkouan* colonies. Kindly note that such designations were recommended to ERA in 2016.	This comment has been noted and will be taken in consideration as part of the upcoming MSFD Programme of Measures and the management processes under the EU Nature Directives. It should be noted that the environmental targets have been updated in line with guidance put forward by the EU Commission, and thus are focused on addressing or reducing pressures. Management requirements for achievement of the targets would be defined by the Programme of Measures.

		Target 8 "*Population abundance of breeding seabirds is stable over a period of twelve years, taking into consideration the natural variability of the species population and their ecology*." The conclusion of stable population abundance for *Calonectris diomedea* is in our view not fully justifiable. Long term data shows an apparent steady decline in the breeding population, in fact of 32% over a 10 year period, when compared to estimates collected with similar methodology in Raine et al. (2008). A declining trend interpretation was also confirmed in a pers. comm. with John. J. Borg (3rd Feb 2020). More in depth monitoring is required for this species to fully assess trend over the next reporting period and to address potential factors causing decline. One major reason is the increasing encroachment of development along cliff sites and light pollution especially on the Maltese south-west coast, but also continued direct human persecution (pers. comm. John. J. Borg 3rd Feb 2020). One should also add that local declines at some *Puffinus yelkouan* colonies might be masked by increased knowledge (leading to increased estimates) at other colonies.	Comment has been noted and status updated accordingly. Revised text reproduced hereunder: *D1C2 (population abundance): The current assessment indicates that Yelkouan Shearwater and Storm Petrel populations are seemingly stable, with possible increases in the former, which may however be attributable to increased monitoring effort and conservation measures. Meanwhile, although the 2019 acoustic data showed otherwise, trend data indicates possible declines in Scopoli's Shearwater breeding population. This needs to be followed through further systematic scientific monitoring in order to be confirmed.* The whole report has been updated in accordance with the most recent monitoring data available.
		Table 2: Updated Targets We see the necessity to include *Puffinus yelkouan* into the species list potentially affected by bycatch (see section below on by-catch as a threat to seabirds).	Comment has been noted and *Puffinus yelkouan* included accordingly.
		Inclusion of D1C3 criterion as primary criterion. Reproductive success and adult survival would be a suitable indicators in addition to those listed for target on pg 13. • As a separate target we suggest the following which is in line with the species action plan - Gaudard, C. (2018): Increased/maintained adult survival in *Puffinus yelkouan* (above 0.9) and reproductive success at 0.75 in all colonies	Comment has been noted and D1C3 has been included accordingly. Breeding Population Abundance and Adult Survival Rate have been included as additional indicators. Further discussions on thresholds will be undertaken prior to their adoption as part of the MSFD processes and related consultations.

		where assessment is possible. Understand factors that might be causing any failure to reach these targets in some colonies, including potential at sea threats such as reduced foraging efficiency and pollution. These threats in addition to the ones already listed on page 13. • Breeding range maps established during the 2013-2019 reporting period by BirdLife Malta can be used as thresholds for breeding range criterion, but with the additions of previously documented nesting sites which have seemingly been abandoned. BirdLife Malta would be willing to assist in the compilation of such maps for use as a threshold/reference.	
		We see the necessity to include a target of understanding and reversing the potential negative trend in *Calonectris diomedea* population size	Comment is agreed with and will be considered as part of the MSFD monitoring programme due in 2020, in terms of attaining a better understanding regarding potential negative trend.
		General comments on MSFD Initial Assessment Update – Article 8 & Article 17 State of the marine environment: Seabirds – MSFD Descriptor 1 Page 6 (section 5. Data Sources) states that the status of sea birds in Malta is mostly based on the data collected by BirdLife Malta in 2019 and earlier implemented projects, however, it needs to be clear that data on by-catch used in this document was not collected by us as BirdLife Malta. 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 (see section on by-catch as a threat to seabirds further down in the document)	Comment has been noted and the following text has been included in the 'Data Sources' section: "*(with the exception of the updated assessment in relation to by-catch of seabirds)*" The report also recognises the need for improvement in the data collection processes in relation to by-catch.
		Page 16 & 17: The caption for table 2 "Predictions from 2019 ARU data with 2018 colony size estimates from those colonies	Caption has been amended as per suggestion.

<table>
<tr><td></td><td></td><td>with a large range" is not compliant with our findings. With reference to the submitted report "Breeding Range and Population Abundance of Three Breeding Seabird Species in the Maltese Islands: for purposes of Marine Strategy Framework Directive monitoring 2013 – 2019" submitted to ERA in December 2019, page 28, we recommend to include the caption of Table 4 or if a paraphrasing is required: "Model based predictions from a 2019 ARU data compared against 2018 colony size estimates for Calonectris diomedea colonies"</td><td></td></tr>
<tr><td></td><td></td><td>Page 26: Table 3 "Overall assessment of status for P. yelkouan, C. diomedea and H. pelagicus in Malta's Fisheries Management Zone on the basis of MSFD criteria"
For none of the three seabird species did we record a Distributional Range increase. All apparent increases were due to improved knowledge and survey effort. It should therefore state only 'Stable' under Distributional Range. The only true increase in range is the nesting of Hydrobates pelagicus at L-Irdum tal-Madonna since 2014. However with such a small colony size (1-10 pairs), we do not believe this justifies an increasing range yet.
Calonectris diomedea population abundance trend is declining</td><td>Comment has been noted and the status has been amended accordingly:

<table><tr><th>Species</th><th>D1C1 – by-catch</th><th>D1C2 – Population Abundance</th><th>D1C3 – Population demographic characteristics</th><th>D1C4 – Distributional Range</th></tr><tr><td>Reference Value</td><td>No thresholds set</td><td>No thresholds set</td><td>No thresholds set</td><td>No thresholds set</td></tr><tr><td>Methodology Used</td><td>Expert Judgement</td><td>Trends in population abundance</td><td>Adult survival probability based on CMR data</td><td>Breeding range</td></tr><tr><td>P. yelkouan</td><td>Good</td><td>Stable</td><td>Stable</td><td>Stable</td></tr><tr><td>C. diomedea</td><td>Good</td><td>Stable/Declining</td><td>/</td><td>Stable</td></tr><tr><td>H. pelagicus</td><td>Good</td><td>Stable</td><td>Stable</td><td>Stable</td></tr></table></td></tr>
<tr><td></td><td></td><td>Page 27
Pressure F01 "Conversion from other land uses to housing, settlement or recreational areas (excluding drainage and modification of coastline, estuary and coastal conditions)" needs to be categorized as "high importance" (see section further down on threats of light pollution to seabirds). Light pollution reaching most colonies is increasing, even Filfla, and affect birds</td><td>The previous text reproduced hereunder:

"Of very limited relevance to populations in relatively inaccessible areas as well as Hydrobates pelagicus in view of its localised distribution in relatively inaccessible areas and/or uninhabited islets (such as Filfla)"

has been amended to reflect focus on light pollution as follows:</td></tr>
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		not only at the colonies but when flying past urban coasts where they might become grounded.	*"Referring mostly to impacts of light pollution which seems to be increasing".*
		General comments to be reflected in the all relevant sections of the provided documents Identified threats and pressures in Malta apply for all Maltese seabirds, particularly on the breeding seabirds Yelkouan Shearwater (*Puffinus yelkouan*), Scopoli`s Shearwater (*Calonectris diomedea*) European Storm Petrel (*Hydrobates pelagicus*). Based on our research and data collection carried out since the 1960's but particularly over the past decade, we have identified the following environmental threats to seabirds and see a strong need to include measures to tackle these as part of environmental targets to achieve GES in the next MSFD reporting period from 2020 onwards: **Invasive Alien Species - 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, leading to a reduction of colony sizes. Other species such as feral cats and ferrets are also believed to be a potential 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 seabirds in Malta. Only the SPA Filfla is free of rats but requires 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 been quantified during LIFE Arcipelagu Garnija. During this	The updated GES and targets are taking into consideration such pressures, which shall hence be addressed in the updated Programme of Measures due in 2021 and their implementation.

		project, rat control was implemented at the sites with nesting *Puffinus yelkouan* where this was feasible. Further sites can be included if additional *Calonectris diomedea* sites were to be factored in (e.g. Għar Lapsi). In connection to discharging or unloading waste and increasing tourism on Malta especially at remote and sensitive sites the pressure of invasive alien species has become more intense and will increase in the future; this needs to be tackled with a strategic approach.	
		Light and noise pollution from coastal zone development and temporary light pollution from bunkering of large vessels and rigs 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 strand. 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. 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 which affect nearby colonies are Ċirkewwa and Mġarr harbours, Armier, Qawra to St Paul's Bay and Golden Bay in the North of Malta. Ħal Far to the Freeport in the south of Malta and Xlendi in Gozo are other major light pollution sources. Two large areas for bunkering, one West of Anchor Bay (Park tal-Majjistral) and the other East of L-Irdum tal-Madonna create major problems for Yelkouan Shearwaters and other seabirds breeding in areas which	The updated GES and targets are taking into consideration such pressures, which shall hence be addressed in the updated Programme of Measures due in 2021 and their implementation.

		are exposed to light pollution. 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. Oilrigs are mainly parked off the southern coast of Malta casting light on the southern cliffs and on Filfla Island. Petards and other fireworks might also contribute to low breeding success especially in colonies close to urban areas. The environmental impacts of light pollution are pervasive and far-reaching. Negative effects can range from various sub-lethal effects, such as changes in biochemistry or behaviour, to the direct cause of mortality – these effects are particularly strongly within the marine environment. Since 1979, BirdLife Malta has been keeping a database on Shearwaters and Storm-petrels found grounded on land as a result of light pollution. Analysis of these data has identified stranding hotspots in the Maltese Islands. These hotspots share similar characteristics: they are brightly lit coastal areas situated close to large colonies of Shearwaters and Storm-petrels. The number of grounded birds recovered each year is increasing at an exponential rate, with a particularly worrying increase after 2006 when LED use became widespread. It is the physical aspects of light, emission spectra (wavelength) and intensity (brightness) that have the greatest effects on seabirds. If this situation is left unchecked, the number of grounded fledglings is expected to rise. BirdLife Malta has also recorded the abandonment of historic Shearwater breeding colonies in the past. These areas were once unaffected by light pollution. However, development and poorly-designed outdoor lighting schemes led to large increases in the level of light at these sites.	

		Seabird bycatch It is estimated that at least 200,000 seabirds are accidentally caught annually in EU waters, including species on the verge of extinction. Seabirds depend on marine resources, some having highly specialised diet such as commercialized pelagic fish. The over-exploitation of forage fish combined with increasing offer of discards across the last half century have led to an increased interaction with fisheries leading to increased incidents of bycatch. For the Mediterranean Sea, there is a sparse and low scientific data reliability of seabird bycatch that leads to governments not taking action on seabird bycatch. From our regional BirdLife partners, data is available that shows the critically endangered Balearic shearwater, and the vulnerable Yelkouan shearwater and Scopoli's shearwater, are regularly caught in pelagic and demersal longline fishery. In Malta, data on seabird by-catch is lacking although past surveys point to *Calonectris diomedea* and *Puffinus yelkouan* as being impacted in Maltese fisheries (Darmanin et al. 2010). What is more, shearwaters nesting in the Maltese Islands often forage outside Maltese waters, such as in the Gulf of Gabes, and are likely to be affected by bycatch there. In Malta, questionnaire surveys (2007) revealed that highest seabird bycatch occurs in bottom longlines (Darmanin et al. 2010). Procellariforms 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. The lack of data for Maltese territorial waters needs to be tackled in order to assure	The updated GES and targets are taking into consideration such pressures, which shall hence be addressed in the updated Programme of Measures due in 2021 and their implementation.

		that fishing techniques are sustainable and do not cause a threat to protected species. While EU Member States are implementing national programmes collecting data on seabird bycatch, the quality and reliability of these schemes need to be improved in our view. Fishing is a planned activity that also takes place in marine Natura 2000 sites, whereas bycatching seabirds is considered a deliberate act under the Birds Directive - this means appropriate assessments should be carried out according to EU legislation to ensure that seabirds are protected especially in Marine Protected Areas and appropriate measures need to be formulated to ensure that fishing is not conflicting with the protection of the marine environment.	
		Recreational activities 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. 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 recreation activities happens both in front of and inside the seabird colonies (SPAs and SACs). Fishing from cliff-tops at night results in Scopoli`s shearwaters to become entangled in fishing lines.	The updated GES and targets are taking into consideration such pressures, which shall hence be addressed in the updated Programme of Measures due in 2021 and their implementation.