

Environmental Permit

Environment Protection Act (CAP. 549)

Permit number:

EP 1035/20

Approved documents

EP 1035/20/1H/9A

The Environment and Resources Authority (hereinafter the Authority; the Competent Authority or ERA) in exercise of its powers under the Environment Protection Act (CAP. 549), hereby authorises:

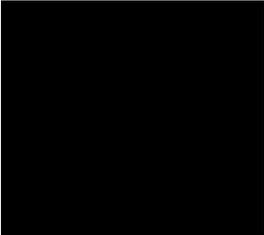
Ms Patrizia Patti obo Eco Marine Malta (hereinafter “the Permit Holder”), Of / Whose Registered Office (or principal place of business) is at

Oakfield, 4
Triq Nicolo Isouard,
Mosta MST 1135

Renewal of NP0372/19 to organise wildlife watching boat trips

in the Waters around the Maltese Islands

The validity of this permit is for one (1) year from the granting date of this permit.

Signed	Date
 <p>Deputy Director, Environment and Resources F/ Director Environment and Resources</p>	<p>Permit Granted: 11 / 12 / 2020</p>

Authorised to sign on behalf of the Competent Authority

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Conditions

Introductory Note

The permit is granted in accordance with the provisions of the Environment Protection Act and Regulation 18(2) of the Flora, Fauna and Natural Habitats Protection Regulations, 2006 (S.L. 549.44), hereinafter referred to as the Regulations, for the purpose of the activities that shall be carried out within the Special Areas of Conservation (SAC) and/or Special Protection Area (SPA) of Żona fil-Baħar fl-Inħawi ta' Għar Lapsi u ta' Filfla (MT0000102); Żona fil-Baħar fl-Inħaw tad-Dwejra (MT0000103); Żona fil-Baħar bejn il-Ponta ta' San Dimitri (Għawdex) u tal-Qaliet (MT0000105); Żona fil-Baħar fit-Tramuntana (MT0000106); Żona fil-Baħar fin-Nofsinhar (MT0000110); Żona fil-Baħar fil-Grigal (MT0000107); Żona fil-Baħar fix-Xlokk (MT0000109); Żona fil-Baħar fil-Lbiċ (MT0000111); Il-Baħar ta' Madwar Għawdex (MT00000112) and Żona fil-Baħar fil-Majjistral (MT0000114).

This permit is also being issued in accordance with Regulation 7(1) of the Reptiles (Protection) Regulations, 1992 (S.L. 549.02), Regulation 7(1) of the Marine Mammals Protection Regulations, 2003 (S.L. 549.35) or the purpose of exempting the Permit holder from the prohibitions referred to in Regulation 5(2) and Regulation 5(1) of the aforementioned Regulations respectively on the disturbance of observation of species of marine mammals and marine turtles.

This permit is also being issued in accordance with the provisions of the Environment Protection Act and Regulation 43(e) of the Flora, Fauna and Natural Habitats Protection Regulations, 2006 (S.L. 549.44), hereinafter referred to as the Regulations, for the purpose of exempting the Permit Holder from the prohibitions on operations or activities referred to in Regulation 25(1)(a) and (b) of the same Regulations to disturb specimens of marine mammals and marine turtles for the purpose of education.

The works shall, subject to the conditions of this Permit, be managed, controlled and carried out as described in the NP Application, approved documents, and/or as otherwise previously agreed in writing by the Authority.

In accordance with Regulation 46(4) of S.L. 549.44, a brief report with photos of the activities held, including any publications as a result of the activity, is to be provided to ERA by the Permit Holder by 31st December 2020 and a final report shall be submitted within one month of the expiry of the permit, and is to be submitted to ced.nature@era.org.mt. Information that should be treated as confidential as outlined in Regulation 48(4) of S.L. 549.44 shall be specified.

This report should also include:

- The route taken by the ship provided on a map as logged by the onboard AIS;
- a summary of the measures taken in order to follow the ACCOBAMs guidelines attached at link;
- In case that marine mammals are encountered, a Marine Mammal Observer reports which should include the:
 - a) Date, time and position (latitude and longitude) of the sighting;
 - b) Species identification and number of individuals;
 - c) Observations on behaviour and group structure (including pod size and presence of mixed pods).

A template for the report is available at <https://era.org.mt/topic/nature-permit-reporting/>

Status Log

Detail	Date
<i>Application NP0131/18</i>	30/04/2018
<i>Permit Issued</i>	12/09/2018
<i>Application NP0372/19</i>	04/09/2019
<i>Permit Issued</i>	18/10/2019
<i>Application EP1035/20</i>	20/10/2020
<i>Permit Granted</i>	As per date on front page

Pre-Commencement of activities/ work

1. The permit holder shall advise of the dates of works at least seven (7) days prior to the commencement on ced.nature@era.org.mt. In the case of change of date, the permit holder is to inform ERA of such a change at least two (2) days in advance. In the case of short-term cancellation of the works (especially outside office hours), the Authority should be contacted on 9921 0404.

Permitted Activities

2. The Permit Holder is authorised to carry out the works and the associated works specified in Table 1.

Table 1.

Works	Description of specified works	Limits of specified works
Activity in a Marine Protected Area	As per approved document 9A	(i) Organised boat tours for watching marine wildlife.

Site

3. The activities authorised under condition 2 shall be affected in the locations as named in the approved document in approved document 1H.

Conditions of Activity/Work

4. Activities are to be held according to the approved Project Description Statement 9A.
5. This Permit is valid for wildlife sighting boat trips involving a boat with a maximum of thirteen (13) people, including Eco Marine guides and crew as per the approved project description 9A.
6. The permit holder shall ensure that disturbance of any specimen of any species should be kept to a minimum. It is the responsibility of the permit holder to ensure that no harm is caused to the environment either intentionally or accidentally.
7. Care must be taken to minimize and prevent any risk of injury and disturbance to marine fauna during the boat tours. For this purpose, the ACCOBAMS general guidelines (http://www.accobams.org/new_accobams/wp-content/uploads/2016/06/ACCOBAMS_MOP4_Res.4.17.pdf) shall be followed during the entire duration of the tour.

8. The conditions below shall be followed by the vessel captain when a cetacean is sighted:
 - a. vessels shall stay within the watching area at a distance of 100m from the cetacean and marine turtle. No vessel should approach intentionally within 100 metres of a cetacean;
 - b. only one vessel at any one time should be allowed to stay in the watching area;
 - c. vessels should approach a cetacean only diagonally from the side;
 - d. when vessel stops to enable the passengers to watch a cetacean, the engines should be placed in neutral;
 - e. no vessel should cut off the path of a cetacean;
 - f. no cetacean should be prevented from leaving the vicinity of the vessel;
 - g. vessel less than 300 metres from cetaceans should move at a constant speed no faster than 5 knots and no faster than the slowest cetacean in the vicinity, and should stop when it approaches within 100 metres of a cetacean;
 - h. a vessel departing from the vicinity of cetaceans should proceed slowly until the vessel is at least 300 metres from the nearest cetacean;
 - i. no sudden or repeated change in the speed or direction of vessel should be made except in the case of an emergency
 - j. the presence in the watching area should be limited to around 15 minutes for vessels, especially if other vessels or aircraft are waiting for their turn;
 - k. cetaceans should not in any other way be disturbed or harassed.
9. Passengers of the vessel shall not have any direct contact and shall not in any way disturb or harass cetaceans including through swimming, touching, feeding or any other direct interaction.
10. Tour should be abandoned at any stage if any cetacean or marine turtle show signs of becoming disturbed or alarmed and if change in behaviour is identified such as:
 - a. rapid changes in swimming direction or speed;
 - b. escape tactics such as prolonged diving, underwater course changes or rapid swimming away from the vessel;
 - c. forceful slapping of the tail against the surface of the water;
 - d. female attempting to shield a calf with her body or by her movements;
 - e. sudden stop in feeding or resting activities after the vessel's arrival.
11. No generators, loud music and/or noise and equipment which generates noise and vibration shall be made use of between half an hour before sunset until sunrise. Vessels shall not produce unnecessary noise, and any music and/or horns are strictly prohibited other than sound signals prescribed in the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs).
12. Flash cameras and other forms of flash lighting is prohibited. No lighting is allowed to be directed outwards from the vessel between half an hour before sunset until sunrise, other than lights prescribed in the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs). All other lights have to be switched off.
13. No anchoring shall take place unless in the event of an emergency. In that eventuality no anchoring shall take place on *Posidonia oceanica* meadows but only on bare sand.
14. Rubbish disposal facilities shall be provided on the boat by the organisers on the day and any waste generated during the activity is to be collected immediately and disposed of accordingly when back on land in accordance with the Waste Management

(Activity Registration) Regulations, 2007, (S.L. 549.45) and the Waste Regulations, 2011, (S.L. 549.63), including where necessary through the Consignment Permit procedure.

15. The activity shall not take place before sunrise or after sunset.

General Conditions

16. The 'Permit Holder', is responsible to ensure that all reasonable precautions are taken so that the activity conforms to the conditions in this Permit and the procedures outlined within the Permit application.
17. The activities covered by this permit are restricted to the Permit Holder, employees and/or volunteers and contracted parties commissioned for such activities/works under her supervision and direction, who shall all be made aware of this Permit and the contents within.
18. The following activities are strictly prohibited:
 - a. the deliberate picking, collection, taking, cutting, uprooting, harming, destroying or damaging deliberately destroying, keeping, transporting, selling, buying exchanging, offering for sale or for exchange, importing or exporting in any way of any specimen of wild flora;
 - b. the deliberate hunting, killing, capturing, taking, harming, disturbance particularly during periods of breeding, rearing, hibernation and migration, destruction and deterioration of breeding sites or resting places, pursuing, taking or attempting to take, deliberately killing or attempting to kill, deliberately destroying, keeping, transporting, selling, buying exchanging, offering for sale or for exchange, importing or exporting any specimen of any specimen of wild fauna;
 - c. generation of excessive noise, including extremely loud music or the use of noisy generators, or light pollution through the use of floodlights;
19. ERA may request updates and/or further information on the activity in question as deemed necessary.
20. The conditions imposed shall be adhered to throughout all the activities. Failure to do so may result in enforcement action and cessation of any related works or activities.
21. ERA may impose other additional rules or conditions, or may amend one or more of the listed rules or conditions, as it deems necessary for the proper conservation of a protected site or area, biodiversity and the environment in general, and to ensure public safety.
22. The Permit Holder may apply for a variation of the Permit and shall seek the Authority's written agreement prior to any operational changes, by sending to the Authority:
 - a. Written notice of the details of the proposed change, including an assessment of its possible effects or risks to the environment from the approved activity;
 - b. Any relevant supporting information;
 - c. Any relevant supporting assessments and drawings, and;
 - d. The proposed implementation date.

Any such change shall only be implemented following the issue of a variation of the permit by the Authority.

23. This permit is granted saving third party rights. The Permit holder is not exempt from any other legislation or regulations, codes of practice, conditions or requirements imposed by any other competent authorities, including the obtaining of permits, licenses, or clearances including from site owners.
24. Any accidental handling, capture or collection of specimens or part thereof, whether dead or alive, of species listed within Schedule V and VI, and endemic species not listed in Schedule X of the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44) shall be reported on nature.permitting@era.org.mt within seven (7) days of sampling of the specimen provided that the permit holder may only keep such specimen or part thereof for scientific research purposes. The Authority may request additional information from the permit holder, including but not limited to, an application for authorisation for the keeping of such specimens or samples.
25. The Authority may suspend or revoke this Environmental Permit in line with the provisions of CAP 549.
26. The Permit Holder shall notify the following matters to the Authority in writing at least 10 working days prior to their occurrence:
 - a. Any change in the Permit Holder's trading name, registered name or registered office address;
 - b. Any change to particulars of the Permit Holder's corporate identity.
27. Upon the joint application of a Permit Holder and a proposed transferee, the Permit Holder may request to transfer an environment permit. The permit shall not be transferred from the Permit Holder without prior approval from the Authority. Upon the Authority's decision to transfer the permit to the transferee, all rights, obligations, liabilities shall subsist onto the transferee.
28. In accordance with Regulation 47 of S.L. 549.44, details of the Permit Holder together with the details of conditions imposed in this Permit shall be maintained by the Authority in a register available for public inspection or maintained in electronic form.
29. The Authority may carry out regular pre-set or unannounced compliance or monitoring checks that vary in frequency according to the site's compliance with the permit conditions and safeguarding of natural assets. Any checks or audits carried out by the Authority may be made at the Permit Holder's financial expense at rate and arrangement communicated by ERA's Compliance and Enforcement Directorate. ERA may also appoint other on-site monitors at the expense of the Permit Holder to act as an on-site liaison between the Permit Holder and ERA if the case arises.
30. The Authority's representatives may inspect and photograph any part of the site/activity and ask for any closed or locked areas to be opened and may demand to be provided with any proof, documentation, plans, receipts or any other records.
31. This Permit including any Variation Notices or amendments to it shall be made available for any inspection by ERA officials at all times, or any legally recognised compliance and enforcement officials, when requested.
32. Whenever there is a conflict between the conditions of this Permit and approved documents, the conditions of the Permit shall prevail.
33. ERA shall not be held liable for any accidents or injuries which may occur during the activities being permitted through this Permit. It is the responsibility of the Permit Holder to ensure that all safety measures are taken.
34. This permit is without prejudice to any liability of the Permit Holder under the Act and to any punitive measures the Authority may wish to take with respect to works already carried out without permit.

35. The validity of this permit is **for one (1) year** from the granting date of this permit. The Permit Holder may apply for a renewal to this Permit expressing his/her intention at least four (4) weeks prior to the expiry of this permit. Request for renewals shall only be considered upon confirmation of compliance with Permit conditions and fulfilment of documentation as requested by this Permit.
36. The permit holder may appeal from this decision to the Environment and Planning Review Tribunal in accordance with Article 63 of the Environment Protection Act and with the provisions of the Environment and Planning Review Tribunal Act.



Mosta, 4/09/2019

ANNEX – 4

Area of interest

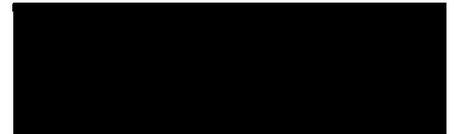
Referring to the following MPAs <https://era.org.mt/en/documents/GN%20851%20of%202010.pdf>
We will be conducting research in the following MT0000102, MT0000103, MT0000105 – for the marine areas in the limit of Ghar Lapsi & Filfla. Marine area in the limits of Dweira and Marine area in the NE of Malta respectively.

Also from the following – <https://era.org.mt/en/Documents/GN%201311%20of%202016.pdf>
We will be conducting research in the following MT 0000106 – Marine Area in the North, MT 0000110 Marine Area in the South, MT 0000107 Marine Area in the North East, MT 0000109 Marine area in the South West. Even if not sure we'll proceed so much offshore but if yes MT 000111 Marine Area to the South East. MT 0000112 Marine Area around Gozo and MT 0000114 Marine Area to the north West.



EcoMarine Malta
or The soul of the sea

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Mosta 29/10/2020

ANNEX1

More information about the project.

We use either one sailing boat 16-meter-long max speed 7 knots or one motorboat 9.7 meters long max speed 10 knots. Max Speed while cruising 7 knots. Max speed during the marine life spotting session 5 knots. Max speed in the presence of marine animals 4 knots or less. The sailing boat is a monohull sailing boat with a Volvo Penta 75 Hp engine, the motorboat has 2 Perkins engine power 246 kW. The boats start from Kalkara Marina, Ta-Xbiex, Mellieha. Only one boat per site will be out. One on the South-East and one on the North-west side of Malta. In the past years we had only one boat per day working.

In the Mediterranean Sea, it is possible to sight eight species of cetaceans. In Malta Bottlenose dolphin, Striped dolphins and Common dolphins are the once most frequently sighted. We are going to observe them, the group composition, use of habitat and the interactions with boats. We use the **non-invasive technique of Photo Identification** to take pictures of the animals.

We follow the **International Code of conduct of ACCOBAMS** to approach the animals, and the tours include an educational presentation on the Maltese and Mediterranean marine environment, sustainable fisheries, Seabirds and cetaceans within it by a qualified guide/ marine biologist. No further contact with cetaceans occurs during the tour. The marine biologist on board, after a brief lecture at the beginning of the day, starts to scan the sea with binocular and naked eyes to spot dolphins, turtles and birds or other species. After the marine life spotting session, we reach some excellent spot for a swimming stop. During the swimming time, it is possible to talk about the species encountered and their ecology.

The tour starts at 8.30/9.00 till 4.30/5.00 pm. The route depends on the weather conditions and the sea state. We are going to propose 3 tours per week but now it's not possible to forecast the situation due to the Covid-19. As soon as we'll have bookings, we'll inform ERA.

Onboard, there will be ten guests, 1 or 2 biologists and one skipper maximum of 13 people.

After the tour, we distribute Birdlife leaflets because of our collaborations and some of our copyrighted materials. A few examples attached.

Skippers are trained, and they have to follow instructions given by the biologist. The tours are conducted safely after careful monitoring of the weather conditions. We always check the weather and wind forecast every day and sometimes within a few hours.

To my knowledge people on board, they have no conviction for offences involving the mistreatment of animals.

We are running an eco-friendly and eco-sustainable project to increase awareness about the environment and its protection, and we are following THE ACCOBAMS International Code of conduct.





ANNEX 2

I'm Patrizia Patti an Italian Marine biologist and founder of EcoMarine Malta.

I have Italian master's degree in Marine Biology (M.Sc) since 2002.

My thesis was about the distribution and range of Sperm Whales in the Western Ligurian Sea using acoustic surveying together with Tethys Research Institute (www.tethys.org). The research work consisted of three years field work collecting data about all the cetacean species encountered.

In 2013 I founded with other partners the 'Coopertiva Costa Balenae' whale and nature Watching, www.costabalena.it an Italian company engaged in environmental education and sustainable whale watching, we are still collaborating sharing good practice and data. In 2019 the Italian partner Costa Balenae are starting a research project on Bottlenose dolphins in the Western Ligurian sea.

I started living in Malta in September 2016, I have also initiated a Marine ecotourism project - a scientific research endeavour with an environmental education perspective. A project which was awarded research funds through Marsa 2017, I received a grant of 5k, and I have an office at the Take Off - The Enterprise campus at the University of Malta. Through this project we are proposing marine megafauna sighting experiences including cetaceans, turtles and sea-birds in Maltese waters.

We are already following the International Code of conduct endorsed by ACCOBAMS

(<http://www.accobams.org/main-activities/high-quality-whale-watching-certificate/>) and other recognised scientific bodies to approach the animals and minimize disturbance during sightings, whilst explaining tourist and interested Maltese Citizens the importance of following such rules.

We will also be applying for the ACCOBAMS Whale (/dolphin) watching certification.

We are collaborating with BirdLife Malta, and we also follow the protocols they follow to approach birds and cliffs where they nest.

We aim to increase awareness about the marine ecosystem, collect scientific data and share such marine data with who may be interested, thus contributing to monitoring the presence or absence of flag species in Maltese waters.

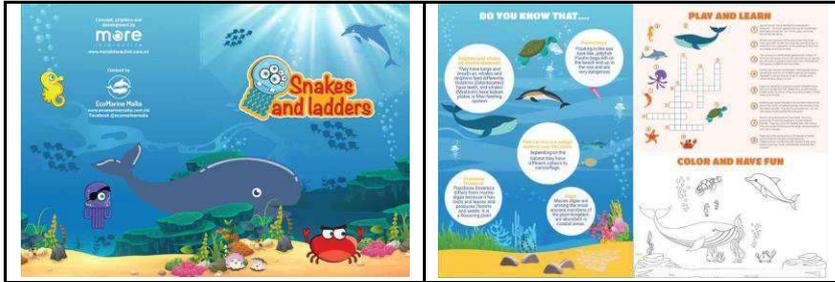
We would thus like to apply for a nature permit to monitor cetaceans and other megafauna which is encountered whilst carrying out eco-touristic tours.

We would also need permission, if necessary for sailing through the current Marine Natura 2000 sites including the sea around Filfla (for which we would be sending a separate request also to Transport Malta, in view of the need for a permit/approval from director of ports).



ANNEX 3

attached some examples of material with Copyright @EcoMarine Malta
Snake Ladders front back for children – a game to introduce kids to the topics covered



The informative paper about cetaceans – all species – Posidonia oceanica – Caretta caretta – Sea Birds
The Good code of conduct ACCOBAMS, sustainable fisheries, Book The adventures of Federico and the dolphin Pinnetta.

