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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

34th meeting
Strasbourg, 2-5 December 2014

File Open

**Threats to Marine Turtles
in Thines Kiparissias Bay
(Greece)**

REPORT BY THE NGO

*Document prepared by
MEDASSET - the Mediterranean Association to Save the Sea Turtles*

Marine Turtle Conservation in the Mediterranean

DEVELOPMENT PLANS IN KYPARISSIA BAY, SOUTHERN KYPARISSIA (WESTERN PELOPONNESE, GREECE)

30 August 2014

UPDATE REPORT BY

MEDASSET - the Mediterranean Association to Save the Sea Turtles

for the 2nd Meeting of the Bureau & the 34th Standing Committee Meeting of the Contracting Parties to the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)

Following the complaint submitted on 22 August 2010 for the 30th Standing Committee Meeting (T-PVS (2010) 16E) regarding developments threatening Kyparissia Bay, and the following:

- the response of the Greek authorities to the European Commission (sent on the 22nd December 2010) forwarded to the Bureau Meeting on 8 March 2011 (T-PVS/Files (2011) 5E),
- The European Commission's letter of formal notice to the Greek Authorities in October 2011,
- MEDASSET's update reports sent to the Bureau on 2 September 2011 and on 29 March 2012,
- ARCHELON's short Report sent to the European Commission and the Bern Convention (October 2012),
- The European Commission Reasoned Opinion (EL2011/2156 ENVI) sent to the Greek Authorities in October 2012,
- The Greek Authorities response to the EU Commission's Reasoned Opinion on 22 November 2012,
- MEDASSET's update reports sent to the Bureau on 11 March 2013 and 1 August 2013 (T-PVS/Files (2013) 15),
- ARCHELON's short Report sent to the European Commission and the Bern Convention (October 2013),
- the response of the Greek Authorities to the letter of the SG Bern Convention (11 October 2013) on 17 October 2013
- the decision of the 2nd Bureau meeting on 17 September 2013 (T-PVS (2013) 10) to finally discuss the complaint as a File open at the 33rd Standing Committee meeting (December 2013), inviting the Greek authorities to attend,
- The European Commission's decision on 28 March 2014 to take Greece to Court for a failure to provide adequate protection for the endangered sea turtles,

We wish to present a summary of the current situation in Kyparissia Bay, a NATURA 2000 site, (THINES KYPARISSIAS – GR2550005).

The Standing Committee regretting the absence of delegates of Greece at the 33rd Meeting, took note of the updated information presented by MEDASSET, and decided to keep the case file open considering the matter as urgent. In addition, the Committee instructed the Secretariat to seek the agreement of Greece on an on-the-spot appraisal to be carried out in the first semester of 2014. This was the second time the Secretariat had requested Greece and particularly the Ministry of

Environment, Energy and Climate Change (Minerv) to agree on an on-spot-appraisal in the area, and to organise necessary visits to different sections of the area in question, but also meetings with associated stakeholders, authorities (local & national) and NGOs. Thankfully, Minerv had agreed to an on-spot-appraisal by Secretariat delegates in the area on the 14 & 15 July 2014. The delegates' visit to Greece involved meetings with Minerv officials in Athens, local Authorities officials and NGOs in Kyparissia. The delegation consisted of a Standing Committee representative, Dr. Eladio Fernandez-Galliano (former Head of the Biological Diversity Unit and current Head of Democratic Initiatives Department) and an external collaborator, an expert on sea turtles, Dr. Paolo Casale (President of Marine Turtle Specialist Group for the Mediterranean), who was required to produce a report with his findings after his visit in the area. Both MEDASSET and ARCHELON representatives were present during the delegation's visit in Kyparissia, accompanied them in different parts of the protected area and gave them a detailed account of the existing problems, local people's perception of sea turtle conservation, and the Ministry's effort to formulate a Special Environmental Study (SES) based on which a Presidential Decree would be drafted. NGOs representatives also presented their views on a realistic strategy for the protection of the area and its turtles alongside the available options for sustainable growth in the area.

The Ministry of Environment in response to the EU Commission's Reasoned Opinion committed to take the necessary measures for the sound management and protection of the area under consideration. These measures included the immediate control and hindrance of anthropogenic disturbances and the implementation of an Action Plan for the short and long-term protection of the area. The immediate control of anthropogenic disturbances through the enforcement of temporary protection measures never materialized, while the implementation of the Action Plan, which among other things involved: the suspension of building permits and any type of construction activity, the completion of a SES and the drafting of a PD and the issuance of a Ministerial Decision (MD) that would define the appropriate management body of the Protected Area (PA), was considerably delayed. The Ministry reported its intention for the creation of a Steering Committee, which would coordinate and monitor the implementation of the above commitments. Unfortunately, the Steering Committee did not fulfil its role mainly due the bad decision calls by its President and the unwillingness of the latter to regularly inform and cooperate with the rest of the Committee members. As a result, the entire process of the formulation of the SES and the drafting of the PD was considerably delayed. This delay led the EU Commission in March 2014 to take Greece to Court for failure to adequately protect the sea turtles of South Kyparissiakos Bay.

In December 2013, an-on-the spot-appraisal was conducted by a body of public administration inspectors, whose task was to examine the legitimacy of reported construction activities within the NATURA 2000 site including the roads that were constructed in 2011. In their extremely detailed report, the inspectors concluded that the roads were constructed privately and that no prior environmental permit had been granted to the person or body in charge for the construction of the roads, which is absolutely necessary according to relevant Greek legislation. The inspectors concluded that all 5 roads are illegal and that any damage caused to the sand dune and coastal forest ecosystem needs to be restored immediately. So far o restoration has taken place in the part of the area where the roads have been constructed. The inspectors had also asked from the Ministry of Environment to be informed on the progress of the SES and the drafting of the PD. The Ministry informed the Body of public administration inspectors that a detailed timetable of activities for the completion of the SES and the drafting of the PD had already been completed, which involved the following steps:

1. Open call to all interested parties for the formulation of a Special Environmental Study (SES) and drafting of a Presidential Decree for 3 adjoining NATURA 2000 sites, namely " GR2550005: Thines Kyparissias (Neochori – Kyparissia)", "GR 2330005: Thines & Paraliako Dasos Zacharos, Strofyllia, Kakovatos" and "GR 2330008: Thalassia Periohi Kolpos Kyparissias: Akrotirio Katakollo-Kyparissia". Closing date for the call was 17 March 2014.
2. Completion of the SES and the draft PD by 15 May 2014.
3. Approval of the SES and the draft PD by 30 May 2014.
4. Submission of the PD to State Council.

On 23 May 2014, the Ministry of Environment announced the extension of the suspension of building permits and any type of construction activity in area until the PD is signed and goes into effect.

The SES and the draft of the PD was completed and submitted to the Ministry on 28 July 2014 while a public electronic consultation (that commenced on 8 August 2014) on the PD's proposed measures, delineation of the proposed Protected Area (PA), zonation pattern and type of PA will be completed on 8 September 2014. MEDASSET has already reviewed both the SES and the PD and together with all the other Greek ENGOs including ARCHELON will jointly submit their comments and proposed amendments to the Ministry of Environment with the hope that the content of the PD will not remain unchanged.

As far as the proposed draft of the PD is concerned the following need to be considered by the Bureau:

- The Greek Authorities and specifically the Ministry of Environment should provide a translation of the draft PD so that the Standing Committee can at least examine the parts of PD relevant to sea turtle conservation. An emphasis should be placed on the N2000 site of Thines Kyparissias where the core area of nesting sea turtles is located.
- The designation of the total area as Regional Park (Category V of IUCN for PAs) instead of a National Marine Park (Category II of IUCN for PAs) is questionable. If one takes into account the biological and ecological features, the types of habitats present, the large marine area coverage (over 70% of the total proposed PA is marine) together with the types of human uses and disturbances found in the area, one would naturally assume that the designation of the area as a National Marine Park would be a safer and a more reasonable option.
- In the study area, according to the SES, 20 habitat types can be found, 3 of which are priority habitats and 6 habitats are of national importance.
- According to the PD, the "Regional Park", has been sub-divided into four (4) protection zones, namely a Special Area of Conservation (SAC) which is the entire marine area of the Park from north to south and from the coast (east) to the 25m isobath in the west, Nature Conservation Areas (PPF), Protected Natural Formations (PFS) and Eco-Development Areas (POIK) as described in Law 3739/2011 "Biodiversity and other provisions".
- Particular attention should be given to zone POIK-4 and especially its northern part (POIK-4a) which is delimited between nature protection areas (PPF-3 and PPF-4). The designation of this zone does not appear to serve any of the purposes as described in the 3937/2011 Law except for the development of tourism buildings and facilities only. Questions are raised by the decision to propose the designation of a fairly large area of residential development (eco-development area) just behind the core nesting grounds of sea turtles in the Gulf Kyparissiakos, thus disrupting the succession and ecological continuity between Nature Conservation Areas such as PPF-3 and PPF-4. The proposed zoning will stop the spread of moving dunes inland to fixed dunes, which has been observed by the consultant himself (in charge of the SES) in PPF-3, from the stream "Brazeri" to KYPARISSIA town, where due to the intensified human presence (as a result of the near-by village of Kalo Nero, and the road network) the spread of the coastal zone is limited and circumscribed.
- Based on the draft PD, the entire length of nature conservation area PPF-3 can be used for the rental and use of umbrellas and sun-beds by local professionals. This provision enables professionals to exploit part of the seashore, which is used as the main nesting site of sea turtles. The use of beach furniture will undoubtedly contribute to increased disturbance in an area of increased nesting concentration. It is worth to mention that this particular part of coast has never been used by professionals for the use or rental of beach furniture to tourists before. This proposed activity would create an additional pressure to nesting sea turtle females and to emerging hatchlings.
- According to the proposed PD, building is only allowed in plots of land (within POIK zones) that are not less than 10,000 m². However, according to article 5 of the same proposed draft, plots of land of at least 4,000 m² that existed before Law. 3937/2011, on which one was allowed to build

according to the then legal provisions, are exempted from the 10,000 m² rule. This could result in the construction of more buildings behind the core nesting area therefore we propose that this provision be deleted in its entirety.

Kalo Nero Beach (O Sector)

The Illegal wooden platforms on the beach of Kalo Nero remain despite the demolition protocols that have been issued from the Land Management Agency of Kalamata.

Sunbeds and umbrellas still occupy a very large surface area of the beach in Kalo Nero and sunbed owners started removing them during night time from early July onwards. However, it has been observed on a number of occasions that sunbed owners erase sea turtle tracks so that they wouldn't have to move their sunbed or umbrella elsewhere.

The beach in Kalo Nero suffers from intense light pollution at night (from private and public sources of light) while excessive vehicular traffic on the coast road of Kalo Nero at nighttime is causing harassment to nesting turtles.

Generally the situation in Kalo Nero has not improved considerably over the past year. The Municipality of Trifylia did however allow ARCHELON this year to erect the seasonal information station so that visitors in the area could be informed about the efforts of the NGO to protect this threatened species. The lack of informative sign-posting has again this year caused a considerable increase in the number of tourists on the beach at night, thus causing disturbance to emerging female turtles that come to lay their eggs and highly threatening emerging hatchlings which try to make it to the sea.

Beach Sector between Neda River and Kalo Nero beach (A, B, C Sectors)

The plowed dunes recorded in February 2013 and April have not yet been restored to their original state.

The construction of two houses in the area of Vounaki that commenced in December 2012 is still progressing, while planning permission has been given for the construction of another 2 buildings in the area. In June 2014, further construction activity in the surrounding space of the house resulted in the creation of a flower garden and the destruction of dunes. The suspension of building permits since late May 2013 concerning a part of the NATURA 2000 site was further extended in May 2014. Canteens have stopped operating on the beach since no licenses were issued again this year. Intense light pollution at night on some parts of the beach (from private and public sources of light), the evident lack of informative sign-posting and the presence of vehicles (4-wheel drive and quad-bikes) throughout the day constitute few more of the main threats on this important nesting site.

General Remarks

Human presence on the beach at night and the presence of vehicles is still a regular occurrence despite the effort of the Municipality of Trifilia to install barriers that hinder the entrance to the beach. Most of these barriers were not permanently fixed to the ground and as a result a lot of them have been removed and destroyed.

All of the above and especially the situation in Kalo Nero, which has not improved, calls for the immediate implementation of management measures. A proper consultation process regarding the proposed measures of the SES and PD needs to follow suit and provide the opportunity for real and productive dialog among the relevant stakeholders with the sole purpose the protection and prosperity of the area, its turtles and its people.

We hereby wish to request that Complaint (T-PVS (2010) 16E) be placed on the Agenda of the 34th Meeting of the Standing Committee. MEDASSET urges the Secretariat to follow up through the Greek Government regarding progress made over the afore mentioned Presidential Decree and all also regarding immediate next steps that will ensure a wide consultation process and the amendment of the PD where necessary.

Picture 1. Sand removal for the installation of barriers that would prevent access to the beach resulted in dune destruction.



Picture 2. The roads constructed in 2011 still remain intact.



Picture 3. Vehicle tracks are a daily occurrence. No building demolition protocols have been executed in the area yet.



Picture 4. Dunes have not yet been restored from the destruction the sustained die to the road construction.



Picture 5. Cultivation of sand dunes and grazing is still very frequent and common.



Picture 6. The house in Vounaki

