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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

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File Open

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

**COMMENTS OF THE NGOS TO THE DRAFT PRESIDENTIAL
DECREE ON THE DESIGNATION OF MARINE AND
TERRESTRIAL AREAS OF SOME NATURA 2000 SITES**

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



6 October 2014

SUMMARY OF COMMENTS

submitted¹ to the Ministry of Environment
in the context of the public consultation of the

DRAFT PRESIDENTIAL DECREE

"Designation of terrestrial and marine areas of «GR 2330005: Sand dunes and coastal forest of Zacharo, Strofylia, Kakovatos », «GR 2330008: Marine area of Kyparissiakos Bay: Katakolo Cape- Kyparissia» and «GR 2550005: Thines Kyparissias: Neochori - Kyparissia" as "Regional Park of Caiaphas Lake, Thines Kyparissias and Marine area of Kyparissiakos Bay from Katakolo Cape to Kyparissia", designation of protection and management zones, land use, building terms and restrictions, and establishment of a management body"

THESE COMMENTS FOCUS MAINLY ON THE SOUTHERN BAY OF KYPARISSIA.

BACKGROUND

The Southern Bay of Kyparissia has a significant ecological value because it: 1) is the second most important nesting site in the Mediterranean for the loggerhead sea turtle (*Caretta caretta*), a species which is listed in the Red Data Book of Endangered Animals of Greece as "endangered" and is considered a priority species in need of strict protection according to the Habitats Directive 92/43/EEC, and 2) hosts an extensive system of sand dunes consisting of the following dune habitats: Embryonic shifting dunes 2110, dunes with *Euphorbia terracina* 2220, and the priority habitat Coastal dunes with *Juniperus* spp. 2250 that is included in Annex I of Directive 92/43/EEC).

For these reasons, the area is included in the European Natura 2000 network, codenamed GR2550005 "Thines Kyparissias: Neochori-Kyparissia". Regarding sea turtle nesting, the core habitat is located in the coastal area between the rivers Neda and Arcadikos (approx. length 9.5 km.), where 82% of the total number of nests is recorded.

Despite the successful elaboration of a Special Environmental Study (SES or "EPM" in Greek) in the context of a LIFE-Nature project (LIFE98NAT/GR/ 5262), and its submission to the Ministry of Environment in May 2002, the SES was never adopted or implemented. Moreover, conservation

¹ The comments were submitted on 7 September 2014 by the environmental organizations ARCHELON, MEDASSET and WWF Hellas, and are available in Greek at:

http://www.archelon.gr/contents/photos/File/ARCHELON_WWF_MEDASSET_7-9-2014.pdf

The environmental organizations ARCTUROS, Hellenic Ornithological Society, ELLINIKI ETAIRIA, Society for the Environment and Cultural Heritage, Hellenic Society for the Protection of Nature, Mediterranean SOS Network, Callisto - environmental organisation for wildlife and nature, Ecological Recycling Society, Greenpeace Greece and Mom, express their support to the above comments through the present summary document.

objectives were not set and specific protection or management measures were not taken. On the contrary, significant management and protection issues are still unresolved and have resulted in the gradual degradation of habitats, as well as direct and indirect disturbances to sea turtle nesting.

Specifically, buildings have been erected, in some cases on sand dunes. Dirt roads have been paved and strong lighting has been fitted. The beach of Kalo Nero village is almost entirely occupied by umbrellas, sun-beds and wooden walkways; light pollution is severe and there are signs of coastal erosion. In the coastal area between the settlements of Elea and Agiannaki, approx. 2.5 km in length, which is owned by the real estate firm "Neos Kotinos S.A.", five roads were illegally constructed in 2011 and 2012, perpendicular to the beach, which resulted in the destruction of sand dune formations (see Report of the General Inspector of Greek Public Administration, December 2013). At the same time, 47 building permit applications were filed with the urban planning authority and are still pending. The permits involve the construction of two-storey holiday houses with basements and swimming pools. Forty-three of the planned holiday houses are shown to have direct access to one of the five illegally constructed roads (under Article 10 Paragraph 1 of Law 31212/2003, land plots outside urban planned areas can be used for building when they have a "front" on a public road).

As a consequence of the above, in October 2012, the European Commission sent a Reasoned Opinion (EL2011/2156 ENVI) to the Greek Authorities for violation of articles 6 and 12 of the Habitats Directive 92/43/EEC. Despite the fact that the Ministry of Environment committed to take appropriate protection measures for the area (the most important protection measure taken was adoption of the Ministerial Decision No. 28353 /24.05.2013 which suspends the issuing of new building and construction works permits in the coastal area behind the core nesting habitat), the situation during the 2013 nesting season did not improve, since no direct measure to control anthropogenic disturbances was implemented.

Finally, in March 2014, the Commission decided to take the Greek State to the Court of Justice of the European Union. It must be noted that in the case pending before the Court of Justice, it is specifically stated that the construction plan of 47 two-storey houses with basements and swimming pools in this ecologically sensitive habitat is not consistent with the requirements of European legislation.

Additionally, the Bern Convention also opened a case file in 2013 regarding the Southern Bay of Kyparissia, noting the lack of protection measures for sand dunes and loggerhead sea turtles, a species listed in Annex II of the Convention.

In order for the Greek authorities to meet their European and international commitments, the Ministry of Environment decided to update the already approved Special Environmental Study (SES or "EPM" in Greek) for the neighbouring Special Areas for Conservation «GR 2330005: Sand dunes and coastal forest of Zacharo, Strofylia, Kakovatos» and «GR 2330008: Marine area of Kyparissiakos Bay: Katakolo Cape- Kyparissia» by adding the sites «GR 2550005: Thines Kyparissias: Neochori – Kyparissia» and «GR 2330008: Marine area of Kyparissiakos Bay: Katakolo Cape- Kyparissia» (Ref. No. 122734 /28.02.2014, Decision of the General Secretary for Regional Planning and Urban Development of the Ministry of Environment).

The agreement for the extended SES was signed on 28.05.2014 and the completion deadline was set at two months. The SES and the accompanying draft Presidential Decree were delivered on 28.7.2014 and presented for public consultation on 08.08.2014 for a period of one month according to the provisions of the current legislation (Article 6 Paragraph 7 of Law 3937/2011).

The draft Presidential Decree refers to the whole area, i.e. the three Natura 2000 sites, and adjacent areas, but it is obvious that the area is not treated as an integrated whole. The current document focuses mainly on the part of the draft Presidential Decree related to the Southern Bay of Kyparissia.

GENERAL COMMENTS ON THE DRAFT PRESIDENTIAL DECREE

Despite the proven international ecological value of the habitat as the second most important nesting beach of loggerhead sea turtles in the Mediterranean, this draft Presidential Decree proposes that the area be designated as a Regional Park in accordance with the Law No. 1650/1986 (Articles 18 and 19, as amended by Law No. 3937/2011). Such a classification seriously downgrades the need

for protection measures that are required to achieve "favourable conservation status" (in accordance with Article 6 of Directive 92/43/EEC) and "legitimises" more building activities in the region, which at the moment remains in a relatively good natural state. On the contrary, the large size and prominent ecological and natural significance of the area call for its designation as a National Park.

While the draft Decree claims that it seeks to achieve "the integrity of the protected area", it nonetheless suggests the fragmentation of the habitat into 37 zones and sub-zones and introduces a medley of measures and regulations, which are vague and do not take into account the nesting data (number and density of nests) recorded over the last twenty years (1994-2013), nor the existing anthropogenic pressures and threats. This variety of zones simply underlines the attempt made through the Presidential Decree to consolidate the status quo and transform the natural habitat into a tourist / residential area, without any appropriate assessment of impacts and future risks for the site.

It is noteworthy that the draft Decree refers to the use of "existing" roads, avoiding to differentiate between legal and illegal roads and, therefore, essentially legitimizing, the illegal roads such as those that have been constructed in the "Eco-Development Zone (POIK in Greek) 4" (where the property of the real estate firm "Neos Kotinos S.A." is located), and for which criminal court cases are still pending. Furthermore, there is no reference to the need for management measures on the beachfront of Kalo Nero, where the light pollution, the beach furniture, the illegal beach structures, for which demolition orders have been issued (Ref. No. 3769/12.08.2011, Decision of Public Land authority of Messinia) and the intensive human presence remain a constant threat to sea turtle nesting.

The designation of the Eco-Development Area (POIK) 4 between two Nature Protection Reserve areas (PPF 3 and PPF 4), namely the nesting beach and the pine forest, indicates the lack of a clear and well-documented protection plan in the draft Presidential Decree. In this zone (POIK 4), which has a width of 100-150 meters, building is effectively allowed on land plots of 4.000 m² (the existing minimum acreage limit for building outside planned areas across Greece). The only building restriction imposed by the Decree is a minimum distance limit of 5 meters (only!) from the dunes and a building height limit of 6 meters. It must be noted that zone PPF 3 includes the core nesting habitat where 82% of the entire nesting is recorded and that development zone POIK 4 coincides with the part of the area where the Ministry of Environment ordered the suspension of building permits, in this way effectively recognizing the need to preserve its natural features. With the introduction of zone POIK 4, the natural continuity and connectivity of the forest with the dunes and the beach is interrupted and the last pristine part of the habitat will be destroyed, by allowing development only five meters from the dunes and only 20 meters from the nesting zone.

The Nature Protection Reserve areas ("PPF") are designated as such only ostensibly, since the draft Presidential Decree permits 30% of the beach area to be occupied by beach furniture, even in the core habitat (PPF 3a), where there has never been a permit application for such use. In addition, the draft Decree does not indicate visitor management measures, especially at night, on the nesting beaches. Finally, it is impressive to notice throughout the text of the draft Decree, the lack of reference to the need for restoration of the natural elements that have been damaged or even destroyed, such as dunes due to ploughing and illegal road building, especially in a large part of the PPF 3a.

CONCLUSIONS

This draft Presidential Decree cannot achieve favourable conservation status of marine turtles and their habitat in Southern Kyparissia Bay. It cannot be considered a tool for sustainable development for the broader area but, instead, seems to aim at serving building interests, thereby risking its future.

The environmental organisations request:

1. The designation of the area as a National Park.
2. The elimination of the Eco-development Zone (POIK) 4 and its replacement by a Nature Protection Reserve, with consequent building prohibition, which will unify the two Natural Protection Reserves (PPF 3 and 4).

3. The introduction of specific beach management measures and regulations to ensure undisturbed sea turtle nesting.
4. The reform of the entire draft Presidential Decree, along the lines of a long-term vision for sustainable development that will ensure: (a) long-term undisturbed *Caretta caretta* sea turtle nesting, (b) preservation of the natural status of the area, and (c) high quality, long-term development for the local communities in harmony with the natural capital of the region.

The environmental organisations:

ARCTUROS,
ARCHELON, the Sea Turtle Protection Society of Greece
Hellenic Ornithological Society
ELLINIKI ETAIRIA, Society for the Environment and Cultural Heritage
Hellenic Society for the Protection of Nature,
MEDITERRANEAN SOS Network,
Callisto, environmental organization for wildlife and nature,
Ecological Recycling Society,
Greenpeace Greece,
MEDASSET, Mediterranean Association to Save the Sea Turtles,
Mom, Hellenic Society for the Study and Protection of the Monk Seal,
WWF Greece