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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

35th meeting
Strasbourg, 1-4 December 2015

Specific Site - File open

**Threats to marine turtles in Thines Kiparissias
(Greece)**

REPORT BY THE NGO

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

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**DEVELOPMENT PLANS IN SOUTHERN KYPARISSIA BAY, SOUTHERN
KYPARISSIA, (NATURA 2000-GR2550005 WESTERN PELOPONNESE, GREECE)**

- 14 August 2015 -

Document presented by
MEDASSET - Mediterranean Association to Save the Sea Turtles
for the 35th 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 Southern 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,
- the on-the-spot appraisal in South Kyparissiakos Bay, carried out by Bern Convention experts, 14-15 July 2014
- MEDASSET's update Report sent to the Bureau on 30 August 2014 (T-PVS/Files (2014) 48),
- the Report to the Standing Committee dated 1 September 2014 by Dr. Paolo Casale, University of Rome "La Sapienza", coordinator of the Sea Turtle Project of WWF Italy and member of the IUCN SSC Marine Turtle Specialist Group (T-PVS/Files (2014) 49),
- ARCHELON's short Report sent to the European Commission and the Bern Convention (October 2014),
- The Recommendation No.174 (2014) of the Standing Committee, adopted on 5 December 2014, on the conservation of the loggerhead sea turtle (*Caretta caretta*) and of sand dunes and other coastal habitats in Southern Kyparissia bay (NATURA 2000-GR2550005 "Thines Kyparissias", Peloponnesos, Greece),

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

Kyparissia Bay is located at the western coast of central Peloponnese. The sandy coastline consists of about 44km of continuous beach from the river Alfios in the north, to the river Arcadikos in the south, with a small number of additional beaches separated by rocky outcrops further south. Although turtles nest along the entire 44km beach, the core nesting area is located in the southernmost 9.5km, between the rivers Neda and Arcadikos, where 82% of the entire nesting activity is recorded. Since 2013 at least 1.200 nests are located and protected in the 9.5 km core area (1.452 nests in 2013, 1.293 in 2014 and 1.353 so far in 2015) and in all years the number of nests exceeded those recorded on Zakynthos, fact that argues that southern Kyparissia Bay is turning to be the most important nesting beach for sea turtles in the whole Mediterranean sea.

The Standing Committee of the Bern Convention on the Conservation of European Wildlife and Natural Habitats, being aware of the severe pressures on the habitat due to construction interests since 2010, unanimously **adopted a Recommendation at its annual meeting on December 5, 2014**, (Recommendation No.174 (2014)) **urging Greece to prevent habitat deterioration and ensure improved protection of Southern Kyparissia Bay**. The 2014 Recommendation was issued pursuant to a report and appraisal by an international expert¹ pursuant to concerns raised by NGOs² relating to the construction of roads, houses and marine structures near to the nesting sites, as well as the risks posed by fishing practices, photo-pollution and human disturbance to the beach during the hatching season.

The 12 points in the 2014 Recommendation are addressed below in turn. In general, there has been very limited co-operation from the local council in Kyparissia, including a refusal to allow ARCHELON to set up an information kiosk in the coastal village of Kalo Nero, which is in the core area, so that locals and tourists get informed about the nesting sites and appropriate use of the beach³. ARCHELON operated an information kiosk in Kalo Nero since 1994.

1. *First recommendation: Protection Status*. The government issued a draft Presidential Decree on the characterisation of the sea and land area in Kyparissia as the “Kyparissia Gulf Regional Park” in 2014 for public consultation and review by the the Hellenic Council of State (**Symvoulío tis Epikrateias-StE**), the Supreme Administrative Court of **Greece**. It was struck down during the review stage by the StE⁴, which is authorised to review all Presidential Decrees of a regulatory nature⁵ before they are signed into law to assess their constitutional lawfulness. Whilst the StE found that the draft Presidential Decree should be struck down on the formal basis that the Natura 2000 Commission had not given its endorsement lawfully, the court took the opportunity to give guidance on the substance of the proposed decree in light of the urgency of passing legislation concerning the Kyparissia area. The court found that the draft Presidential Decree which designated the Natura 2000 site and surrounding areas as a regional park was not legally justified; the area was of national, European and indeed international significance. The protection given to national parks is higher than that granted to regional parks⁶: residential development is permitted in regional parks in the areas surrounding the fully protected areas; tourist development is permitted; and State-owned land completely within a national park may not be developed. The draft was also criticised for failing to provide for the reinstatement of the ecosystem, as it allowed two unauthorised summer home communities to remain in place. The StE also found that the proposed “simple” uses of the beach area were not legally justified: these uses included very broad and vague uses such as for “public relaxation”, as well as horse riding, removal of sand and gravel “in the public interest” and the vehicular use of access roads. The court found that the

¹ Report to the Standing Committee dated 1 September 2014 by Dr. Paolo Casale, University of Rome “La Sapienza”, co-ordinator of the Sea Turtle Project of WWF Italy and member of the IUCN SSC Marine Turtle Specialist Group.

² ARCHELON and MEDASSET..

³ The author was provided with the correspondence by ARCHELON; the Mayor of Trifylia replied to ARCHELON’s request (supported by a letter from YPEKA) to put up an information kiosk on Kalo Nero beach where it had been set up in 2014 that the area was to be used for “other activities”; he also counterproposed that ARCHELON should set up a kiosk in a town square in Kyparissia.

⁴ StE Minutes of Review process (*Praktika Epexergasias*) No. 32/2015.

⁵ Article 95.1 of the Greek Constitution

⁶ StE Minutes of the Review process No. 32/2015, Paragraph 13

reference to vehicular access implied the continuing use of unlawfully-constructed roads which was not justified. The court emphasised that the issue of an improved decree was urgent in light of the European Commission's complaint⁷ and the 2014 Kyparissia Recommendation. We understand that the Ministry plans to issue a new draft Presidential Decree for review and consultation during the course of 2015.

2. *Second recommendation: permanent prohibition of construction.* A Ministerial Decision was issued in May 2014, suspending the issuing of new permits for building and other works (e.g. pumping installations, drilling, fencing of fields, and cultivation of land between the coastal forest and the beach) behind the northernmost 7,5 km of the core nesting area (sectors A, B & C),⁸ pending the issue of the Presidential Decree. This was renewed in December 2014 and again on 25 June 2015 until 24 May 2016, or the publication of the Presidential Decree, whichever is the earlier⁹. The construction of a new summer house in the area of Vounaki that commenced in December 2012 is finished since 2014, while planning permission has been given for the construction of another 2 holiday houses in the same plot of land (this construction was not affected by the Ministerial Decision, since the suspension is only for the new building permits). Moreover since summer 2014, further construction activity in the surrounding space of the house resulted in the creation on the one hand of a flower garden and the destruction of dunes and on the other hand of new light pollution on the nesting beach.
3. *Third recommendation: restoration of original dune and forest habitat.* The plowed dunes recorded in February 2013 and April have not yet been restored to their original state. Not only has restoration work not taken place, but the temporary blocking of the roads leading to the beach have been removed, so that wheeled vehicles can and do access the sand dunes.
4. *Fourth recommendation: adjustments to existing houses.* No actions have been taken to reinstate the previous dune ecosystem in houses built within the vicinity of nesting areas, nor have any actions been taken to reduce photo-pollution.
5. *Fifth recommendation: no agriculture.* The cultivation of water melons and market vegetables continues on the dune area.
6. *Sixth recommendation: general photo-pollution.* No efforts have been made to avoid photo pollution. The beach in Kalo Nero, where unlicensed taverns continue to operate on or close to the beach, suffers from intense light pollution at night (from private and public sources of light). There is also regular access to uninhabited beach areas, related to unlawful free camping close to or on the beach.
7. *Seventh recommendation: beach equipment.* Sun beds and umbrellas still occupy a very large surface area of the beach in Kalo Nero and sun-bed owners started removing them during night time no earlier than the end of July (25th of July), meaning almost at the end of the nesting season. It has been observed on a number of occasions that sun bed owners erase sea turtle tracks so that they wouldn't have to move their sun bed or umbrella elsewhere. 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.
8. *Eighth recommendation: sand and gravel extraction.* Due to the reduction in public works, sand and gravel extraction has not been a significant issue this year; the StE recommended that the new Presidential Decree should forbid all sand and gravel extraction throughout the park (it is already forbidden within the Natura 2000 zone).
9. *Ninth recommendation: further building.* This is expected to be addressed in the new Presidential Decree.
10. *Tenth recommendation: circulation of vessels.* Fishing with nets near the nesting beach is currently not forbidden, and is a widespread practice leading to adult turtles and hatchlings being caught during the reproductive season. This should be addressed in the Presidential Decree, so

⁷ C-504/14

⁸ As amended by YPEKA Ministerial Decision 24407/2014.

⁹ JMD 19422/29.6.2015

that the local port authorities can enforce a minimum distance from the shore for the use of nets (as is currently applied for organised tourist beaches).

11. *Eleventh recommendation: use of the beach at night.* No measures have been taken to keep people and cars off the beach at night, and there are no signs warning people to stay away. Excessive vehicular traffic on the coast road of Kalo Nero at nighttimes is causing harassment to nesting turtles.
12. *Twelfth recommendation: feral dogs.* It is the responsibility of the local council to collect stray dogs and control attacks on turtles; whilst it appears that there may be fewer attacks than the twelve recorded in 2014, ARCHELON's letter to the local council on the topic this year (after five recorded attacks up to the end of June 2015) has not received a response. On July 1st, during the on the spot visit at the area of the Minister of Environment, the Mayor of Trifilia claimed in public that the Municipality should not interfere in this matter and that NGOs should respect more the natural chain and the needs of hungry stray animals.

SUMMARY & CONCLUSION

In 2015 there was no improvement in the protection and management of the sea turtle nesting beaches in Kyparissia. The threats identified lead to the destruction of nests, unsuccessful nesting attempts, mortality of hatchlings and adult turtles.

All of the above and especially the situation in Kalo Nero, which has not improved, call for the immediate implementation of management measures. Immediate drafting of a new PD respecting the Recommendation No.174 (2014) of the Standing Committee and the previous Review (StE minutes of Review Process-Praktika Epexergasias No. 32/2015) by the Hellenic Council of State (**Symvoulio tis Epikrateias-StE**) needs to take place 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 35th Meeting of the Standing Committee. MEDASSET urges the Secretariat to follow up through the Greek Government regarding progress made over a new 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 1.¹⁰ Platform and other installations on the beach in Kalo Nero. No demolition Protocols have been executed yet.



¹⁰ All pictures are provided by ARCHELON

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



Picture 3. Vehicle tracks are a daily occurrence.



Picture 4. Sun beds, umbrellas and vehicle tracks in Kalo Nero



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



Picture 6. The house in Vounaki

