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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

41st meeting
Strasbourg, 30 November – 3 December 2021

New complaint: 2020/6

**Presumed threat to Tagus Estuary Special
Protected Area from a new airport (Portugal)**

- COMPLAINT FORM -

*Document prepared by
Sociedade Portuguesa para o Estudo das Aves*

**Convention on the Conservation of
European Wildlife
and Natural Habitats**



COMPLAINT FORM

NB: Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.

Please, fill in this form and send it to the attention of:

Bern Convention Secretariat

Directorate of Democratic Participation
Council of Europe
F-67075 Strasbourg Cedex

E-mail: Krzysztof.ZYMAN@coe.int

First
name:.....José.....
Surname(s)...Alves.....
On behalf of (if applicable): SPEA – Sociedade Portuguesa para o Estudo das Aves.....
E-mail: joaquim.teodosio@spea.pt.....
Web site: .. www.spea.pt.....
Date : 01.09.2020

Electronic Signature

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

The proposed new Lisbon airport will be located on the left bank of the Tagus Estuary, partially overlapping the SPA. The future landing and take-off overflights will cross the SPA area and will strongly affect waterbirds (see Fig.1 in 6. and original paper attache). This poses a major threat to the persistence of this area as one of the most important breeding, wintering and stopover site for waterbirds using the East Atlantic Flyway (EAF). The Tagus estuary is the most important wetland in Portugal for migratory waterbirds (hosting the largest concentration in the country), being one of the most important estuarine systems for waders along the EAF and the second most important in the Iberian Peninsula.

Placing an airport between areas of intertidal flats and in the vicinity of the high-tide roosts (Fig. 1) will cause a very high level of disturbance to several thousand waterbirds. Furthermore, the foreseeable urban development of multiple airport services (e.g. parking, transportation hubs, etc.) will pose an additional pressure.

Despite the very high ecological importance of the area, the Environmental Impact Assessment (EIA) is clearly deficient and presents several problems. It does not consider the use of the area as a stopover site by migratory species and its assessment of noise disturbance on birds is exclusively based on counts conducted more than 15 years ago during the wintering period. It considers that the airport would only have local impacts and fails to consider the large international implications although thousands of migratory birds will be affected, which are shared with at least 20 other countries.

The EIA calculations of the level of disturbance due to noise are erroneous, resulting in severe underestimates of the magnitude of the disturbance, as well as of the percentage area affected by the movement of the airplanes. By correcting the values presented in the EIA, we concluded that 49% of the total intertidal area of the Tagus estuary will be exposed to levels of disturbance known to induce response behaviour of birds (including taking flight), and that 60% of the most important high-tide roost will also be affected. By incorrectly estimating the affected area, the compensation measures are totally inadequate based on the erroneous assessment. Given that 49% of the intertidal feeding areas will be affected, it is impossible to compensate for such impacts as only 51% of that habitat will remain available and most of these flats already have other significant pressures (e.g. intense shell-fishing) once they are located outside the SPA.

The constant movement of waterbirds (including large flocks of species such as flamingos and geese) in the surrounding area will pose high risk for aerial navigation due to the likelihood of bird strikes, which may result in extreme measures such as population control if the airport becomes a reality, although it is stated this will not be allowed on the *Declaração de Impacto Ambiental* (Environmental Permit issued by the Portuguese Environmental Agency on January 2020).

In our view, the construction of this airport is the top site-based threat facing EAF coastal migratory waterbird populations and violates Bern Convention Article 1 paragraph 2, Article 3 paragraph 2 and Article 4.

Portugal is the contracting party but bird populations of all contracting parties within the EAF (and beyond) will likely be affected.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Several species will be particularly affected by the increased levels of disturbance, specifically *A. anser*, *A. cinerea*, *C. alba*, *C. alexandrinus*, *C. alpina*, *E. garzetta*, *H. ostralegus*, *L. lapponica*, *L. limosa*, *N. arquata*, *R. avosetta* and *P. squatarola*. This list includes four species which are globally Near Threatened, two of which have ongoing AEWA action plans (Black-tailed godwit and Eurasian Curlew), as does Eurasian Spoonbill.

Estuarine area; key habitat for several species of waterbirds during different stages of their annual cycle. Particularly important as foraging and roost areas during winter and migration, due to extensive tidal flats and network of high-tide roosts (e.g. saltmarshes, active and inactive salt-pans, rice-fields). The area is important for at least 16 species of wintering or staging waterbirds and has been designated as an Important Bird Area IBA by BirdLife International for eight breeding populations (*C. ciconia*, *E. garzetta*, *I. minutus*,

A. purpurea, *H. himantopus*, *C. alexandrinus*, *G. pratincola* & *S. albifrons*). Several species use the area in internationally important number (i.e., more than 1% of the biogeographical population). **Please see attached table in pdf.**

3. What might be the negative effects for the specie/s or habitat/s involved?

Most species using this area forage in the vast intertidal flats during the low tide period and commute to high-tide roosts twice a day. Placing an airport in-between the intertidal flats and the vicinity of the high-tide roosts (Fig. 1) will cause a very high level of disturbance to several thousand waterbirds. Furthermore, the foreseeable urban development (due to the development of multiple airport services, e.g. parking, transportation hubs, etc.) will pose an additional pressure to both the intertidal and supratidal habitats of this wetland.

The EIA assesses the airport as having only local impact, but the international implications were not considered although thousands of migratory birds will be affected, which are shared with at least 20 other nations

The EIA calculations of the level of disturbance due to noise of the airplanes to the nearby intertidal and roost sites are erroneous and resulted in severe underestimates of the magnitude of the disturbance, as well as of the percentage area affected by the movement of the airplanes when landing and taking off.

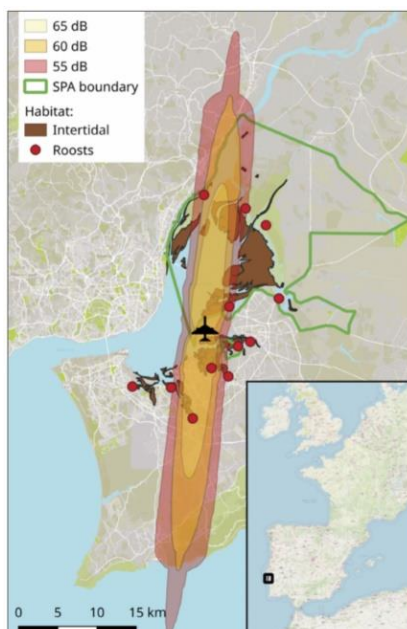
4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

Tagus Estuary SPA/Emerald Network Site (PTZPE0010), 44,011.28 ha; Ramsar site (no. 211), 14,563 ha; Tagus Nature Reserve 14,416.14 ha. The species are listed under the AEWa Agreement.

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

On June 2020 SPEA and other 7 Portuguese NGOs filed a court action with the Lisbon Administrative Court against the Environmental Impact Statement (EIS) of Montijo Airport and the case is ongoing. Following a submission by SPEA in December 2019, AEWa has opened an Implementation Review Process, The Ramsar Convention is also considering the case following a submission by the Curlew Forum Steering Committee in early 2020. The European Commission is being kept informed

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)



Tagus Estuary, Portugal Lisbon, 38°50'N , 008°57'W

Paper attached and link also provided here:
www.waderstudygroup.org/article/13804/

Fig. 1. Noise cone projection for the proposed new Lisbon airport located in the Montijo peninsula (aircraft icon), as reported in the EIA, given the orientation of the single runway and flight patterns (e.g. jet aircraft type, altitude). Three decibel levels are depicted from 55 dB (with reported effects on birds, including displacement flights) to 65 dB (when up to 50% of birds show abnormal behaviour)¹¹; only the latter is considered as requiring compensation for impacts on habitats affected within the SPA boundaries (figure: Joshua Nightingale).

