

August 2009

# Physical protection of bottom habitats as a conservation measure

## The Swedish marine Natura 2000 sites Fladen and Lilla Middelgrund

### Background

Today it is nearly impossible for the responsible authorities in EU member states - in Sweden the County Administrative Boards - to regulate fisheries which take place in areas designated as marine protected areas. The crux of the problem is a result of fisheries policy and nature conservation policy having mutually exclusive objectives and that protecting the short-sighted economic interests of fisheries has so far been prioritized over conservation interests.

This problem becomes very clear in marine Natura 2000 sites designated under the European Habitats Directive. Greenpeace has therefore chosen to physically protect the two offshore sites Fladen and Lilla Middelgrund in Kattegat 20 km off the coast of Varberg in Sweden, to highlight the conflict between conservation policy and fisheries policy. The sites are partially inside the Swedish Exclusive Economic Zone and partially inside territorial waters.

Through this process we want to show the EU and its member states, the urgent need for radical reform of the EU Common Fisheries Policy in order to provide Member States with the measures to regulate fisheries and so ensure favorable conservation status for sensitive habitats in designated Natura 2000 sites and other forms of marine protected areas. In short: Greenpeace wants to give the responsible authorities the tools to create real marine reserves, closed to all extractive activities.

### Fladen and Lilla Middelgrund

Through the establishment of Natura 2000 sites the Swedish government has committed to protect these two offshore sites. These sites are designated to protect two habitats – reefs and sand and gravel banks. A third Natura 2000 habitat is found but not yet reported from the sites - bubble reefs. The sand and gravel banks also include maerl beds. Fladen and Lilla Middelgrund are the only known sites for maerl beds and bubble reefs in Sweden.

These areas are also important winter feeding grounds for a very large number of sea birds. Harbour porpoises are frequently spotted in the area and large areas are covered with kelp forests teeming with marine life. Before the fish stocks of Kattegat collapsed – for example the cod has decreased by 95 percent since 1995 - the areas were important feeding grounds for fish and a spawning ground for herring.

### The Greenpeace project

The project to place trawling obstacles in the form of large boulders, of the same type of stone already present in these areas, has been open and transparent from the start. The main phases of our work are summarized below:

**Autumn 2008**

Development of Environmental Impact Assessments, (EIAs), to thoroughly investigate any possible negative effects of the placement of boulders of a type naturally occurring in the areas, with the objective of stopping the bottom trawling. The EIAs show no negative effects. Compared to a scenario without implementation of any protective measures, the placement will have very positive effects, since bottom trawling is one of the main threats to the habitats that the Natura 2000 sites are established to protect.

**March 2009**

Greenpeace officially notifies its intention to place trawling obstacles on Fladen and Lilla Middelgrund to the County Administrative Board in Halland. The EIAs are sent to the authorities and published on our project blog [www.greenpeace.se/mkb](http://www.greenpeace.se/mkb) and all stakeholders, fishermen, scientists, civil servants etc. are invited to publish feedback on the blog. The EIAs are translated to English to make it possible for people outside Sweden to comment on the process.

The County Administrative Board of Halland asks different authorities for their official response to Greenpeace intention of placing trawling obstacles.

**Public hearing**

Greenpeace invites all stakeholders, the fisheries association, county administrative board, anglers associations, national authorities for fisheries and nature conservation and the public, to a hearing. The objective is to get further feed back on the project and EIAs.

**The fishermen**

During the hearing the head of the regional fishermen's association Hallandsfiskarna, Viking Bengtsson, says that "Greenpeace is a godsend". The reason is that his organization has been proposing a reformed fisheries management in the region with an ecosystem approach for a number of years without any positive response from the authorities or regional media. The regional fishermen – responsible for most of the fishing on Fladen and Lilla Middelgrund – also says the placement of stones are unnecessary, but are glad that Greenpeace raises the need for a reformed ocean management.

The regional fishermen has developed a policy program which includes a closure of not just Fladen and Lilla Middelgrund, but all offshore banks in Kattegat during the spawning period. They also propose a fishing ban in a radius of 200 meters from all known wrecks in Kattegat. During the meeting they also express their serious concern about the lack of support from national authorities when it comes to their work with the development of more selective fishing gear.

**The anglers**

The anglers applaud the Greenpeace plan to place trawling obstacles, anglers that have been fishing in the area for decades bear witness of the drastic decline in catches. They also describe the huge potential for regional businesses that a healthy sea with fish stocks provides, since Sweden (total population nine million) has two million anglers that go fishing at least a couple of times each year. Today the west coast of Sweden has lost all of this business to Norway which has healthy fish stocks and a large developed tourist industry based on sports fishing with purpose built camps.

**The County Administrative Board**

The Halland County Administrative Board says that they have been investigating the possibilities to establish marine nature reserves on Fladen and Lilla Middelgrund, in order to put the necessary fishing bans in place and protect the vulnerable habitats identified in the conservation plans they made for Fladen and Lilla Middelgrund.

They explain, frustratedly, that they have been asking the national authority Swedish environmental protection agency, SEPA, several times whether it is possible to establish a marine nature reserve in the economic zone – without getting any answers.

In the end they conclude that it is not possible to establish marine nature reserves, which could be closed to fisheries, in the economic zone. Therefore they do not have the tools (legally) to regulate the fisheries in the areas, even though they need to be protected against bottom trawling and over-fishing.

**April 2009**

Greenpeace organizes an information tour with the Rainbow Warrior along the Swedish west coast, from Strömstad next to the Norwegian border, down to Varberg. During the tour we invite the public, politicians from the Committee on environment and agriculture in the Swedish parliament and scientists. The team also paid visits to the two major marine research centers, Tjärnö marine biological laboratory in Strömstad and the National fisheries laboratory in Lysekil.

Swedish scientists are still reluctant to openly support the physical protection of the sites, since a lot of their funding come from fisheries-related sources, but off the record many applaud the initiative. Greenpeace has even received advice on how the trawling obstacles can be designed to be more effective.

**Diving expedition**

Greenpeace documents Fladen and Lilla Middelgrund for 10 days with drop cam (under water camera that is lowered from the ship) and five divers. More than 30 hours of drop cam video and thousands of images are taken of the seabed. This is to date the most thorough photo and video documentation that has been made public from the areas.

**May 1 2009 - Deadline for the authorities official responses**

Responses came in from the Swedish Environmental Protection Agency, Swedish Maritime Administration, the Legal, Financial and Administrative Services Agency, the Swedish Board of Fisheries, Swedish Coast Guard and the Swedish Transport Agency.

Authorities confirm Greenpeace's action will **NOT** constitute:

- Dumping
- Environmentally hazardous activities
- Environmental damage
- Water Activity as defined in the Swedish Environmental Code Chapter 11 (not entirely undisputed by two agencies, with very weak legal argumentation)
- A measure violating any shipping rule
- A measure violating the UN Convention of the Law of the Sea

**What Greenpeace wants**

Greenpeace urges the Swedish government to:

1. Strongly pursue a thorough reform of the EU's Common Fisheries Policy during the Swedish presidency in order to clearly emphasize the need for integrated ocean management and make it possible for the member states to ban destructive fishing in Natura 2000 areas and other forms of marine protected areas in the economic zone.
2. Immediately prohibit trawl and net fisheries in the Natura 2000 sites Fladen and Lilla Middelgrund to ensure favorable conservation status of the habitats and species in the sites. The placement of trawling obstacles could serve as an interim conservation measure until legal measures are in place.
3. Immediately take the initiative, together with the Environmental Protection Agency, the National Board of Fisheries and the County Administrative Boards, to protect all Swedish marine Natura 2000 sites from fisheries that can damage habitats and species.

**More materials**

All documents such as official responses, maps, fact sheets, transcripts from the hearings, etc are available at [greenpeace.se/mkb](http://greenpeace.se/mkb) - click In English for the translated versions of the documents.