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Message of concern to the Ramsar Convention regarding Lista Wetlands System (Listastrendene), site nr. 804, Norway

The [Lista Wetlands System](#) comprises a total of ten separate protected sites (designated under Norwegian legislation as either nature reserves, bird (and plant) protection areas, or as landscape protection areas). Lista Wetlands System is entirely situated in Farsund municipality in Agder county, south-west Norway. The Lista Wetlands System is of international importance to birds. The protected areas also include maritime zones. The maritime zones are protected in order to safeguard important feeding and wintering areas for waterbirds and includes areas with a rich and varied areas of seaweed. The maritime zone is an important spawning and rearing area for fish. According to the conservation regulations in the bird protection areas *all birds, including their nests and eggs, are protected from all forms of damage and unnecessary disturbance.*

Recently, an updated management plan for «Listastrendene» (Lista Coastal Zone), which includes the Lista Wetlands System Ramsar Site) was published. The plan was prepared by the County Governor in Agder and approved by the Norwegian Environment Agency. The updated management plan allows watersport activities to take place in parts of the bird protection areas that already have Ramsar status, namely in Fuglevika, Kviljodden and Havika. Such a proposal goes against the intentions for protecting these areas and creates even more pressure upon already vulnerable bird populations. Personal watercraft are not forbidden within the Ramsar Site under the management plan, BirdLife Norway would like to ask for advice from the Ramsar Convention as to whether or not the proposed changes are in accordance with Norway's duties under the provisions of the Ramsar Convention.

Under the Ramsar Convention, Norway is obliged to ensure sustainable use of wetlands to safeguard their ecological function. Regulating and restrictions of access and disturbance are a part of this. BirdLife Norway realise that compromises may need to be made even within Ramsar sites. The whole Lista Coastal Zone needs to be managed according to knowledge-based, differentiated management. However, we would like to point out that the areas between Fuglevika and Havika are among the largest uninterrupted shallow coastal waters in southern Norway, and this makes the area extremely important for birds, including wintering, migrating, and breeding birds. A large proportion of the bird species present are globally red-listed species, including common eider *Somateria mollissima*, horned grebe *Podiceps auritus*, long-tailed duck *Clangula hyemalis* and velvet scoter *Melanitta fuscus* – these are also among the most abundant species present in the area. There are often several hundred individuals present in the area, with four-figure totals during migration periods. This places a special responsibility upon

management authorities, also from an international perspective, and emphasises the important of correct management of Lista Coastal Zone.

The shallow waters (less than 10 metres deep) between Fuglevika and Havika have a total surface area of 6.8 km², and yet only three small areas together making up a surface area of 0.85 km² (or 13 % of the total area) have at present any form of restrictions towards water sports. If we consider the whole of the coast of Lista, then only 9 % of the area has a ban on various forms of water sports. The management plan reduces the undisturbed area available for birds still further. In our opinion, conservation values must be given first priority in areas of particular importance for conservation, such as in areas protected for their bird life. Fuglevika, Kviljodden and Havika are important for birds that seek refuge during sailing activities in other adjacent areas. The loss or reduction of these safe areas would result in poorer conditions for birds, and a reduction in available areas for feeding and comfort activities for birds. At worst, birds may become so stressed that they become displaced from the whole area.

Possible compromises are often suggested to accommodate both wildlife and human activities in protected areas. In the case of Lista, we believe that such compromises have already been made, where water sports are permitted in three-quarters of the shallow waters and in all waters over 10 metres deep. It should also be pointed out that there are no access restrictions in the protected areas at Lista, apart from a ban on off-road motorised transport on land.

Southern Norway is also special in a European context in having relatively few areas of shallow water, and often with some distance between such sites. Lista is the only sizeable shallow water area between the Oslo Fjord and Jæren, meaning that one needs to travel either 65 km to the north-west or over 200 km to the north-east to find roughly similar areas. Should the quality of the shallow water areas around Lista become further weakened, then the birds that are dependent upon this important staging and wintering area would need to move a considerable distance to the nearest suitable area.

Both the Norwegian Environment Agency as well as the Ministry of Climate and Environment have previously stated that windsurfing/water sports in bird protection areas are in conflict with the conservation intentions and conservation regulations regarding *unnecessary disturbance* to bird life. This has been the case for the Nordhasselvika bird protection area (which is part of the Ramsar site). Please see attached complaint procedures from 2008.

The shallow waters between Fuglevika and Havika

The red-list categories used below are in accordance with the Norwegian Biodiversity Information Centre (Artsdatabanken) Norwegian red list for species (2015) and the IUCN global red-list (2016): endangered (EN), vulnerable (VU), and near-threatened (NT).

The area involved is the largest continuous area of shallow coastal waters at Lista, and undoubtedly the most important area for waterbirds along the whole peninsula. The area is also one of the most important for staging and foraging seabirds throughout the year: as a wintering area, staging area and feeding area for migratory birds, as a moulting area, and as a rearing and feeding area for breeding birds. Horned Grebe (VU), Common Eider (NT), Long-tailed Duck (NT), Velvet Scoter (VU) and Common Scoter (NT) are among the most common species present, often with several hundred individuals, and sometimes into four figure totals.

Many of the species that winter at Listastrendene, such as several species of divers and grebes, Greater Scaup, Common and Velvet Scoter, and Long-tailed Duck breed largely in the uplands

and/or in the Arctic. These are marginal breeding areas as snow and ice can often occur well into June, and winter conditions can return already in September. Breeding birds are dependent upon acquiring enough body-fat reserves and to be in as good a condition as possible whilst in the wintering areas in order to have enough body resources available to be able to lay a clutch of eggs as soon after arriving at the breeding grounds as possible. The young also need to develop such that they can leave the breeding areas before the onset of snow and before the breeding pools freeze over. Poor body condition on the wintering and staging grounds could result in poor breeding success or even pairs skipping breeding attempts altogether.

In recent years a noticeable decline in numbers of populations of waterbirds has been observed in Norway. This applies also for several species that winter along Lista Coastal Zone including for example Horned Grebe and Velvet Scoter.



Figure 1. Protected Ramsarareas along the Lista Coastal Zone (Fuglevika, Kviljodden and Havika) where watersports now is permitted.

Trials on the effect of disturbance from watersport activities

In the updated management plan, it is stated that the County Governor has decided upon a differentiated management for kiting, windsurfing and surfboarding / SUP around Fuglevika, Kviljo and Havika, based upon new information. Based upon current knowledge, the County Governor concludes that these activities can take place in restricted parts of the protected areas without this causing unnecessary disturbance to birds. We understand that the new information referred to is four short documents from the consultancy firm Ecofact (attached). Yet these documents do in fact support what BirdLife Norway have always maintained – that different watersport activities cause disturbance to seabirds over a wide radius.

The documents prepared by Ecofact are included as supplements in the updated management plan, and clearly indicate that watersports cause a lot of disturbance to seabirds and waterbirds. Distances at which birds exhibit avoidance behaviour are large, despite the fact that trials at Lista have involved one or only a few windsurfers. Various species react negatively to disturbance at various distances. The studies showed that a single windsurfer caused birds to be visibly disturbed at a distance of 150-200 m. A day with several windsurfers and wave surfers

users, perhaps combined with leisure activities on the shore, would result in considerable disturbance towards birds. Permitting such activities in the protected areas would set a precedent for further management of such areas.

A summary of results of trials on effects of disturbance at Lista carried out by Ecofact:

- A trial on the effects disturbance from kiteboarding on 24th November 2014 resulted in birds reacting negatively already when the sail was raised on land, and Common Eider reacted to this at a distance of over 250 m. Some birds moved around within the bay where observations were made, whereas Long-tailed Duck flew out of the bay when the source of disturbance was over 100 m away.
- A trial on the effects of wave surfing at Havika on 7th December 2014 revealed that birds reacted to the disturbance by moving to an undisturbed part of the same bay where the activity took place. The trial was made with few wave surfers, on a day without disturbance from other sources such as from walkers. Long-tailed Duck, Velvet Scoter and Common Goldeneye *Bucephala clangula* were found to be most sensitive to this disturbance, and a distance of 150-200 m was considered to be necessary to avoid disturbance to these species.
- A trial on the effects of windsurfing in Fuglevika on 13th December 2014 resulted in flight reactions from ducks at a distance of 100-150 m. Ducks at about 400-500 m distance were also observed to be unsettled, but this may have been a reaction to the initial disturbance of ducks closer to the source of disturbance.
- During a trial upon the effects of windsurfing at Bausjebukta on 7th December 2014, waterbirds were seen to react to the disturbance at a distance of up to 500 m. Birds took flight at shorter distances (50-350 m) from the source of disturbance.
- During another trial on the effects of windsurfing in Bausjebukta on 13th December 2014, ducks reacted to the disturbance at a distance of at least 500 m. Birds took flight at shorter distances, of around 150-400 m. Common Scoter, Velvet Scoter, Common Goldeneye and Long-tailed Duck reacted by taking flight, whereas common eider swam away from the source of disturbance.

Ecofact have stressed in their documents that the trials represent a *state of the moment* situation, and that different weather and other conditions might give different results. On this basis, Ecofact are of the opinion that more trials are needed, and that the results need be interpreted with caution. The cumulative effects in periods with a lot of disturbance would give different results. There are often more windsurfers when conditions are right. The effect of disturbance is likely to increase with an increase in the number of windsurfers.

BirdLife Norway consider the suggestions from the County Governor to be both illogical and a poor solution for nature conservation. If the County Governor were to take the results of the trials into account, they would have suggested a 250 m buffer zone from the bird protection areas as such. The argument that windsurfing and kitesurfing can take place 250 m or more from the shoreline at Kviljodden is therefore unreasonable. The results of such a management option are that all waders and waterbirds will be scared away from the area. It appears that the County Governor have only taken terrestrial bird species into consideration, even though the occurrence of staging and feeding birds in the sea area around Kviljoodden are well documented and are a central part of the site having status as a bird protection area.

Personal watercraft

According to the conservation regulations, motorised transport on land is forbidden in the protected areas. No such restriction exists at sea, presumably because one has intended to allow boat traffic. Personal watercrafts were forbidden in Norway until 2013 and were therefore not a relevant problem when the conservation regulations were made. The national legislation on use of personal watercraft was repealed in May 2017. This change in the national legislation makes listing of specifically personal watercraft in the regulations for the protected area necessary.

The updated management plan does not suggest a ban on personal watercraft. According to the plan then «...*personal watercraft and other leisure craft at sea would be forbidden if the activity was considered to disturb bird life*». NOF consider it as unfortunate that personal watercraft are treated in the same way as other leisure craft (which have not been a problem in the Lista Coastal Zone. There are several smaller harbours and boat houses for leisure boats within the bird protection areas, which the management plan states should remain. It is also up to every individual to assess whether their own activities cause disturbance, which in practice means that there is no ban on personal watercraft within the bird protection areas. An earlier suggestion from the County Governor was much better formulated, as it stated: *We consider use of water scooter to cause unnecessary disturbance to bird life, and this will be forbidden in accordance with the conservation regulations for these areas.*

We look forward to a reply from the Ramsar Convention and are willing to participate in further discussions and follow-ups on this matter.

For Norsk Ornitologisk Forening (BirdLife Norway)

Kjetil Aa. Solbakken

Kjetil Aa. Solbakken, Executive Secretary

Vedlegg

- Tysse, T. 2015: Notat Ecofact: Brettseiling og fugl – Nordhasselvika den 7.12.2014
- Notat Ecofact: Brettseiling og fugl – Bauskjevika den 13.12.2014
- Notat Ecofact: Brettseiling og fugl - Fuglevika, 13.12.2014
- Notat Ecofact: Bølgesurfing og fugl - Havika, 7.12.2014
- Oddane, B. 2015: Notat Ecofact: Kiting Steinsvika, 27.11.2014
- FORVALTNINGSPLAN FOR LISTASTRENDENE LANDSKAPSVERNOMRÅDE med tilhørende plante- og fuglefredningsområder (del 1, 2 og 3). Statsforvalteren i Agder.
- Nordhasselvika fuglefredningsområde - omgjøring av fylkesmannens vedtak om dispensasjon til brettseiling. Direktoratet for naturforvaltning (2008)
- Avgjørelse av klage på vedtak om omgjøring av tillatelse til brettseiling i Nordhasselvika fuglefredningsområde. Miljøverndepartementet (2008)

KOPI:

Miljødirektoratet

Klima- og miljødepartementet

Statsforvalteren i Agder