



Federation for Hunting & Conservation – Malta (FKNK)

**Critique of the draft consultative Trees and Woodlands
Protection Regulations, 2011**

4th November 2011

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L.N. 200 of 2011 headed ‘ENVIRONMENT AND DEVELOPMENT PLANNING ACT’ (CAP. 504) incorporates the Trees and Woodlands Protection Regulations, 2011.

It is astonishingly clear that the draft regulations are the result of armchair thinking with little basis in reality.

The Federation for Hunting & Conservation – Malta (FKNK) strongly objects to certain sections of the draft Trees and Woodlands Regulations. This paper seeks to identify those objections and the reasons behind them.

A. Of the gravest concern

Of particularly grave concern are the following parts of the proposed regulations:

no. 4 section (c) of Part II which declares that all trees sited in the Tree Protection Areas or other protected areas are protected, except trees listed in Schedule III;

no. 8 section (1) of Part III which declares that the trees listed in Schedule III to the regulations are deemed to be species causing damage to biological diversity of trees or woodlands in Malta, or to the natural environment in general;

no. 8 section (2) of Part III which states that no person shall propagate any species listed in Schedule III to these regulations, unless duly authorized;

no. 9 (1) (a) which specifies that “the Competent Authority” may order any person responsible for the land in which any tree listed in Schedule III is sited to destroy and remove any such tree, where such removal would, in the Authority’s opinion, constitute an environmental improvement; and

no. 9 (2) which gives the Competent Authority the power to destroy and remove any such tree at the expense of the said person if such person fails to comply with any such order.

It is extremely worrying to note that the list of trees under Schedule III described as “invasive, alien or environmentally-incompatible species” includes *Acacia karroo* (Maltese *Akaċċja tax-Xewk*, English *Karoo Thorn*), *Eucalyptus camaldulensis* (Maltese *Ewkaliptus*, English *Red Gum*) and *Eucalyptus gomphocephala* (Maltese *Ewkaliptus*, English *Tuart*).

B. Environment ‘miracle’

Over the last 30 years, anyone going for rambling walks in the Maltese countryside could not have failed to notice that the islands present a less arid landscape and much more greenery than in former times in spite of all the adverse conditions, such as lack of water resources. This environment ‘miracle’ did not happen overnight. It took much time and patience, and was mainly brought about by the hunters and trappers of Malta and Gozo who did their utmost to transform their mini-acres from semi-desert into miniature oases. They did this by investing their time, labour, energy and money in planting thousands of trees and nursing them to full growth. The trees they planted were varied, and apart from the so-called ‘indigenous’ ones such as the carob, olive, and Aleppo pine, they also planted a host of fast-growing trees the majority of which are acacia and eucalyptus. As a result of their efforts, the Maltese and Gozitan countryside looks a great deal better than it did a generation ago. The map at the end of this Report shows the density (as many as 200 woodlands) of mixed acacia/eucalyptus tree plantations planted and cared for by Maltese hunters and trappers at the southern end of Malta. It serves as a sample that reflects the situation obtaining in the other countryside areas of the Malta. Hunters and trappers on Gozo have dedicated the same energy and effort to create the same effect. As a result it cannot be denied that, without any fanfare, the hunters and trappers have contributed the lion’s share to the greening of the Maltese islands over many years.

Now, however, a monster is rearing its head! The new Trees and Woodlands regulations are all set to deal a major blow to this great achievement, inasmuch as they pave the way for the possibility that all such trees may be destroyed and removed.... at the sole discretion of the Competent Authority.

That would be a great folly and would constitute a massive setback for the very environment they purport to protect.

We would like to prove the truth of what we are stating by giving examples:

Example 1

We summarize hereunder what we have gathered from various sources¹ about *Acacia Karroo* (*Sweet Thorn*), which the new Trees and Woodlands regulations have condemned under Schedule III:

This tree is considered to be one of the most beautiful and useful trees. Its bright yellow flowers look very striking against the dark green foliage, and its rough, dark brown bark is also most attractive. It is also a particularly good fodder tree: stock and game feed on the leaves, flowers and pods. ***The flowers produce a large amount of nectar and pollen for bee-farming, and the honey has a pleasant flavour.*** In arid areas the sweet thorn is an indicator of water, both

¹ References for *Acacia karroo* [1] Barnes, R D et al : 1996 *Acacia karroo*. Tropical Forestry Papers 32. Oxford Forestry Institute. Oxford. [2] Venter, F and J-A. 1996. Making the most of Indigenous Trees. Briza Publications. Pretoria.

underground and surface. *Acacia karroo* has a life span of 30-40 years and is able to establish itself without shade, shelter or protection from grass fires. Very importantly, this tree which has a long taproot enabling it to draw water and nutrients from deep underground, **also has the ability to fix nitrogen**, and that leads to grasses and other plants thriving in its shade. The sweet thorn has many medicinal uses ranging from wound poultices to eye treatments and cold remedies. ***Its flowers are sweetly scented and are renowned for attracting insects which are essential for insect-eating birds. Birds also like to make nests in thorn trees, as the thorns offer them some protection from predators.*** Caterpillars of 10 species of butterflies are dependent on the tree for survival. It is a most useful tree for small holdings and farms where it can be planted for shade and as a windbreak.

It is pertinent to note that, according to a study published on 13 February 2010 by the Medical Association of Malta, although many people blame acacia for their allergies, the pollen-laden tree is a relatively innocent victim with an unfairly bad reputation. Less than 7% of patients with severe asthma have been found to be allergic to the bright yellow flowers of the acacia tree, whereas the innocuous-looking olive tree was found to be allergy-inducing for 11% of the patients.

Example

2

The *Eucalyptus camaldulensis* (Red Gum) is one other tree that is likely to disappear from our countryside if the new Trees and Woodlands regulations are implemented as proposed without any modifications. Here is what we have discovered about this tree²:

The *Red gum* is so named for its brilliant red wood, which can range from a light pink through to almost black, depending on the age and weathering. Traditionally used in rot resistant applications like stumps, fence posts and sleepers, more recently it has been recognised in craft furniture for its spectacular deep red colour and typical fiddleback figure. It is quite hard, dense (about 900 kg/m³), can take a fine polish and carves well. It is a popular timber for wood turners, particularly if old and well-seasoned. It is also popular for use as firewood. The wood makes fine charcoal. ***In addition, this plant is used for beekeeping.***

It is one of the most widely planted eucalypts in the world (ca 5,000 km² planted). ***The areas of significance to humans of Eucalyptus camaldulensis include agricultural, ecological, cultural, and recreational significance.*** The speed of growth of the tree makes it a useful plantation timber. ***Apiarists also use the tree's flowers for honey production.*** *E. camaldulensis* is important in ***supporting the ecology of its habitat through providing food, and shelter for breeding.*** The use of the waterways for recreation also occurs within the habitat of the river red gum, again due

² References for *Eucalyptus camaldulensis* [1] Hocking D. 1993. Trees for Drylands. Oxford & IBH Publishing Co. New Delhi. [2] Webb DB, Wood PJ, Henman GS. 1984. A guide to species selection for tropical and sub-tropical plantations. Tropical Forestry Papers No. 15, 2nd edition. Commonwealth Forestry Institute, Oxford University Press.

to their fundamental link to watercourses and floodplains. Recreation would vary with the season.

Example

3

Our third example concerns the *Eucalyptus gomphocephala* (Tuart)³:

Eucalyptus gomphocephala tolerates strong coastal winds and sandy, alkaline soils derived from limestone. It performs best in coastal or sub-coastal sites and under cultivation is a hardy, shady tree. *Eucalyptus gomphocephala* produces hard, dense, durable wood that is relatively termite-resistant and in the past has been used for keelsons, stern posts, bridge supports, shafts and wheelwright work. ***It is also an excellent honey producer***, considered moderately salt tolerant and tolerates salt laden winds. Its erosion control potential makes it excellent for sandy sites. It has a moderate to high wood density that is greater than 600 kg per cubic metre. ***Importantly, its carbon sequestration potential is high.***

As a potential farm use, it makes for an excellent windbreak, is good for fence posts, and offers a shelterbelt or shade for stock. ***Its flowers produce nectar for honey production, and are also especially attractive to birds.*** The tree provides high quality fuel wood, and its wood is used in the manufacture of poles (building, transmission, piling) and posts (including fencing).

The above examples testify to the fact that the more common of the tree species under attack by the new regulations have uses that far outweigh any negative properties they may have.

C. Importance of Eucalyptus to local beekeepers

On 2 February 2011 Michael Angelo Muscat of Attard, a prominent Maltese beekeeper, publicly stated that “the imported eucalyptus tree is a godsend to the local bee colonies, including the endemic *Apis mellifera ruttneri*, the small Maltese black bee. This tree produces an abundance of nectariferous flowers right through the hot summer, providing a rich source of nectar which gives our bee colonies fresh hope of survival in an otherwise hostile, dry and barren summer environment”.

In 40 years of beekeeping, he noted that the worst season for local bees used to be the summer when a tenth of bee colonies used to die out annually mainly through lack of forage.

According to Mr. Muscat, the eucalyptus tree was a major contributor to the survival of the bee population of our islands during the 1992 epidemic of the parasitic mite *Varroa jacobsonii*.

³ References for *Eucalyptus gomphocephala* [1] Boland DJ, Brooker MIH, Chippendale GM, Hall N, Hyland BPM, Johnson RD, Kleinig DA, McDonald MW, Turner JD (2006) Forest Trees of Australia. CSIRO Publishing, Collingwood. [2] Marcar NE, Crawford DF (2004) Trees for Saline Landscapes. RIRDC Publication Number 03/108, Canberra.

There is no doubt that the eucalyptus tree provides the Maltese bees with a rich source of nectar during the summer “starvation” season.

D. Invasive alien species?

The definition of invasive tree or plant species varies according to author, but the more common definitions are:

“Invasive tree species are species that are able to survive, reproduce and spread, unaided, and sometimes at alarming rates, across the landscape”⁴.

“Invasive species are alien species which become established in natural or semi-natural ecosystems or habitats, are agents of change, and threaten native biological diversity”⁵.

“Invasive alien species are species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, out-compete natives and take over the new environments”⁶.

The majority of the trees listed in Schedule III are liable for destruction owing to their “invasive” and “alien” properties. Whereas this holds true for certain countries, it is certainly not the case locally. There is hardly one square metre, let alone hectares, of land on the Maltese islands – with the possible exception of garigue – that is not under cultivation of some sort. In effect this means that it is practically impossible for trees to realize their invasive potential on Maltese soil to any significant extent. By its very nature, garigue consists of rocky ground with hardly a centimeter of soil, and this condition renders it impervious to invasion by invasive tree species.

We are referring here to trees, and not to invasive flowers. Even so, we would like to mention here the Cape Sorrel (*Oxalis pes-caprae*). Indigenous to South Africa, this flower is a highly invasive species and noxious weed in many other parts of the world. Introduced in Malta over two centuries ago, it has become a beautiful and outstanding characteristic of the Maltese landscape in winter, and has other benefits for us, including the prevention of soil erosion.

The point here is that whereas it would be a difficult task to eradicate the Cape Sorrel, it should by contrast be dead easy to keep invasive trees, such as the various types of acacia and eucalypt, in check. Vast tracts of uncultivated land do not exist on Malta and Gozo. Therefore, it is practically impossible for such alien tree species to invade anywhere on the Maltese islands.

In conclusion, the ‘invasiveness’ of the trees listed under Schedule III is, in the Maltese context, a veritable non-starter.

⁴ van Wilgen *et al.*, 2001.

⁵ International Union for the Conservation of Nature and Natural Resources, 1999.

⁶ CBD News, 2001.

E. Discrimination

The new Regulations as drafted may lead to measures being taken by the Competent Authority that may be discriminatory, although made in terms of the law.

The 'Israeli' grove at Ghajn Tuffieħa under the management of the GAIA Foundation consists almost exclusively of Acacia species. GAIA takes pains to maintain these trees by watering them, pruning, removal of dead branches, and so on. Will the Foundation's acacia grove face the chop after the new regulations come into force? Not likely.

Similarly many Maltese and Gozitan individuals have long ago planted acacia and eucalyptus groves, and are at pains to see that they keep thriving. Will they be forced to destroy, uproot and remove their trees on the basis of their being 'alien', 'invasive' or 'environmentally-incompatible'? If the answer is yes, would not this constitute discrimination if other recognized entities, e.g. Gaia, are allowed to retain such tree species on their administered lands? Therefore, what are the **non-discriminatory** criteria under which trees will be selected for destruction?

F. Compensatory Measures

The new regulations need to be revised to include provision for compensatory measures. Assuming that a person has been requested to destroy and remove trees from his property in terms of the relevant regulation, allowance has to be made for the fact that their removal will suddenly create an ugly bare scar on the landscape, not to mention the individual's land. Such a situation should not be allowed to happen. Any changes to the landscape resulting from the removal of invasive or alien trees under Schedule III should be carried out in stages, and not in one fell swoop. Furthermore, those persons who have responsibly spent their time and money on the creation of the green acacia/eucalyptus copses that now adorn much of the Maltese countryside should be compensated.

Such compensation need not take a monetary form. What we suggest is that in cases where trees must be removed for regulatory reasons, the process should first of all be a gradual one, and that the person concerned be granted an equal number of replacement indigenous trees to offset the effect of the required action. Where the land is not arable, 'bad' trees must be replaced by 'good' trees. However, this process should not be at the expense of the individual concerned. To do otherwise and to make the individual pay out of his/her own pocket would be equivalent to adding insult to injury.

A corresponding safeguard clause needs to be incorporated into the draft regulations if we are to prevent the Maltese countryside from being laid bare.

G. Conclusion

The draft *Trees and Woodlands Protection Regulations, 2011*, in particular the parts relating to ‘invasive or alien species’, need to be revised and amended to take into account the following:

- (i) that the majority of such species, in addition to their being more beneficial than harmful (as we have demonstrated), contribute in no small measure to the present beauty of the Maltese landscape, and it would be a disaster to legislate for their destruction;
- (ii) that in those cases where it is absolutely necessary to remove such species, the process undertaken should be gradual and carried out in a way that ensures their replacement by trees of a different species;
- (iii) that owners of trees that are to be put down should be given the necessary assistance in adequate measure to enable such persons to replace vegetation by planting alternative trees to ensure the constant upkeep of a green environment;
- (iv) that action against individuals in respect of invasive/alien species will constitute discrimination if no action is taken against recognized entities for identical ‘offences’; and
- (v) finally, that the FKNK, many of whose members are directly involved in the planting and growth of trees, should be represented on the Board of the Competent Authority in order to ensure equitable balance as well as compliance concerning decisions made regarding these issues.

Survey of woodlands in the southern tip of Malta



Survey based on Google Maps 2009 photographic data..

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