TERMS OF REFERENCE FOR THE ENVIRONMENTAL COMMITTEE

Introductory

1.1 The Environmental Committee is a planning strategic committee established by Executive Council and which will report to Executive Council in accordance with the terms of reference below.

Terms of Reference

2.1 The Committee will meet to consider, discuss and make recommendations to Executive Council in relation to environmental issues affecting the Falkland Islands, its internal waters, its territorial sea, its air space and those other areas (including Falkland Islands Designated Areas) in relation to which rights are claimed by or on behalf of the Falkland Islands, which are referred to it by Executive Council, and any matters falling within paragraphs 2.2, 2.3, 2.4 and 2.5.

2.2 The Committee will advise FIG on the implementation of legislation pertaining to the environment, including the Conservation of Wildlife and Nature Ordinance 1999[1] and Marine Mammals Ordinance 1992, including:

(a) management of National Nature Reserves, including access permits;

(b) issue of research licences;

(c) protection of listed species;

2.3 The Committee will advise the Environmental Planning Officer on the management of the Environmental Studies Budget, including

(a) preparation of the Environmental Studies Budget submission for consideration by the Government Secretary, Treasury and then SFC/EXCO/LEGCO;

(b) oversee the expenditure of the budget allocation once approved, following the structure set out in Appendix 2.

2.4 The Committee will advise on the drafting and implementation of the 'Falkland Islands Biodiversity Strategy', associated 'Species and Habitat Action Plans' and Site Management Plans.

[1]The Environmental Planning Officer, or in his/her absence the Director of Minerals and Agriculture, has delegated powers under the Conservation of Wildlife and Nature Ordinance 1999 to grant licences for the killing of turkey vultures for agricultural purposes in certain circumstances, for the conduct scientific research in certain cases and for the collection of penguin eggs for human consumption. Ordinarily the EPO does not consult the Committee in relation to exercise of the delegated powers except in relation to the issue of research licences. A policy relating to research licences and consultation with Committee members has been agreed by Committee and is attached as Appendix 1.

2.5 The Committee will also consider and advise on the following issues, as appropriate:

(a) conservation of marine and terrestrial species and habitats;

(b) how the domestic legislation, policies, programmes and proposals of FIG, public bodies and private companies contribute to environmental protection and sustainable development, particularly of fishing, agriculture, tourism, aquaculture, mineral exploration, waste disposal, quarrying, new roads and other infrastructure, and other developments;

(c) biosecurity, invasive species, wildlife diseases and the importation of biological material;

(d) exportation of biological material from the Falkland Islands, including bioprospecting;

(e) multi-lateral environmental agreements that FIG has signed to, is preparing sign to or should consider, including the Convention on Biological Diversity, Agreement on the Conservation of Albatross and Petrels, Ramsar Convention on Wetlands and Kyoto Agreement;

(f) the designation of National Parks, under the National Parks Ordinance 1998;

(g) the designation of marine National Nature Reserves, under the Conservation of Wildlife and Nature Ordinance 1999;

(h) environmental education and raising awareness.

2.6 Members of the Committee may raise within the Committee environmental issues which are not set out in 2.2, 2.3, 2.4 or 2.5 above or which have not been referred to it by Executive Council. However, before detailed consideration of any such issues is undertaken, the Committee will ask Executive Council whether or not it wishes the Committee to proceed to undertake such detailed consideration.

2.7 The Committee shall (in addition to any other reports) provide Executive Council with an annual environmental report within three months of the end of the financial year.

Meetings

3.1 It is anticipated that the Committee will meet at least once every two months. However, frequency of meetings may be determined by the Committee.

Composition

4.1 To achieve the Terms of Reference, the Committee will consist of:

(1) Councillor for the Environment, nominated by Legislative Council
(2) One Councillor, designated by Legislative Council
(ExCo 239/12)(3) Environmental Officer
(4) Environmental Planning Officer
(5) Member of the community with appropriate interests and skills
(6) Member of the community with appropriate interests and skills
(7) Member of the community with appropriate interests and skills (ExCo 188/15)

and a representative from:

(7) Falkland Islands Tourist Board
(8) Rural Business Association
(9) Falkland Islands Fishing Companies Association
(10) Falklands Conservation

And a non-voting advisory representative from:

(11) South Atlantic Environmental Research Institute (see ExCo 239/12)

4.2 Nominations for positions of community representative will be sought and a decision will be made by vote at a closed session of the meeting. Community representatives will normally serve a period of two years, but initially one community representative will serve a period of one year in order to have an annual rotation of one community representation.

4.3 Any member of the committee with an interest in a matter must have no part of the discussion and leave the meeting.

4.3 A representative of the Fisheries Department, Department of Agricultural & Mineral Resources, Department of Public Works Attorney, Generals Chambers and Falkland Islands Development Corporation may attend where invited specifically to give advice on a matter within their expertise.

4.4 Nothing will prevent any person attending meetings of the Committee with the consent of Members of the Committee.

4.5 The Councillor for the Environment will chair the committee and the Environmental Planning Department will provide secretarial services, including preparation of the agenda and minutes.

These Terms of Reference were approved by ExCo on November 22nd 2007.

Appendix 1 - Policy for issuing research licences

The Environmental Committee requests that the Environmental Planning Officer should submit all research licences for comment and assessment, although understanding that this is not a legislative requirement. However, under the following circumstances, the Environmental Planning Officer can, after circulating to members an application for research by email, issue licences.

This can occur for applications that involve the following:

- Collection and/or export of one bird or animal artefact only (e.g. one egg, one skeleton, one skull, feathers)
- Temporary capture of less than 10 birds or animals
- Temporary or permanent capture of less than 20 zebra trout, depending on location and suspected population abundance

A research licence will only be issued for purposes of research or education, such as for studies of the biology of a species, its health or function and for displays that the general public can access. Licence will generally only be issued to people employed or connected with a scientific or environmental education institute and for people with either demonstrated scientific expertise and experience or having access to a relevant supervisor or supervising body.

Passed at the April 3rd 2007 meeting of the Environmental Committee

Appendix 2 - FIG Environmental Studies Budget Structure

1. ESB objectives

Projects eligible for ESB funding will relate to the management of the biodiversity of the Falkland Islands. Priority will be given to initiatives addressing the key three themes of the draft 'Biodiversity Strategy', which should be finalised towards the end of 2007. The three themes are environmental research, on-ground action and education.

2. Key biodiversity priorities

To meet the three key themes, the draft 'Biodiversity Strategy' lists a number of actions, many of which cross two or even three key themes. Some actions are critical to the survival or sustainable use of some species and habitats, some need to be undertaken immediately, whilst some should be undertaken because there is community willingness. The final 'Biodiversity Strategy' will prioritise actions.

However, in the interim, the following priorities are proposed, based on a biodiversity prioritisation matrix produced at a community workshop held in May 2005 and consultation with key stakeholders and the Environmental Committee during April to June 2007.

<u>High priority</u>

Implementation of key species and habitat action plans (See Part A below)
Prevention and elimination of invasive species (See Part B below)
Management of important bird and plant areas (See Part A below)
Baseline surveying where knowledge gaps exist (e.g. shallow marine environment, off-shore islands, lower plants)
Educational activities and materials

<u>Medium priority</u>

Implementation of less at risk species and habitat action plans (See Part A below)
Long-term environmental monitoring – particularly for climatic and oceanographic conditions
Management of national nature reserves (See Part A below)
Prevention/management of pollution
Livestock-raptor management

<u>Low priority</u>

Sectorial (cross-cutting theme) action plan activities e.g. eco-tourism, aquaculture, agriculture
Environmental data storage mechanisms
Maintenance of national herbarium and insectarium

3. Funds ear-marked for 'action areas'

The ESB is approximately earmarked under the following broad action areas but many proposed projects cross two or more actions. The allocation for 2007/08 is £67,000.

Species and habitat action plans - £15,000 (22%)
Management of important bird and plant areas, and national nature reserves - £15, 000 (22%)
Invasive species - £10,000 (15%)
Baseline surveying - £10,000 (15%)
Educational activities and materials - £7,000 (11%)
Visitor site management plan implementation - £10,000 (15%)

4. Application process

Applicants (landowners, land managers, scientists, individuals, institutions and organisations) are requested to submit a written outline of their project in relation to the area(s) of interest outlined above. Applications should be written in 12 point font in Times Roman or Arial and not exceed four A4 pages.

Proposals should be very clear on how a project would contribute to conservation objectives. Where a project focuses on one site, a site management plan is desirable to identify security of long-term benefits.

The formal application form has the following sections:

- Project objectives
- Background/justification
- Anticipated project outputs and time scale
- Any project progress to date
- Justification of funds being sought
- List of items for funding
- Time line for the use of funds
- Total estimated cost of the project and details of any co-funding
- Project proponents experience and track record in producing results

Where possible, some level of co-funding or in-kind costs (e.g. labour, equipment) is desirable.

A contract will be signed between EPD and organisations and individuals receiving funds. The contract will specify project objectives, proposed activities, an agreed activity timeline, a reporting process for outcomes and arrangements regarding publicity and use of analysed/interpreted data. The specific contract details may differ somewhat for each project funded.

Recipients of funds will be required to submit a funding and outputs report to the Environmental Committee on the completion of their project and acknowledge the use of ESB funding in any publications and publicity. Local publicity is particularly encouraged.

Applications will be considered by the Environmental Committee in 2007/08 in two rounds, with 50% of funds assigned in August (or first meeting thereafter) and 50% in February (or first meeting thereafter). Both funding rounds will be advertised locally through Penguin News, FIRS, Wool Press and other means.

An annual allocation structure could be considered for future financial years. However, two funding rounds might allow a strategic approach as overseas funding bodies have a variety of different deadlines throughout the year, some activities require funding during certain times of the year and land owners and conservation groups often have seasonal lull periods during the year when funding applications can be prepared. In particular, some money needs to remain in the budget beyond October, as the annual thematic areas identified by OTEP (a key funding body for UK OTs) are announced in October, applications are due at the end of November and awarded projects are announced in mid March when any co-funding might need to be made available.

5. Decision-making process

Decisions on applications will be based on the following factors:

<u>For the project objectives</u>

Relevance to the key themes and priority actions of the 'Falkland Islands Biodiversity Strategy'
Urgency – the need to undertake the action immediately or in the medium or long term
Requirement – risk of not doing it or the potential impact if something is done
Community support
Possibility of sourcing funds elsewhere

<u>For the project methods</u>

Capacity of the project/actions and project proponent to meet stated objective(s).
Capacity of budget to meet the stated objectives.

The allocation of funding should be the responsibility of the EPO, with advice from two Councillors on the Committee and the EO.

6. Structural review

The allocation structure of the Environmental Studies Budget will be reviewed annually in June (or next meeting thereafter) by the Environmental Committee.

Part A

1. Species and habitat action plans

Full and abbreviated species and habitat action plans were proposed by A. Douse as part of the drafting of 'Biodiversity Strategy' documents during 2003 - 2005. It is envisaged that these draft documents will be revised and adopted one by one during 2007 – 2008.

Key	Less at risk
Mainland tussac	Endemic plants (13 species)
Whitegrass-fachine acid grassland	Californian Club-rush stands
Fachine scrub	Pelagic cetaceans
Boxwood scrub	Coastal cetaceans
Five critically endangered plants*	Seals and sea lions
Black-browed albatross	Southern giant petrel
Striated caracara	Gentoo penguin
Southern rockhopper penguin	Magellanic penguin
Cobb's wren	Falkland Fritillary
Zebra trout	Ruddy-headed goose
	White-chinned petrel
	Flightless steamer duck
	White-tufted (Rolland's) grebe

* Calceolaria biflora (Yellow lady's slipper), Draba magellanica (Fuegian whitlowgrass), Saxifraga magellanica (saxifrage), Scutellaria nummulariifolia (skullcap) and Suaeda argentinensis (shrubby seablite). Yellow lady's slipper and shrubby seablite are found at one location only and the remaining three are known only from historical records.

2. Key Areas

IBA = Important Bird Area (Falklands Conservation 2006)

IPA = Proposed Important Plant Area (Broughton and McAdam 2002; Broughton pers. comm.). Final list of IPAs to be determined during 2008 by FC's 'Falklands Plant Conservation Programme'.

NNR = National Nature Reserve. Sea Lion Island and Bertha's Beach are proposed.

Priority will be given to projects that focus on sites with IBA, IPA and NNR status.

Site	IBA	IPA	NNR
Beauchene Island	√		√
Beaver Island Group	√		
Bird Island	√		√
Bleaker Island Group	√		√ (north)
Elephant Cays Group	√		
Hummock Island Group	√		√ (Middle only)
Jason Islands Group	√		√ (except Steeple & Grand)
Keppel Island	√		
Kidney Island Group	√		√
Lively Island Group	√		
New Island Group	√		√ (south)
Passage Islands Group	√		
Pebble Island Group	√	√	
Saunders Island	√	√	
Sea Lion Island Group	√	√	√ (proposed)
Speedwell Island Group	√		
West Point Island Group	√		
Bull Point (East Falklands)	√	√	
Hope Harbour (West Falklands)	√		
Seal Bay (East Falkland)	√		
Volunteer Point (East Falklands)	√		√
Bertha's Beach (East Falklands)	√		√ (proposed)
Hill Cove Mountains		√	
West Lagoons Pond, Hill Cove		√	
Port Stephens and Albemarle Coast		√	
Hawk's Nest Ponds & Little Chartres Gully		√	
Long Mountain, East Bay, West Falklands		√	√
Cape Pembroke, East Falklands		√	√
Big Pond, Cerritos, East Falklands		√	
Cape Dolphin, East Falklands			√
Moss Side, East Falklands			√
The Twins, Carcass Group			√
Low Island, Carcass Group			√
Narrows, Dunnose Head, West Falklands			√
Sea Dog & Arch Islands, southwest West Falklands			√

Part B

Species and areas prioritised for invasive species funding will be decided during 2007/08. The South Atlantic region has European Commission funding for 2007 – 2009 to tackle invasive species but only under the auspices of gaining economic benefits. This project will set it's priorities during 2007, but these may not match 'conservation' benefits, such as clearing islands of rats to protect or expand the habitat of Cobb's wren. EPD plans to update the rat eradication programme in late 2007 and any invasive species threats will also be highlighted in species and habitat action plans.

References

Broughton, D.A. & McAdam, J.H. (2002) The vascular flora of the Falkland Islands: An annotated checklist and atlas. Report to Falklands Conservation. The Queens University of Belfast, Belfast.

Falklands Conservation. (2006) Important Bird Areas in the Falkland Islands. Falklands Conservation, Stanley.

Passed at the September 11th 2007 meeting of the Environmental Committee.