

# **Report on the Outcome of the 2019 Spring Hunting Season in Malta**

**May 2019**

**Wild Birds Regulation Unit  
Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights  
Ministry for the Environment, Sustainable Development and Climate Change**

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## Enclosures

- Annex 1:** Report on a survey of the influx of migratory Common Quail and Turtle-dove over the Maltese Islands in autumn 2018
- Annex 2:** Assessment of the conservation status of Turtle-dove and Common Quail, January 2019
- Annex 3:** Licence for 2019 Spring Hunting Season
- Annex 4:** Report on a survey of the influx of migratory Common Quail over the Maltese Islands in April 2019

## 1. Introduction

1.1 This report has been prepared in addition to Malta's formal reporting obligation under Article 9 of the Birds Directive. The report provides an overview of the implementation of Malta's spring hunting derogation for Common Quail (*Coturnix coturnix*) in April 2019, including:

- an overview of the decision-making process leading up to the application of the derogation,
- consideration of the relevant legal and policy parameters,
- consideration of the conservation status of the species concerned,
- an assessment of the outcome of the previous autumn hunting season and an independent assessment of the migratory influx of Common Quail (*Coturnix coturnix*) during autumn 2018,
- the necessary preparatory measures and regulatory controls effected prior to and during the season,
- an assessment of the migratory influxes of the relevant species during the 2019 spring season and the reported hunter catches,
- the enforcement effort in place to ensure the strict supervision of hunting during the 2019 season,
- disclosed offences and corresponding enforcement action taken, and
- the legal and other management aspects of relevance.

1.2 By virtue of Government Notice<sup>1</sup> No. 538 of 2016 published on 27 May 2016, the Government of Malta declared moratorium on the application of spring hunting derogation for European Turtle-dove (*Streptopelia turtur*). The Government Notice specifies that the moratorium will remain in force until such time that the maintenance of the population of this species at satisfactory level is scientifically ascertained at EU level. For this reason, derogation for spring hunting of the Turtle-dove has not been considered in 2019. The present report therefore covers implementation of the derogation for Quail only.

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<sup>1</sup><https://gov.mt/en/Government/Government%20Gazette/Documents/2016/05/Government%20Gazette%20-%2027th%20May.pdf>

## 2. Legal and policy basis for the application of a derogation permitting spring hunting of Common Quail in 2019

- 2.1 As was also the case in previous years, a derogation permitting spring hunting in 2019 was applied on the basis of Article 9(1) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the Conservation of Wild Birds, which states that “*Member States may derogate from the provisions of Articles 5 to 8 [of the same Directive], where there is no other satisfactory solution*” in line with a number of limited reasons, such as that stipulated by Article 9(1)(c): “*to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers*”.
- 2.2 As regards the “no other satisfactory solution” criterion, the judgment delivered by the Court of Justice of the European Union (CJEU) on 10 September 2009, in case C-76/08, explicitly noted that “*hunting for Quail and Turtle Doves during the autumn hunting season cannot be regarded as constituting, in Malta, another satisfactory solution, so that the condition that there be no other satisfactory solution, laid down in Article 9(1) of the Directive, should, in principle, be considered met*”<sup>2</sup>.
- 2.3 This judgment therefore recognises the right to apply a derogation for spring hunting in Malta subject to the strict conditions laid down in Directive 2009/147/EC. Malta’s biogeographical circumstances that were recognised by the Court in 2009 have remained the same, and therefore the hunting of Quail in spring remained the only satisfactory solution within the meaning of Article 9(1)(c).
- 2.4 The Conservation of Wild Birds (Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle-dove and Quail) Regulations<sup>3</sup> (S.L. 549.57) establishes a series of parameters to be considered **prior to** any decision to apply a derogation, particularly the requirement to consider the previous autumn hunting bag data for Quail, and to consider the conservation status of the species concerned.
- 2.5 Consideration of the above two parameters is discussed in the following sections of this report.

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<sup>2</sup> Case C-76/08 *Commission v Malta*, ECR I-8213, paragraph 63

<sup>3</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1>

### 3. Consideration by the Malta Ornis Committee

3.1 The Malta Ornis Committee, established under Regulation 10 of the Conservation of Wild Birds Regulations (S.L. 549.42) considered a range of aspects prior to providing a recommendation to the Maltese Government.

3.2 At its sitting on 13 February 2019<sup>4</sup>, the Committee considered an updated assessment of the conservation status of Common Quail (enclosed in Annex II to this report). The findings of this assessment are summarised in section 4 of this report.

3.3 During its meeting on the 20 March 2019<sup>5</sup>, the Committee further discussed the potential application of a spring hunting derogation for Quail. As a result of its deliberations, the Committee recommend in principle the application of a hunting derogation for Common Quail in spring 2019. A final recommendation to Government on the dates of the season was made, namely to open the season from 10 April until 30 April, with the removal of the individual daily bag limit and the individual seasonal limit whilst retaining a national quota of 5,000 Quail. Following Ornis Committee recommendation, the Government opted to open the season between 10 April and 30 April, inclusive of both dates.

### 4. Consideration of the conservation status of Common Quail

4.1 As was also the case in previous years, prior to further consideration by the Malta Ornis Committee on whether or not to recommend to Government the application of a derogation, the Wild Birds Regulation Unit carried out an assessment of all latest available scientific data pertaining to the population status of Common Quail (*Coturnix coturnix*). This assessment was presented to the Malta Ornis Committee on 13 February 2019 and is contained in Annex II to this report, which also includes an update on the conservation status of the European Turtle-dove.

4.2 According to this assessment, the European Environment Agency classified the breeding population trend of the Common Quail **at EU27 level** as “Decreasing” in the short-term and “Unknown” in the long-term. The EU population status for Common Quail is “Unknown”, as the data reported were not sufficient to assess the population status of the species.

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<sup>4</sup> <https://msdec.gov.mt/en/Document%20Repository/WBRU/2019/ornisCom/oMinThirtFeb19.pdf>

<sup>5</sup> <https://msdec.gov.mt/en/Document%20Repository/WBRU/2019/ornisCom/oMinTweMar19.pdf>

- 4.3 The Common Quail has continued to enjoy an IUCN “Least Concern” classification at both the EU27 and European scale, whilst the population of Common Quail within EU27 is estimated by BirdLife International (2018) to constitute 41% of the total European population.
- 4.4 The Common Quail is not included in the Pan-European Common Bird Monitoring Scheme (European Bird Census Council<sup>6</sup>). However, the assessment carried out as part of the update on the conservation status of this species has shown that, on the basis of Article 12 reports at EU28 level (EU27 Article 12 reports + Croatian data for 2004), the Common Quail is “Increasing” in the long-term trend (Min. Pairs: +23.49%; Max. Pairs: +27.40%). However, this percentage increase should be interpreted with caution given that it is based on data pertaining to only 74% of Common Quail population within EU28—the remaining 26% have an “Unknown” long-term trend.
- 4.5 In the short-term, the EU28 population of Common Quail has a “Stable” maximum number of calling males (-9.23%) but a “Decreasing” minimum number of calling males (-13.65%). Similarly, **Malta’s reference population of the Common Quail** has a short-term trend classification of “Stable” in the maximum number of calling males (+6%) but “Decreasing” in the minimum number of calling males (-11.73%). The long-term trend of the reference population is “Unknown”.

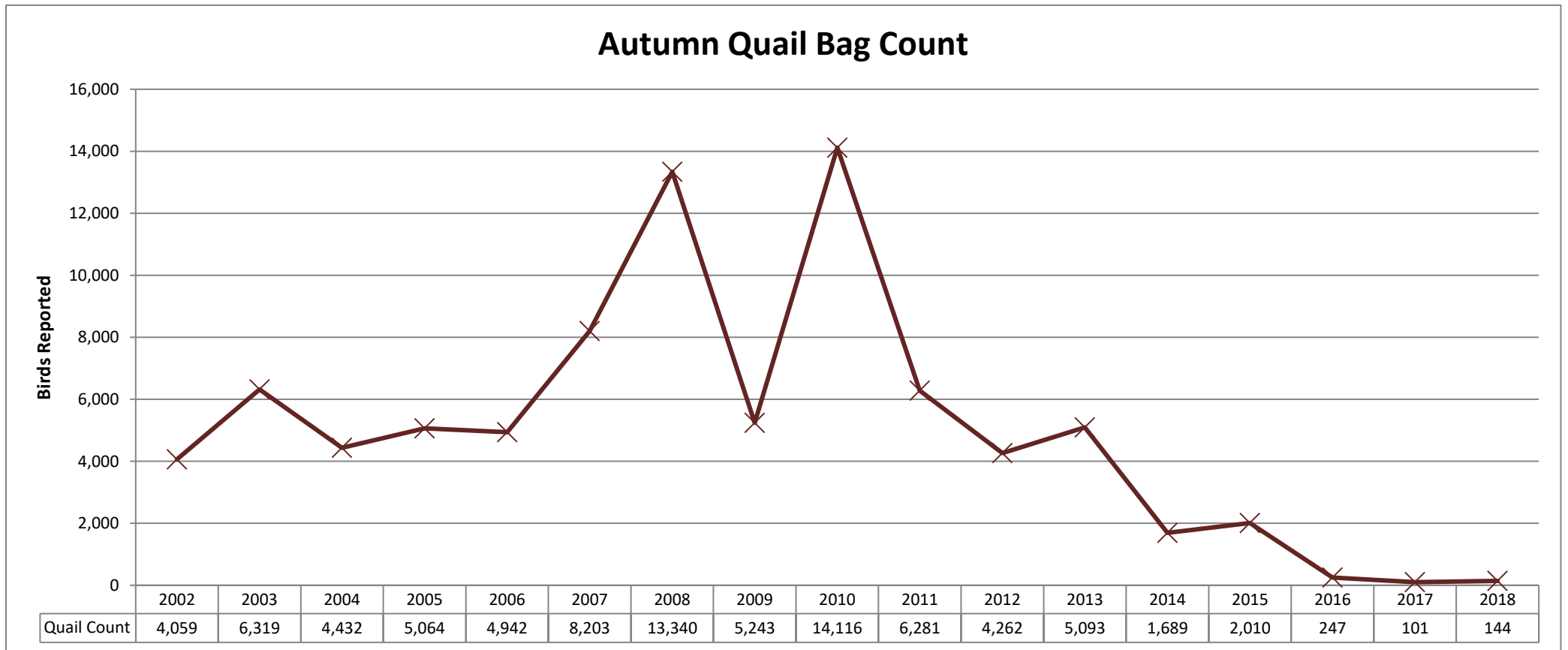
## **5. Consideration of autumn 2018 bag statistics, migration data and enforcement parameters**

- 5.1 In 2018 there were 10,556 persons licensed to hunt birds on land. During the period of open autumn hunting season (1<sup>st</sup> September 2018 – 31<sup>st</sup> January 2019), a total of 144 Common Quail were reported hunted, as follows: 21 in September, 47 in October, 30 in November, 5 in December and 41 in January 2019.
- 5.2 The total number of Quail reported hunted during the 2018 autumn season was higher than in 2017 (101 Quail).

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<sup>6</sup> <http://www.ebcc.info/index.php?ID=612>

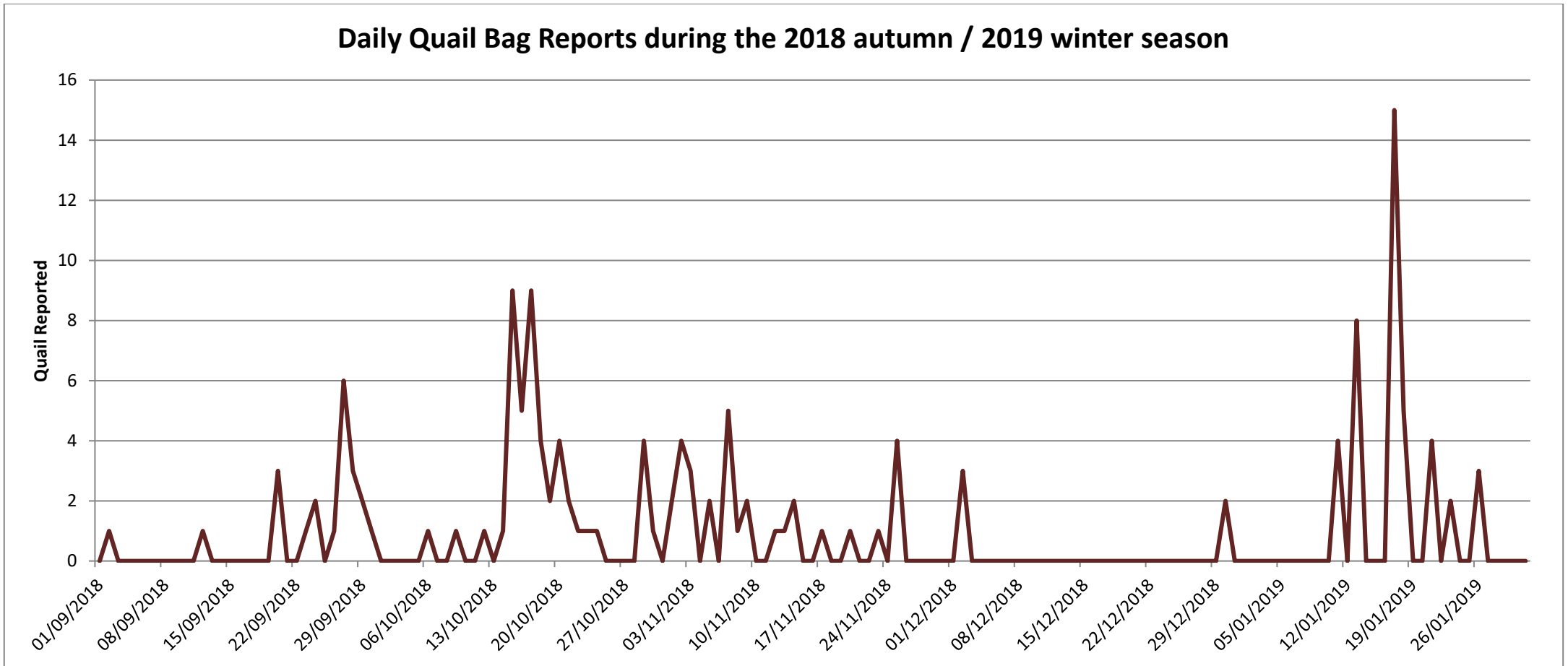
Figure 1 – Quail bags reported during autumn seasons since 2002<sup>7</sup>



Source: Wild Birds Regulation Unit, 2019

<sup>7</sup> 2002–2005 figures include both hunting and trapping data; in 2014, autumn season was suspended between 20<sup>th</sup> September and 11<sup>th</sup> October.

Figure 2 – Daily reported catches for Quail between September 2018 and January 2019



5.3 Detailed accounts of the reported catches by day (Figure 2) and by each month of the season (Table 1) were also considered.

*Table 1 – Monthly catches of Common Quail in the autumn of 2018 / winter 2019*

<b>Month</b>	<b>Quail</b>
September '18	21
October '18	47
November '18	30
December '18	5
January '19	41
<b>Total</b>	<b>144</b>

*Source: Wild Birds Regulation Unit, 2019*

- 5.4 An independent **migration study** to estimate the influx of Turtle-dove and Quail during the peak migration period in the autumn of 2018 was conducted. The study aimed at surveying and scientifically monitoring the daily influx of Turtle-dove and Common Quail between 1<sup>st</sup> September and 31<sup>th</sup> October 2018 in order to estimate the overall presence (influx) of these two species per day and for the whole study period, subject to scientifically justified assumptions. The full report of the study is enclosed in Annex I.
- 5.5 The methodology used by Ecoserv during the autumn 2018 survey was identical to that used in surveys made by the same company in autumn 2015, autumn 2016 and autumn 2017 (Ecoserv, 2015–2017) and during the spring migration studies (Ecoserv, 2011–2018).
- 5.6 The survey design was aimed at assessing changes in migratory influx, which entails trend analysis based on data from monitoring carried out regularly over a sufficiently long period comprising subsequent years, and using the same methodology. During the survey, two individuals—a field assistant capable of identifying Turtle-dove and Common Quail and an observer who was responsible for recording of data in the field—were stationed at a total of 21 sites (= count stations) distributed over Malta, Comino and Gozo.
- 5.7 Prior to enrolment for the survey, the field assistants would have been assessed by Ecoserv’s environmental consultants and ecologists to ensure that they are capable of identifying the two bird species. The observers were given briefings by Ecoserv’s consultants on identification of the two bird species and also received further training in the field by the field assistants. Throughout the survey, Ecoserv’s environmental consultants and ecologists ensured close monitoring of the activities of the field personnel to ensure that collection of data proceeded as

per designated protocol by carrying out field visits (most of which were ‘surprise visits’) on a regular basis. For the purpose of this report only data on Common Quail will be featured.

#### Migration observations of Common Quail

- 5.8 Raw daily counts for Common Quail recorded from the 21 sites during the present study varied between 0 and a maximum of 4, while the mean daily counts ranged between 0 and 1.0. The recorded counts did not vary appreciably between the different sites: at the higher end, a total of 14 individuals were recorded from grid location 4073 located in north western Malta, while at the lower end, no Quail were recorded throughout the survey period from grid location 5064 located in south western Malta and 5872 located in eastern Malta.
- 5.9 Values of mean daily counts and total counts of Common Quail recorded during the period 1 September to 31 October 2018 from present survey, as well as the respective area surveyed at each site, are given in Table 2. Values of standard deviation associated with the mean daily counts are also provided. Standard deviation is a measure of variability among counts recorded from the different sites, that is, low standard deviation implies that very similar counts were recorded at all six sites surveyed during a particular day, whereas dissimilar values would lead to high standard deviation. Standard deviation is influenced by sample size (i.e. number of study sites); it tends to increase with a decreased sample size. These same values are also shown, along with values of mean counts for the same period in 2008, 2009 (Thomaidis, nd) and 2014 (Ecoserv, 2014), 2015 (Ecoserv, 2015) and 2016 (Ecoserv, 2016) and 2017 (Ecoserv, 2017) in Figure 3. The daily mean counts recorded during the period 1 September to 31 October 2018 are overall lower than those recorded in 2008 and 2009 (Thomaidis, nd) for the same period, but similar to those recorded in 2014–2017. No migration peaks (with a mean count >2) were recorded during the autumn 2018 survey. The general pattern from all years being compared is a main migratory influx between mid-September and the beginning of October.
- 5.10 Values of the grand mean for Common Quail counts for autumn 2018 (Ecoserv, 2018), autumn 2017 (Ecoserv 2017), autumn 2016 (Ecoserv 2016), autumn 2015 (Ecoserv 2015), autumn 2014 (Ecoserv, 2014a), and autumn 2008 and autumn 2009 (Thomaidis, nd) surveys, are shown graphically in Figure 4. The comparison in Figure 4 is based on data collected during the same period (1 September to 31 October) in each of the surveys. The grand mean recorded during the autumn 2018 survey is lower than that recorded during the 2008 and 2009 (Thomaidis, nd) surveys, but similar to values recorded during the 2014-2017 surveys (Ecoserv, 2014–2017).

Table 2 - Values of mean ( $\pm$ SD) daily count and daily total count recorded from the six study sites, together with total influx of migratory Common Quail

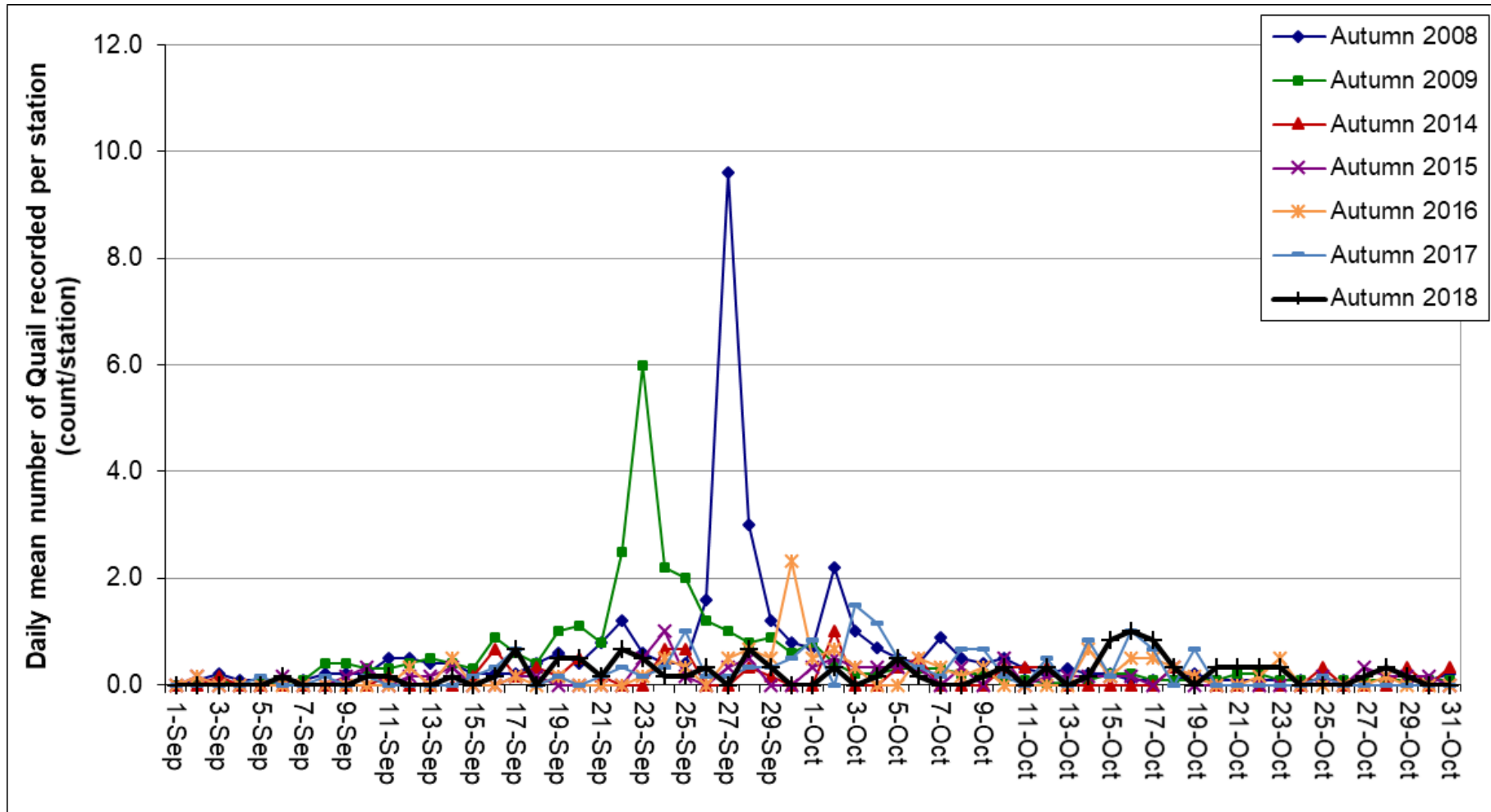
Date	Mean Count $\pm$ SD		Total Area Surveyed (km <sup>2</sup> )	Total count	Estimated Daily Influx
1-Sep-18	0.00	$\pm$ 0.00	0.232	0	0
2-Sep-18	0.00	$\pm$ 0.00	0.247	0	0
3-Sep-18	0.00	$\pm$ 0.00	0.165	0	0
4-Sep-18	0.00	$\pm$ 0.00	0.279	0	0
5-Sep-18	0.00	$\pm$ 0.00	0.232	0	0
6-Sep-18	0.17	$\pm$ 0.41	0.247	1	896
7-Sep-18	0.00	$\pm$ 0.00	0.142	0	0
8-Sep-18	0.00	$\pm$ 0.00	0.279	0	0
9-Sep-18	0.00	$\pm$ 0.00	0.232	0	0
10-Sep-18	0.17	$\pm$ 0.41	0.247	1	896
11-Sep-18	0.17	$\pm$ 0.41	0.165	1	1,346
12-Sep-18	0.00	$\pm$ 0.00	0.279	0	0
13-Sep-18	0.00	$\pm$ 0.00	0.232	0	0
14-Sep-18	0.17	$\pm$ 0.41	0.247	1	896
15-Sep-18	0.00	$\pm$ 0.00	0.165	0	0
16-Sep-18	0.17	$\pm$ 0.41	0.279	1	793
17-Sep-18	0.67	$\pm$ 1.63	0.232	4	3,822
18-Sep-18	0.00	$\pm$ 0.00	0.247	0	0
19-Sep-18	0.50	$\pm$ 0.84	0.165	3	4,038
20-Sep-18	0.50	$\pm$ 1.22	0.279	3	2,378
21-Sep-18	0.17	$\pm$ 0.41	0.209	1	1,058
22-Sep-18	0.67	$\pm$ 1.03	0.225	4	3,940
23-Sep-18	0.50	$\pm$ 1.22	0.165	3	4,038
24-Sep-18	0.17	$\pm$ 0.41	0.257	1	862
25-Sep-18	0.17	$\pm$ 0.41	0.232	1	956
26-Sep-18	0.33	$\pm$ 0.52	0.225	2	1,970
27-Sep-18	0.00	$\pm$ 0.00	0.142	0	0
28-Sep-18	0.67	$\pm$ 1.63	0.257	4	3,446
29-Sep-18	0.33	$\pm$ 0.52	0.232	2	1,911
30-Sep-18	0.00	$\pm$ 0.00	0.247	0	0
1-Oct-18	0.00	$\pm$ 0.00	0.165	0	0
2-Oct-18	0.33	$\pm$ 0.82	0.257	2	1,723
3-Oct-18	0.00	$\pm$ 0.00	0.209	0	0
4-Oct-18	0.17	$\pm$ 0.41	0.225	1	985
5-Oct-18	0.50	$\pm$ 1.22	0.142	3	4,672
6-Oct-18	0.17	$\pm$ 0.41	0.279	1	793
7-Oct-18	0.00	$\pm$ 0.00	0.232	0	0
8-Oct-18	0.00	$\pm$ 0.00	0.247	0	0
9-Oct-18	0.17	$\pm$ 0.41	0.165	1	1,346
10-Oct-18	0.33	$\pm$ 0.82	0.279	2	1,585
11-Oct-18	0.00	$\pm$ 0.00	0.209	0	0
12-Oct-18	0.33	$\pm$ 0.52	0.247	2	1,792
13-Oct-18	0.00	$\pm$ 0.00	0.142	0	0
14-Oct-18	0.17	$\pm$ 0.41	0.257	1	862
15-Oct-18	0.83	$\pm$ 1.17	0.232	5	4,778
16-Oct-18	1.00	$\pm$ 0.89	0.247	6	5,376
17-Oct-18	0.83	$\pm$ 1.17	0.165	5	6,729
18-Oct-18	0.33	$\pm$ 0.82	0.257	2	1,723

Date	Mean Count $\pm$ SD		Total Area Surveyed (km <sup>2</sup> )	Total count	Estimated Daily Influx
19-Oct-18	0.00	$\pm$ 0.00	0.232	0	0
20-Oct-18	0.33	$\pm$ 0.82	0.225	2	1,970
21-Oct-18	0.33	$\pm$ 0.82	0.165	2	2,692
22-Oct-18	0.33	$\pm$ 0.82	0.279	2	1,585
23-Oct-18	0.33	$\pm$ 0.52	0.209	2	2,115
24-Oct-18	0.00	$\pm$ 0.00	0.225	0	0
25-Oct-18	0.00	$\pm$ 0.00	0.165	0	0
26-Oct-18	0.00	$\pm$ 0.00	0.279	0	0
27-Oct-18	0.17	$\pm$ 0.41	0.232	1	956
28-Oct-18	0.33	$\pm$ 0.82	0.225	2	1,970
29-Oct-18	0.17	$\pm$ 0.41	0.142	1	1,557
30-Oct-18	0.00	$\pm$ 0.00	0.279	0	0
31-Oct-18	0.00	$\pm$ 0.00	0.209	0	0
<b>Sum total</b>				<b>76</b>	<b>78,454</b>

Source: Ecoserv, 2018

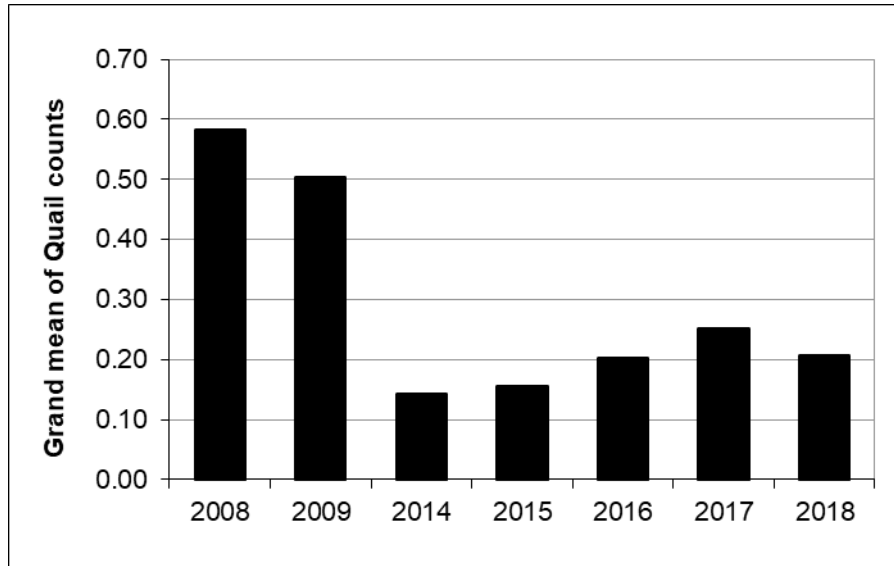
- 5.11 The highest mean count was recorded from Fomm ir-Rih (Grid 4073) located in north western Malta, while overall high counts were recorded from study sites located in the northern half of Malta and from Marsalforn (Grid 3292) in Gozo. The lowest mean counts were recorded from sites in the southern parts of Malta (with the exception of Żonqor at Grid 6069) and most sites in Gozo. The mean count recorded from the study site on Comino is 0.033, which is lower than median value of 0.188 for the whole range of recorded mean counts.
- 5.12 As has been done in previous surveys undertaken in autumn (Ecoserv, 2014–2017) and spring (Ecoserv, 2011–2018), the total influx of Common Quail was estimated for the whole area of the Maltese Islands using the recorded area surveyed for Common Quail at each site. However, such an estimate should be considered with great caution because of the assumption that the rate of Common Quail settling at coastal sites (where the survey was carried out) is equal to that at inland locations. While this appears to hold true during spring, observations indicate that Quail tend to settle in larger numbers in coastal areas compared to inland ones.
- 5.13 It was furthermore noted that Quail also tends to appear in certain localities before others (Fenech, 2010; Fenech, *in litt.*). This is highlighted by one of the data records from the present study—a total of 14 individuals were recorded from grid location 4073 located in north-western Malta, while at the lower end, no Quail were recorded throughout the survey period from grid locations 5064 located in south-western Malta and 5872 located in eastern Malta. Coastal areas are more likely to serve as short-term stopover sites immediately following a migratory flight compared to inland locations; thus, including inland locations as study sites in the survey may result in an overestimate of the total influx due to repeat counting of resident Quail.

Figure 3 - Daily mean counts of Common Quail per station (= site) recorded during the present survey during the period 1 September to 31 October 2018, together with values of the same statistic for autumn 2008 and 2009 as reported in Thomaidis (nd), for autumn 2014, 2015, 2016 and 2017 as reported in Ecoserv (2014a; 2015a; 2016a; 2017a).



Source: Ecoserv, 2018

Figure 4 - Grand mean of Common Quail counts made using data from the period 1 September – 31 October for autumn 2018 (Ecoserv 2018), autumn 2017 (Ecoserv 2017), autumn 2016 (Ecoserv, 2016), autumn 2015 (Ecoserv 2015), autumn 2014 (Ecoserv, 2014a), autumn 2009 (Thomaidis, nd) and autumn 2008 (Thomaidis, nd)

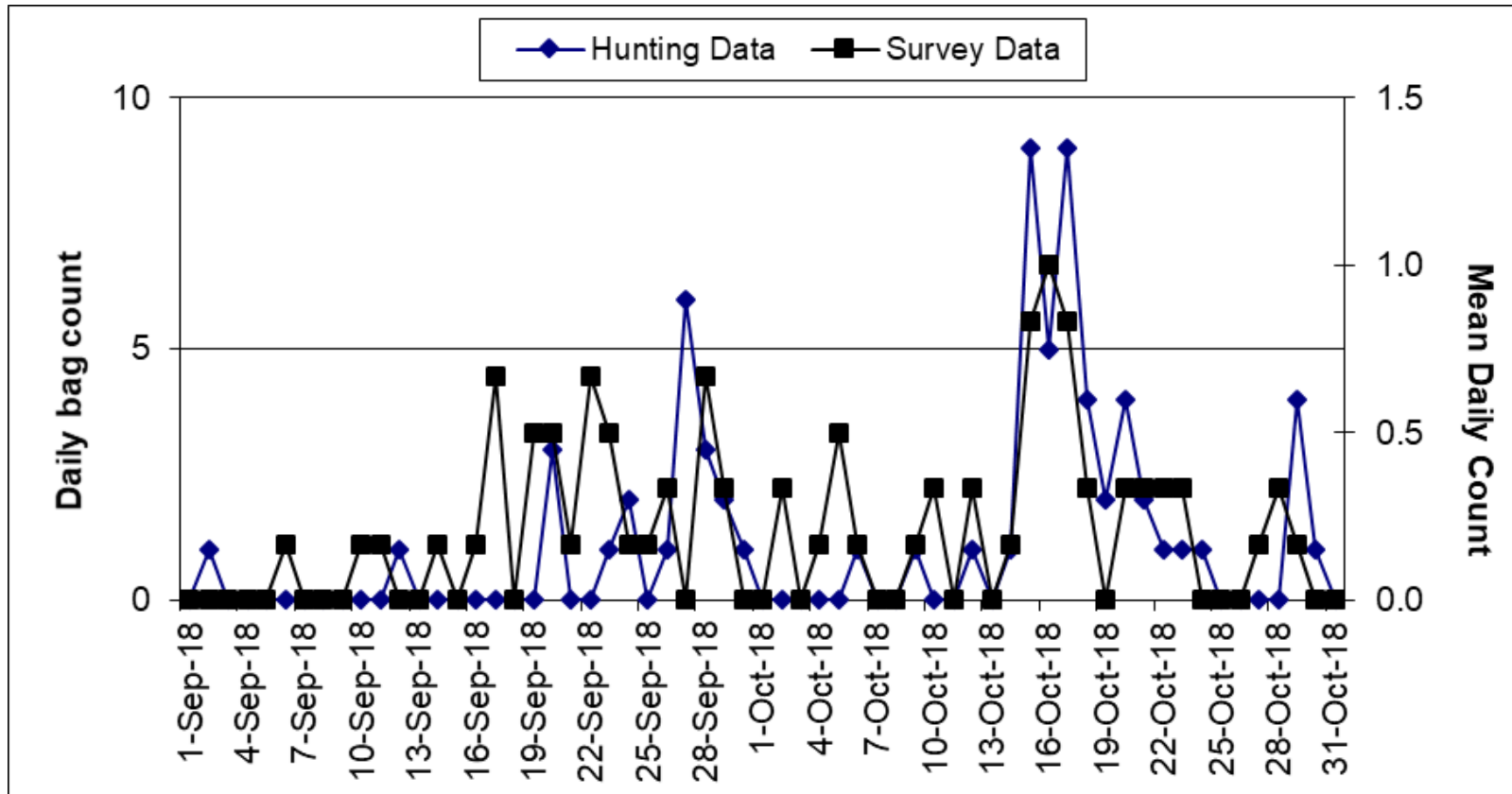


Source: Ecoserv, 2018

Correlation of migration observations with reported bags

5.14 As was also the case in 2017, correlation between migration observation data was performed. This analysis shows a generally strong correlation between the number of catches reported by hunters in autumn and independent observations of migration (Figure 5).

Figure 5: Daily bag count of Common Quail during 2018 (blue line; values on left-side y-axis), together with the total daily counts recorded during the 2018 survey (black line; values on right-side y-axis), for the period 1 September – 31 October 2018.



Source: Ecoserv, 2018<sup>8</sup>

<sup>8</sup> <https://msdec.gov.mt/en/Document%20Repository/WBRU/2018/otherReports/repQuaTurAut18.pdf>

5.15 The above data on reported catches and observation trends were considered also in the context of the enforcement statistics pertaining to the 2018 autumn season summarised below.

Summary of enforcement during 2018 autumn hunting season

5.16 During the period of the autumn hunting season, the authorities deployed a total complement of 94 officers tasked with overseeing compliance with the parameters of the season. This complement consisted of 43 officers of the Administrative Law Enforcement Unit (ALE) of the police, 7 officers of the Armed Forces of Malta (AFM), 40 police officers temporarily seconded with the ALE from other police units and two officers of the Wild Birds Regulation Unit's Specialist Enforcement Branch. This enforcement complement was deployed gradually, ranging from a minimum of 11 officers deployed daily in early September, reaching maximum strength of 41 officers daily from mid-September to end of December and to a minimum of 10 from mid- to end-January. The officers conducted field patrols split into two shifts between 05:00 hours and 21:00 hours daily.

5.17 As was also the case in previous years, the officers received specialised training during specialised training sessions in Malta and in Gozo on enforcement priorities and techniques organised by the Wild Birds Regulation Unit. Over 60 officers were trained in basic ornithology, wildlife crime detection techniques, inspection procedures, applicable regulations and prosecution processes.

5.18 The officers utilised a combination of techniques, including vehicular patrols, covert observation, stationary observation posts, foot patrols, physical inspections and spot-checks on individual hunters, and road-blocks. In addition, police have also carried out a number of patrols at sea in order to ascertain compliance whilst hunting at sea. As from autumn 2018, enforcement authorities assigned high priority to spot-checks on individual licensees which led to a total of 5,964<sup>9</sup> spot-checks on individual licensees (4,777 in Malta and 1,187 in Gozo), which is more than double the number of spot-checks conducted during the same period in 2017 (2,351) and 2016 (2,832).

5.19 In the course of field surveillance, inspections and spot-checks, the authorities detected a total of 112 cases, that led to legal action against 70 offenders, including 23 persons being subject to criminal prosecution and 47 persons subject to administrative fines. No legal action could be taken on the remaining cases given that the perpetrator remained unknown.

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<sup>9</sup> Out of which 331 were road checks.

5.20 A comparison of the enforcement statistics with the corresponding metrics for previous years is presented in Table 3 below.

*Table 3 – Comparison of offences confirmed by enforcement officers during autumn seasons (2012-2018)*

<b>Offences confirmed during autumn hunting / trapping seasons (1st September - 31st January of the following year)</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Hunting within prohibited distances / prohibited areas	17	12	1	6	2	0	0
Hunting / trapping without licence	76	21	4	8	1	0	0
Illegal trapping of protected birds	137	29	1	2	0	0	14 <sup>10</sup>
Illegal shooting of protected birds	2	6	4	1	2	0	0 <sup>11</sup>
Hunting / trapping using illegal means / firearms irregularities / other breaches of licence conditions	236	89	78	102	61	25	54 <sup>12</sup>
Hunting / trapping during closed season / outside of permitted hours	16	1	2	5	1	7	2 <sup>13</sup>
Illegal possession of bird carcasses/ stuffed birds	4	16	5	3	3	1	3 <sup>14</sup>
Illegal possession of live birds	137	30	3	3	2	4	5 <sup>15</sup>
Illegal sale of protected birds	0	0	7	1	1	1	0
Smuggling of protected birds	1	3	1	0	0	0	1
<b>Total offences disclosed</b>	<b>391</b>	<b>125</b>	<b>106</b>	<b>131</b>	<b>73</b>	<b>38</b>	<b>79<sup>16</sup></b>
<b>Persons against whom legal action was taken</b>	<b>226</b>	<b>87</b>	<b>83</b>	<b>128</b>	<b>65</b>	<b>37</b>	<b>70<sup>17</sup></b>

Source: Wild Birds Regulation Unit and Malta Police Force, 2018

The above table also lists bird-related offences that are not related to the hunting season (e.g. illegal possession of protected birds; illegal sale / smuggling cases), but which were disclosed during the period in question. Moreover, the statistics do not include illegalities reported to enforcement officials during the period under review, where no or

<sup>10</sup> Cases refer to 13 cases of illegal trapping for finches and one illegal trapping of Dotterel (*Charadrius morinellus*).

<sup>11</sup> No offences concerning illegal shooting of protected birds were detected by enforcement officers, nonetheless a number of protected birds have been confirmed illegally shot by the government-appointed veterinarian as outlined later on in this report.

<sup>12</sup> Total consists of 44 cases of use of birdcaller, one case of failure to declare all hunted birds, one case of carrying an uncovered firearm, one case of firearm having a magazine capable of holding more than two rounds of ammunition, one case of use of nets of mesh size smaller than that allowed by law, three unattended nets, one case of trapping on an unregistered site and two cases involving cage-traps.

<sup>13</sup> Both cases refer to trapping during closed season.

<sup>14</sup> Two cases of illegal possession of stuffed protected birds and one case of illegal possession of carcasses of protected birds.

<sup>15</sup> Cases refer to one case of illegal possession of Dotterels, one illegal possession of Hawfinch and three cases of illegal possession of finches.

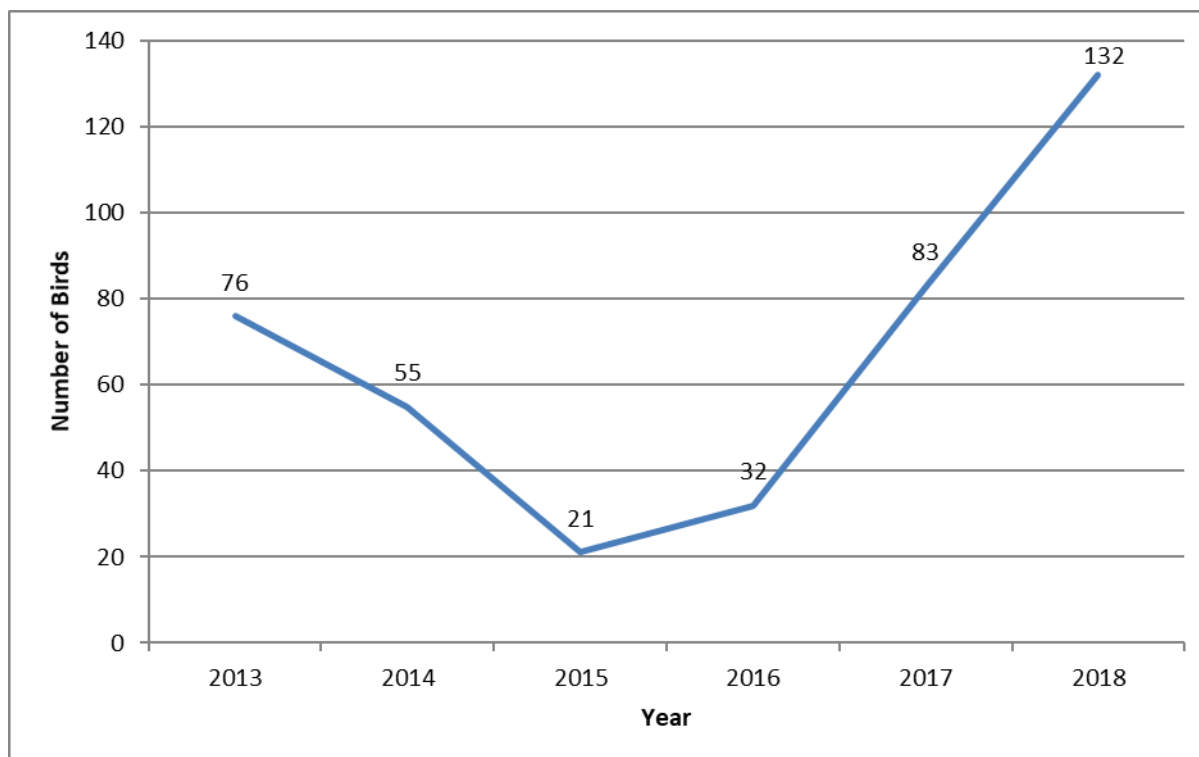
<sup>16</sup> Total consists of 79 offences pertaining to 23 cases, some cases comprised of more than one offence.

<sup>17</sup> 47 administrative fines and 23 court cases.

insufficient evidence was available to enable identification of the perpetrator(s) for subsequent legal action.

- 5.21 In parallel with implementing an information campaign, in order to enforce compliance, 109 inspections at points of entry, namely Customs and Cargo Sections of the Malta International Airport (MIA) and the Sea Passenger Terminal were carried out. 23 of these were surprise inspections at MIA. During these inspections, 8,567 bird specimens were examined for compliance with the regulations, of which four live birds were seized and subsequently released because they were not fitted with a closed ring. The case was forwarded to the Police for legal action. During 2018, the Specialist Enforcement Branch of the Wild Birds Regulation Unit together with the Administrative Law Enforcement Unit of the Police conducted 11 inspections at private residences during which 1,292 stuffed bird specimens held in private collections were examined. During these investigations, a total of 126 registered stuffed bird specimens were found to have been illegally disposed without appropriate authorisation, whilst 46 specimens were illegally possessed. Legal action was initiated.
- 5.22 In 2018, the authorities recovered around 320 wild birds belonging to 86 species that were provided with the appropriate veterinary care and in a number of cases also successful rehabilitation and release back into the wild. Of these, 132 protected birds (41.25%) were confirmed to have sustained gunshot wounds as a result of illegal targeting. A procedure coordinated by the Wild Birds Regulation Unit was put in place in conjunction with the ALE, BirdLife Malta and the government-appointed veterinarian to provide appropriate veterinary care and, where possible, rehabilitation of such birds. The figure below illustrates the number of illegally-shot protected birds recovered by the authorities over the past six years.

Figure 6 - Number of illegally shot / injured protected birds recovered by the authorities and diagnosed as suffering gunshot wounds



Source: Wild Birds Regulation Unit 2018

5.23 Despite an increase in the number of spot-checks on individual licence holders when compared with the previous seasons, the above figures clearly show an increasing trend in the illegal killing of protected birds. A full assessment of the factors that may have led to such trend is beyond the scope of this summary report but nonetheless merits the attention of all stakeholders at both local and national level since there is a need for a concerted effort to actively curb and reverse this increase in IKB-related crime.

5.24 The Specialist Enforcement Branch of the Wild Birds Regulation Unit maintained a leading coordinating role ensuring effective operational liaison between enforcement entities and other stakeholders. Whilst providing a 24/7 enforcement hotline for the public and NGOs, the Unit also assisted the police in field surveillance operations.

## 6. Determination of the 2019 spring hunting bag limit and other parameters

6.1 Regulation 5 of the Framework Regulations (S.L. 549.57<sup>18</sup>) stipulates the requirement for the establishment of an overall bag limit for a spring hunting season for Quail, based on figures contained in Annex 1 to the same Regulations. The same Regulations also stipulate the requirement of taking into consideration the conservation status of the species concerned

<sup>18</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1>

and the maintenance of the population of the species at a satisfactory level when establishing the overall bag limit. Regulation 5 also provides for the requirement of establishing seasonal and daily bag limits per hunting licence.

6.2 The Regulations also establish that, should a spring hunting season be declared open, the overall national spring hunting limits would be set at not more than a ceiling limit of 5,000 for Quail, based on the principle of 1% of the total annual mortality of the species. They also establish that a spring hunting season will not be opened in cases where the number of birds hunted during the previous autumn season reaches 20,000 in the case of Quail. Furthermore, it should be noted that:

- (i) the maximum bag limit for a spring hunting derogation may be fully allowed in cases where the number of Quail hunted during the previous autumn season does not exceed 10,000 individuals; and that,
- (ii) the maximum bag limit for a spring hunting derogation should be reduced by inverse proportion to the number of birds hunted in excess of 10,000 in the previous autumn season.

6.3 Since the total bag for the autumn 2018 hunting season was 144 Quail, the maximum limit of birds hunted in autumn as established by the Regulations in question (20,000 for Quail) was not reached. Moreover, since the numbers hunted did not exceed 10,000 individuals, the maximum national bag limit allowed by law could therefore be applied.

6.4 In accordance with the Malta Ornis Committee recommendations, the Government has removed the individual season's bag limit and the daily bag limit whilst retaining the overall national bag limit of 5,000 Quail in line with Legal Notice 91 of 2018<sup>19</sup>, which declared the parameters of the derogation.

6.5 Based on the above, the 2019 spring hunting overall bag limit for Quail was thus set at 5,000 on condition that the season would be terminated immediately should this national overall bag limit be reached before 30 April 2019.

## **7. Application process and issuance of special spring hunting licences**

7.1 In order to be eligible for a Special 2019 Spring Hunting Licence, a hunter was required to be in possession, by the time of application, of the following:

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<sup>19</sup> <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=28987&l=1>

- (a) Valid general licence to hunt birds on land;
- (b) Paid-up membership in a recognised hunting organisation for 2019;
- (c) Valid third party liability insurance cover for 2019;
- (d) Valid permit to carry a firearm for hunting of birds on land issued by the Police.

7.2 Applications for a special spring hunting licence were received during a 10-day period from 25<sup>th</sup> February to 9<sup>th</sup> March 2019. Applicants had to complete an application form and had to present documentation listed above together with identification documents. Applications received after the closing date of 9<sup>th</sup> March 2019 were not accepted.

7.3 The Wild Birds Regulation Unit received 7,647 applications for a spring hunting special licence. Upon verification, one of these applications was considered invalid and thus rejected. The number of applications for the 2019 spring hunting season was approximately 13% higher than in 2018 (6,754) and 15% higher than in 2017 (6,653).

7.4 A total of 6,381 licences were subsequently issued to applicants resident in Malta and 1,265 to applicants resident in Gozo. A total of 91 issued licences (76 in Malta and 15 in Gozo) remained unclaimed throughout the season leaving a total of 7,555 active licences.

7.5 Spring hunting licence conditions were established according to the provisions of the Framework Regulations (S.L. 549.57<sup>20</sup>) and the provisions of Legal Notice 91 of 2018<sup>21</sup>. Additionally, all licensed hunters were required to abide by the regulations laid down in the Conservation of Wild Birds Regulations (S.L. 549.42<sup>22</sup>). A copy of the special spring hunting licence, including details of the licence conditions, is attached in Annex 3 to this report.

7.6 Hunters were required to carry their spring hunting licence and general licence at all times. They were also expected to immediately report their catches by SMS to a specific number, to abide by the time restrictions, and respect the national bag limit of 5,000 birds. These conditions were strictly monitored, supervised and enforced, as described in the enforcement section of this report.

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<sup>20</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1>

<sup>21</sup> <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=28987&l=1>

<sup>22</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

## 8. Telephonic reports of catches made

- 8.1 Prior to the commencement of the season, as was also the case in previous years, the Wild Birds Regulation Unit carried out an intense information campaign to promote awareness of hunting regulations and enforce compliance with the legal obligations, including the hunters' reporting obligations. Meetings were held with hunting organisations to encourage dissemination of regulatory information amongst their members, and with several hundred individual hunters to explain regulations and to promote zero-tolerance to non-compliance. Moreover, all hunters in possession of a spring hunting licence were reminded of their legal obligations through a letter sent together with the Spring Hunting Licence.
- 8.2 In accordance with Regulation 5(d) of the Framework Regulations (S.L. 549.57<sup>23</sup>), hunters in possession of the special spring hunting licence were obliged to immediately notify the authorities of any Quail hunted during the season. The Special Licence required the hunters to do so by sending an SMS via their mobile phones immediately after catching a Quail stating the amount of birds caught.
- 8.3 Each report was registered daily in a database. Only reports made from registered mobile numbers of hunters in possession of a Special Licence were accepted. The relevant data for reported Quail is presented in Table 4 and Figure 7 respectively.

*Table 4: Number of Quail reported through the telephonic system (Game Reporting System, 2019)*

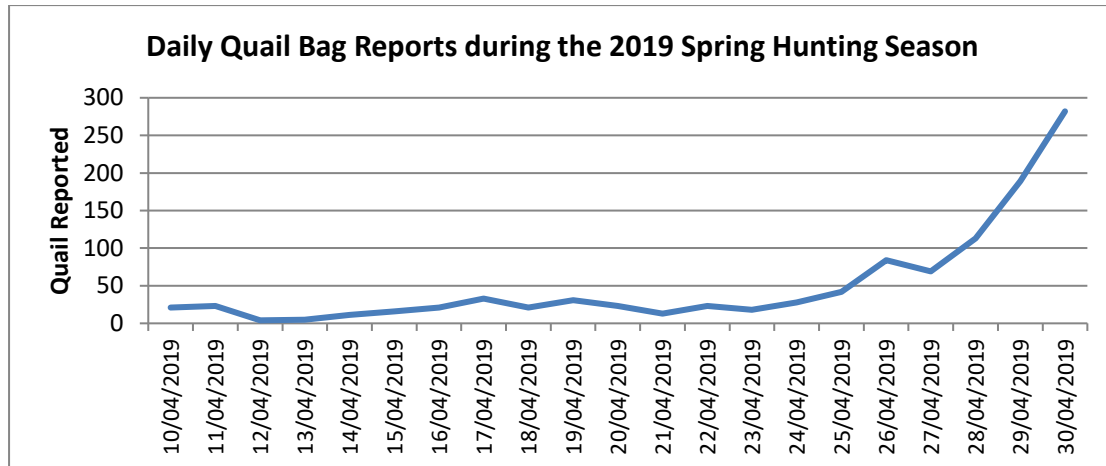
Date	Quail	Cumulative
10/04/2019	21	21
11/04/2019	23	44
12/04/2019	4	48
13/04/2019	5	53
14/04/2019	11	64
15/04/2019	16	80
16/04/2019	21	101
17/04/2019	33	134
18/04/2019	21	155
19/04/2019	31	186
20/04/2019	23	209
21/04/2019	13	222
22/04/2019	23	245
23/04/2019	18	263
24/04/2019	28	291
25/04/2019	42	333
26/04/2019	84	417

<sup>23</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1>

27/04/2019	69	486
28/04/2019	113	599
29/04/2019	189	788
30/04/2019	282	1,070
<b>Total</b>		<b>1,070</b>

Source: Wild Birds Regulation Unit, 2019

Figure 7: Daily total number of Quail reported during the 2019 spring hunting season – as reported through the telephonic system. (Game Reporting System, 2019)



Source: Wild Birds Regulation Unit, 2019

8.4 As was also the case in previous years, the total number of reported birds did not exceed the national overall bag limits; to the contrary, the totals based on reported figures are substantially lower. The total number of Quail reported by hunters during the spring hunting season of 2019 equates to 21.4% of the limit permitted by law. Table 5 provides data on the number of Quail caught by hunters. There were 392 hunters who caught between one and ten birds and nine hunters who caught more than 10 birds during the 2019 spring hunting season. Only 5.3% of hunters reported a catch, with the majority (7,154 hunters) not reporting a single catch.

Table 5: Number of Quail caught by hunters

Quail reported shot by hunter	Number of hunters declaring catches	Total quail reported
1	154	154
2	123	246
3	53	159
4	21	84
5	19	95
6	8	48
7	6	42
8	4	32
9	2	18
10	2	20

11	2	22
12	1	12
13	4	52
24	2	48
38	1	38
<b>Total</b>	<b>402 (hunters)</b>	<b>1,070 (quail)</b>

Source: Wild Birds Regulation Unit, 2019

- 8.5 Hunters had a legal obligation to report game caught immediately upon making a catch, thus allowing precise temporal data to be collected. Table 6 indicates percentages of Quail reports made within each hour time band.

Table 6- Percentages of Quail reports made within each hour time band.

Time	Quail Reports (%)
05:00 - 06:00	0.1
06:00 - 07:00	5.0
07:00 - 08:00	23.5
08:00 - 09:00	21.0
09:00 - 10:00	17.8
10:00 - 11:00	17.3
11:00 - 12:00	15.3

Data source: Wild Birds Regulation Unit, 2019

## 9. Independent bird migration study in spring 2019

- 9.1 As was also the case in previous years, an independent scientific study was carried out in Spring 2019, in order to obtain an estimate of migratory influxes of Turtle-dove and Common Quail over the derogation period. The study was carried out by Ecoserv (2019) with the following main objective: *To survey and scientifically monitor the daily influx of the Turtle Dove<sup>24</sup> and Common Quail; to estimate the overall presence (influx) of these two species per day and for the whole study period and to analyse observed and estimated migration trends in conjunction with the trends recorded in past studies, and in conjunction with any hunting data on the species surveyed.* Although, both species were observed, for the purpose of this study, only data related to Common Quail will be featured in this report, since no derogation was opened for the Turtle-dove. The geographical scope of the study extended across the three inhabited islands of the Maltese archipelago (that is, Malta, Gozo

<sup>24</sup> Notwithstanding the fact that the 2019 derogation was applied for Quail only, Turtle-dove monitoring was included in the scope of the 2019 migration study purely for scientific research purposes, in order to understand the early patterns of migration of this species. The present report on the outcome of the derogation limits presentation of the study results to Quail only.

and Comino), with data gathered between 15<sup>th</sup> March and 15<sup>th</sup> May 2019. A full copy of the report in question is attached in Annex 4, with key conclusions summarised below.

9.2 The methodology used in this study was identical to the methodology used for similar studies conducted in 2011–2018. Twenty-eight monitoring stations were set up across the Maltese Islands, with counts obtained from ten different sites each day. A field assistant capable of identifying the relevant species and an observer responsible to record data were posted to each station, in order to conduct counts of individuals. Each group of ten sites was surveyed once every three days, such that over a three-day period, all 28 sites would have been surveyed. Given that the study was mainly intended to quantify the influx of migrating individuals, field sites were located at strategic locations along the coast, which locations would be expected to serve as stop-over points for migrating individuals. Counts obtained across this network of observation stations over the survey period for Common Quail are given in Table 7 below.

*Table 7: Counts obtained across the network of observation stations over the study period*

<b>Date</b>	<b>Total Daily Count</b>
15-Mar-19	0
16-Mar-19	2
17-Mar-19	3
18-Mar-19	2
19-Mar-19	0
20-Mar-19	2
21-Mar-19	0
22-Mar-19	0
23-Mar-19	0
24-Mar-19	5
25-Mar-19	1
26-Mar-19	3
27-Mar-19	1
28-Mar-19	2
29-Mar-19	1
30-Mar-19	4
31-Mar-19	1
01-Apr-19	5
02-Apr-19	1
03-Apr-19	1
04-Apr-19	3
05-Apr-19	7
06-Apr-19	2
07-Apr-19	3
08-Apr-19	3
09-Apr-19	2

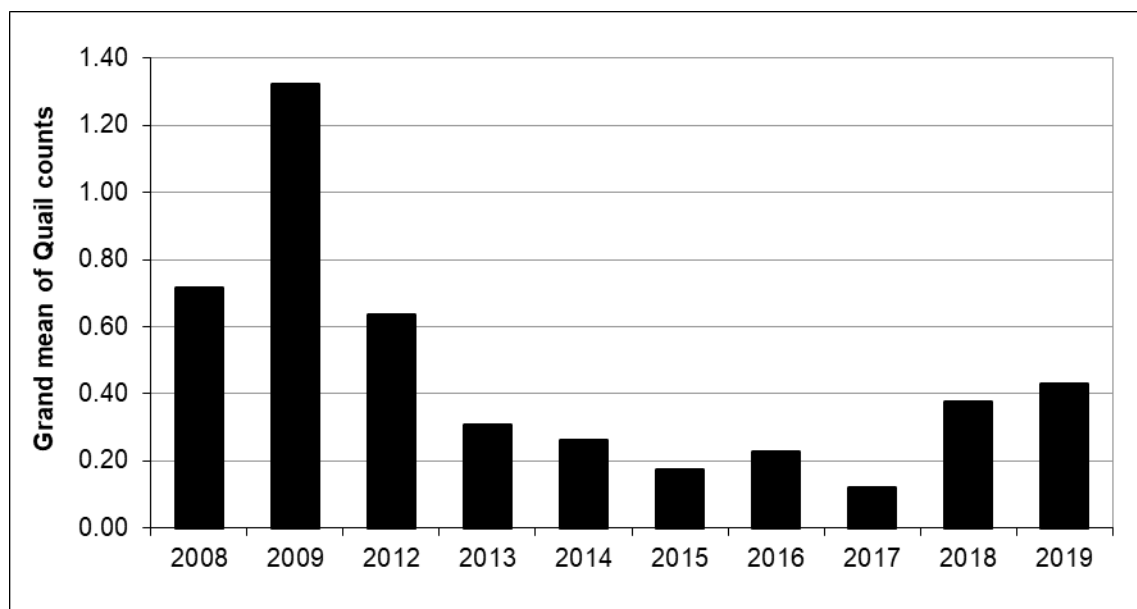
10-Apr-19	4
11-Apr-19	0
12-Apr-19	7
13-Apr-19	3
14-Apr-19	2
15-Apr-19	4
16-Apr-19	10
17-Apr-19	10
18-Apr-19	8
19-Apr-19	9
20-Apr-19	4
21-Apr-19	3
22-Apr-19	0
23-Apr-19	1
24-Apr-19	3
25-Apr-19	5
26-Apr-19	5
27-Apr-19	1
28-Apr-19	2
29-Apr-19	0
30-Apr-19	9
01-May-19	0
02-May-19	1
03-May-19	1
04-May-19	0
05-May-19	2
06-May-19	1
07-May-19	3
08-May-19	1
09-May-19	0
10-May-19	1
11-May-19	0
12-May-19	0
13-May-19	0
14-May-19	0
15-May-19	1
<b>Total</b>	<b>155</b>

*Data source: Ecoserv, 2019*

9.3 Daily Raw counts for Common Quail recorded from the 28 sites during the present study varied between 0 and a maximum of 5, while the mean daily counts ranged between 0 and 1.0. Overall, counts recorded during the present survey show a similar trend to those recorded in previous surveys. The general pattern observed is of low migratory counts in mid-March which start to increase in late March, with the highest counts recorded in mid to end April, and a subsequent decline in counts during May. The daily mean counts recorded during the present survey are overall slightly lower than those obtained in 2009 (Thomaidis, nd) but similar to those recorded

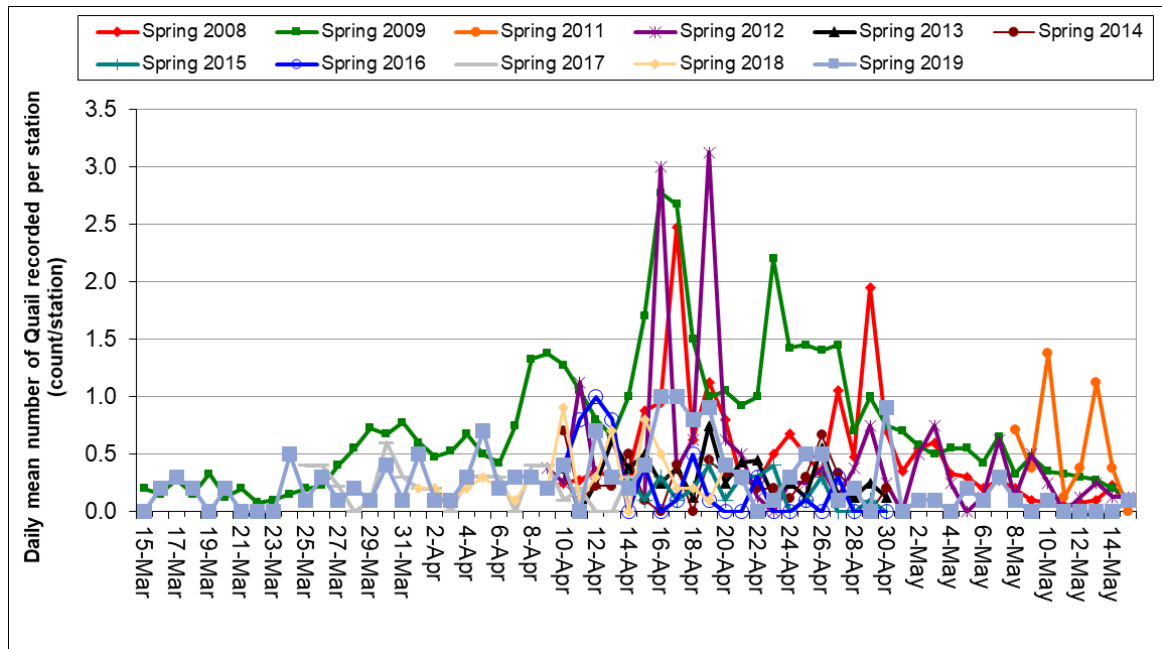
in 2008 (Thomaidis, nd) and 2011–2018 (Ecoserv 2011– 2018). Minor peaks of around 2.0–3.0 were recorded in spring 2008, 2009 and 2012, while no mean counts greater than 1.5 were recorded in any of the other years, including during the 2019 survey. The grand mean of Common Quail counts recorded during the period 15 March to 15 May from the present (2019) survey was 0.25, which is lower than the grand mean of 0.74 recorded over the same period in 2009. Comparisons of the grand mean for the period 15 March to 15 May with other previous surveys is not possible since these covered much shorter periods. The main period that was covered by most surveys is that from 10 to 30 April. Figure 8 and 9 illustrate the values of the grand mean of Common Quail counts recorded during this period from the present survey (spring 2019), together with values of the grand mean for the same period in 2018, 2009 (Thomaidis, nd), 2012, 2013, 2014 and 2016 (Ecoserv, 2012–2016), for the period 14 to 30 April 2015 (Ecoserv, 2015), for the period 10 to 14 April 2017 (Ecoserv, 2017), and for the period 10 to 21 April 2018 (Ecoserv, 2018). Overall, the grand mean recorded during the present (spring 2019) survey during the period 10 to 30 April is similar to that recorded in 2018, slightly higher than that recorded during the 2013–2017 surveys and lower than that recorded in 2008, 2009 and 2012.

*Figure 8: Daily mean counts of Common Quail per station (= site) recorded during the present survey during the period 1 to 21 April 2018, together with values of the same statistic for: spring 2008 and 2009 as reported in Thomaidis (nd), spring 2012 as reported in Ecoserv (2012), spring 2013 as reported in Ecoserv (2013), spring 2014 as reported in Ecoserv (2014), spring 2015 as reported in Ecoserv (2015), spring 2016 as reported in Ecoserv (2016), spring 2017 as reported in Ecoserv (2017), spring 2018 as reported in Ecoserv (2018).*



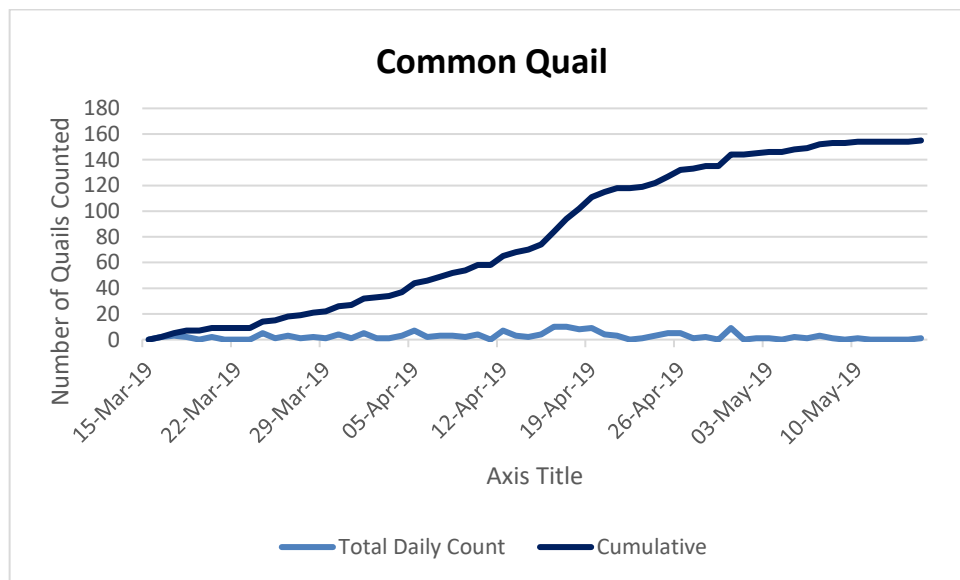
Data source: Ecoserv, 2019

Figure 9: Daily mean counts of Common Quail per station (= site) recorded during the present (spring 2019) survey held between 15 March and 15 May, together with values of the same statistic for: spring 2008 and 2009 as reported in Thomaidis (nd), spring 2012 as reported in Ecoserv (2012), spring 2013 as reported in Ecoserv (2013), spring 2014 as reported in Ecoserv (2014), spring 2015 as reported in Ecoserv (2015), spring 2016 as reported in Ecoserv (2016), spring 2017 as reported in Ecoserv (2017), and spring 2018 as reported in Ecoserv (2018).



Data source: Ecoserv, 2019

Figure 10: Total daily counts of Common Quail compiled through the spring migration study.



Data source: Ecoserv, 2019

9.4 The total influx of Common Quail was estimated for the whole area of the Maltese Islands using the recorded area surveyed for Quail at each site. However, such an estimate requires the following assumptions: (i) the rate of Quail settling at coastal sites (where the survey was carried out) is equal to that at inland locations, and (ii) the total area used to estimate the

migration count does not include areas where settlement of Quail cannot occur in practice. Since Quail tend to migrate to inland sites, settling of Quail in coastal areas will likely be less than or equal to that in inland regions, but not greater, meaning that the estimated total may be an underestimate. The use of only coastal sites is still justified since these are more likely to serve as short-term stopover sites immediately following a migratory flight than inland locations; thus, including inland locations may result in an overestimate of the total influx due to repeated counting of Quails.

9.5 To ensure that the total area used to estimate the migration count does not include regions within which Quail do not normally settle, even though some birds may fly over urbanized areas, the total area was calculated as the sum of agricultural areas (161.5 km<sup>2</sup>), afforested areas (2.1 km<sup>2</sup>) and areas of natural vegetation (57.8 km<sup>2</sup>); this amounts to 221.4 km<sup>2</sup>, representing 72% of the 315 km<sup>2</sup> total area of the Maltese Islands (land cover data source: MEPA, 2010). The mean ( $\pm$  SD) daily counts and estimated total influx of birds per day are shown in Table 8. Based on these data, extrapolation translates to a total influx of Common Quail during 15<sup>th</sup> March – 15<sup>th</sup> May 2019 of 113,116 individuals, or 1,824 Quail per day. However, as emphasised in the reports of previous surveys (Ecoserv, 2011–2018), such an estimate must be treated with utmost caution, given the relatively small number of field sites used on any one day and that counts were not made daily at each site, such that only a very small portion of the total area of potential habitat in the Maltese Islands was sampled.

9.6 The total influx of Common Quail for the present survey period (15 March to 15 May 2019) is estimated at 113,116 individuals (Table 8). When compared to estimates made during previous surveys in spring, the estimate from the latest survey (2019) is the highest overall. Nonetheless, the present survey covered a period of 62 days; apart from the 2012 survey (48 days), all other surveys covered a period of not more than 21 days. It is reiterated that such estimates must be treated with utmost caution, given the relatively small number of field sites used in the present survey, that counts were not made daily at each site, and since the extrapolation procedure used is likely to result in a rough estimate.

*Table 8: Estimated total influx of Common Quail in 2019 study period*

<b>Date</b>	<b>Estimated Daily Influx</b>
15-Mar-19	0
16-Mar-19	984
17-Mar-19	2,363
18-Mar-19	1,907
19-Mar-19	0
20-Mar-19	1,575
21-Mar-19	0
22-Mar-19	0

23-Mar-19	0
24-Mar-19	4,768
25-Mar-19	469
26-Mar-19	2,189
27-Mar-19	954
28-Mar-19	937
29-Mar-19	730
30-Mar-19	3,815
31-Mar-19	492
01-Apr-19	3,648
02-Apr-19	870
03-Apr-19	469
04-Apr-19	2,363
05-Apr-19	6,675
06-Apr-19	984
07-Apr-19	2,363
08-Apr-19	2,861
09-Apr-19	984
10-Apr-19	2,918
11-Apr-19	0
12-Apr-19	3,280
13-Apr-19	2,363
14-Apr-19	1,907
15-Apr-19	1,967
16-Apr-19	7,875
17-Apr-19	8,700
18-Apr-19	3,749
19-Apr-19	7,088
20-Apr-19	3,815
21-Apr-19	1,476
22-Apr-19	0
23-Apr-19	954
24-Apr-19	1,406
25-Apr-19	3,938
26-Apr-19	4,768
27-Apr-19	492
28-Apr-19	1,575
29-Apr-19	0
30-Apr-19	4,217
01-May-19	0
02-May-19	870
03-May-19	469
04-May-19	0
05-May-19	1,907
06-May-19	492
07-May-19	2,363
08-May-19	870
09-May-19	0

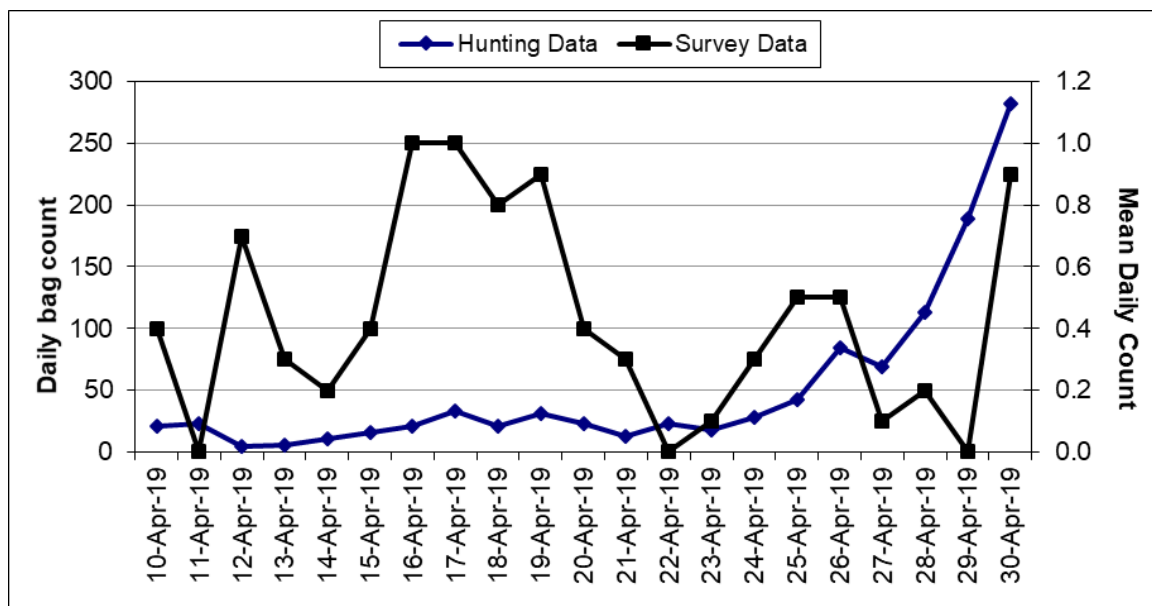
10-May-19	788
11-May-19	0
12-May-19	0
13-May-19	0
14-May-19	0
15-May-19	469
<b>Total influx</b>	<b>113,116</b>

Data source: Ecoserv, 2019

## 10. Comparison between migratory study data and telephonic reports

- 10.1 In order to validate the reporting system, data obtained from the SMS reports during spring derogation period (10<sup>th</sup> April – 30<sup>th</sup> April) was compared with the counts and estimates generated through the 2019 spring migration study during the same period.
- 10.2 The daily counts made during the 2019 survey include some day-to-day fluctuations (Figure 11), but the overall pattern is of elevated counts recorded during the period 16–19 April, as well as on 12 April, 25–26 April, and 30 April. Apart from these days marked by elevated counts, no overall trend of increase or decrease in daily survey counts is discernible over the survey period. On the other hand, the bag count data indicate an overall trend of increase, especially towards the end of the survey period. Bag counts reported between 10 and 24 April range between 4 and 20 birds; those reported between 25 and 27 April ranged between 42 and 84 birds, and the highest bag counts of 113, 189 and 282 birds were reported on 28, 29 and 30 April 2019 respectively. The increase in bag counts reported in 28–29 April is not reflected in the daily counts made during the 2019 survey, since very low mean daily counts were recorded on these days. On the other hand, the peak bag count reported on 30 April coincided with one of the peaks in daily counts recorded during the 2019 survey. It should be noted, however, that the total daily counts made during the 2019 survey were low, which introduces an additional difficulty in making interpretations of these comparison.

Figure 11: Daily bag count of Common Quail during 2019 (blue line; values on left-side y-axis), together with the mean daily counts recorded during the 2019 survey (black line; values on right-side y-axis), for the period 10 – 30 April 2019.



Data source: Ecoserv, 2019

## 11. Enforcement

11.1 During the 2019 spring hunting season, the Maltese authorities sought to further consolidate and improve upon the level of enforcement effort deployed in the previous year, which, as described in Malta’s report on the outcome of the 2018 spring hunting derogation, was already unprecedented in terms of its intensity.

11.2 The Framework Regulations (S.L. 549.57<sup>25</sup>) stipulate that a minimum of seven (7) enforcement officers for every 1,000 licensed hunters are required to be deployed during hunting hours. A total of 7,646 hunters were issued with a spring hunting licence in 2019 and therefore a maximum of 54 enforcement personnel were needed in accordance with national legislation to supervise the derogation period (roughly 45 officers in Malta and 9 in Gozo). Out of the total special licences issued, a total of 91 special licences remained uncollected (76 in Malta and 15 in Gozo) and thus of a total of 7,646 applicants, only 7,555 individuals were in possession of a special licence. Notwithstanding this, the Government opted to maintain the highest enforcement effort beyond the legal requirement, in order to ensure the strictest supervision of the spring hunting season possible, in line with the Birds Directive.

<sup>25</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1>

11.3 As was also the case in previous years, field surveillance and patrols were deployed from within the Administrative Law Enforcement (ALE) section of the Malta Police Force, with additional support from the 11 district police areas, from the Mounted Police Section and from the Armed Forces of Malta.

11.4 Prior to commencement of the season, enforcement officers received specialised training delivered by officials of the Specialist Enforcement Branch of the Wild Birds Regulation Unit. Four training sessions were held: on the 2<sup>nd</sup> and 8<sup>th</sup> April 2019 in Malta (Figure 12) and on the 3<sup>rd</sup> and 5<sup>th</sup> April 2019 in Gozo (Figure 13). In all, around 56 members of enforcement personnel participated in this training, during which they received a detailed briefing on:

- The legal framework concerning the conservation of wild birds
- Legal requirements pertaining to the spring hunting season
- Monitoring and surveillance techniques and approaches
- Basic species identification skills
- Inspections
- Hotspots and areas requiring particular attention
- Potential law enforcement evasion techniques deployed by poachers

*Figure 12: Police training seminar in Malta*



*Figure 13: Police training seminar in Gozo*



11.5 Furthermore, officers received a specialised briefing organised by the Wild Birds Regulation Unit on the objectives of the enforcement operation which were defined as follows:

- To ensure continuous deployment presence in the countryside to deter any potential abuse from occurring in the first place;
- To ensure that no illegal targeting of species other than Quail occurs, and that any detected incidents of abuse are dealt with swiftly and effectively (that is, apprehension of suspects and gathering sufficient field evidence to enable prosecution);
- To ensure that the general prohibitions and parameters related to the open season are enforced (such as: no hunting in prohibited areas; outside permitted hours; using prohibited means like bird callers; semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition; hunting without a valid spring hunting licence);
- To ensure that specific regulations applicable to the spring hunting derogation are enforced (such as game reporting obligation).

11.6 As was also the case in previous years, the enforcement operation throughout the season deployed a mix of the following approaches and techniques:

- a) **Vehicular patrols** concentrated in non-extensive pre-allocated areas that collectively ensure sufficient coverage of the countryside, particularly around the priority surveillance areas;
- b) **Foot patrols** by uniformed officers (both the Armed Forces of Malta and ALE) within particular locations, especially those areas with difficult vehicular access;
- c) **Stationary observation posts** manned by **uniformed** and **plain-clothed** personnel. Stationary observation posts were located at vantage points within priority surveillance areas;
- d) **Spot-checks and roadblocks** at strategic vehicular entry and exit points. The aim of the spot-checks is two-fold: (1) to detect the possession of illegally shot protected birds or other illegal material and (2) to enforce bag limit and real time reporting requirements.
- e) Deployment of **covert surveillance** backed up by mobile units especially in response to large influxes of protected birds or to ensure sufficient surveillance of particular hotspots known for targeting of protected birds.

11.7 The Maltese authorities paid particular attention to collaboration with the numerous NGO volunteers who were present in the countryside during the season. These volunteers aided the overall enforcement effort by:

- Acting as a deterrent to illegal hunting by virtue of their presence in the countryside;
- Submitting vital day-to-day information about the presence of birds and alerting the authorities to the presence of high risk species or high risk sites such as roosting sites;
- Acting as ocular witnesses to illegal hunting incidents, and reporting such incidents to the authorities;
- Gathering of video/photographic evidence of poaching and making available such evidence to the enforcement authorities.

11.8 During inspections, police forces were responsible for ensuring the lawful operation of hunting practices. Police officers were, *inter alia*, instructed to:

- Verify that hunters were in possession of all requisite documents;
- Verify that birds caught were being immediately reported in accordance with regulations;
- Ensure compliance with the provisions of the Conservation of Wild Birds Regulations (S.L. 549.42), including through appropriate handling of firearms and the Framework Regulations (S.L. 549.57<sup>26</sup>) and the Regulations opening the spring 2019 season (L.N. 64 of 2019<sup>27</sup>);
- Ensure that no species other than Quail, were being targeted;
- Ensure compliance with bag limits and time restrictions.

11.9 During the period of the derogation, an overall daily field complement reaching up to around 144 officers (128 in Malta and 16 in Gozo) was deployed. Daily field deployment consisted of a complement that ranged between 59 and 78 officers (50–67 officers in Malta and 9–11 officers in Gozo) deployed during morning shift<sup>28</sup> and between 24 and 66 officers (22–61 officers in Malta and 2–5 officers in Gozo) during the afternoon shift.

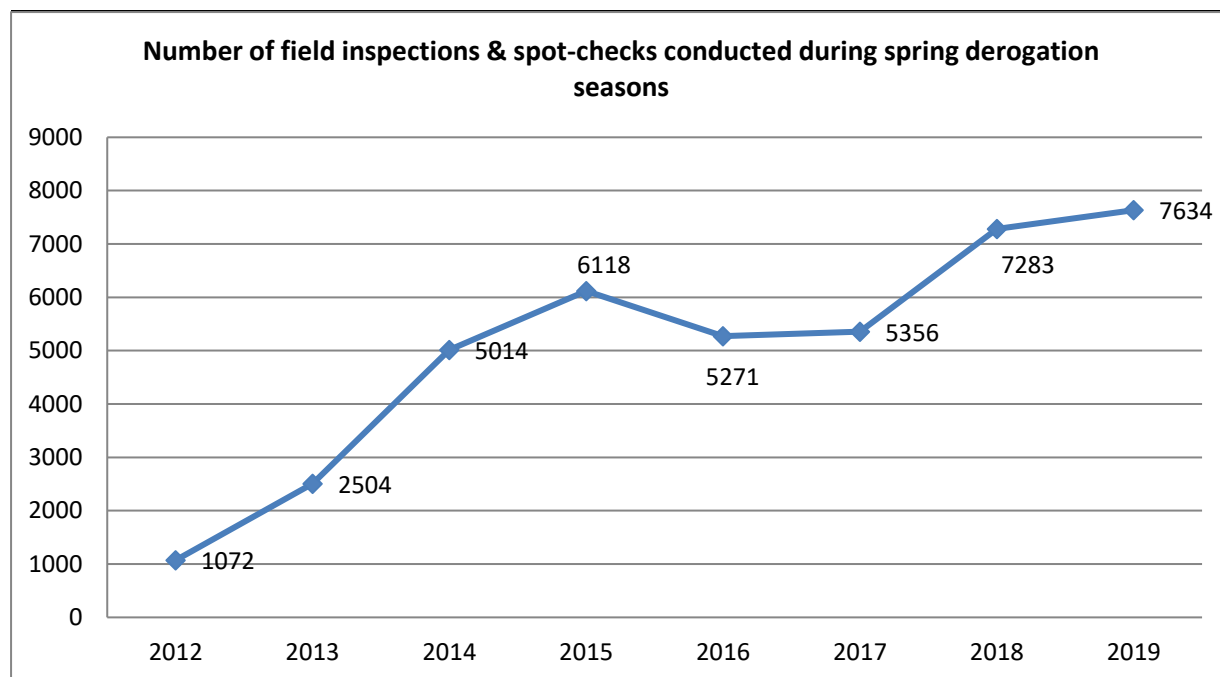
11.10 During the period of the derogation, between 10<sup>th</sup> April and 30<sup>th</sup> April 2019, when the season was open, field officers from the Administrative Law Enforcement and Gozo police carried out a total of 5,590 field inspections / patrols (4,368 in Malta and 1,222 in Gozo) and 1,919 spot-checks on individual hunters (1,549 in Malta and 370 in Gozo). In addition, a total of 125 road checks (84 in Malta and 41 in Gozo) were carried out with the aim of ensuring that all legal obligations of the spring hunting special licence and other regulations concerning the carrying of firearms are being respected. This enforcement effort cumulatively amounts to **7,634** inspections, spot-checks and road checks (Figure 14).

<sup>26</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1>

<sup>27</sup> <https://msdec.gov.mt/en/Document%20Repository/WBRU/2019/legislationAndPolicy/ln64.pdf>

<sup>28</sup> In Malta, enforcement officers operated on a two-shift basis: 0500 – 1330 and 1330 – 2130, whilst in Gozo, shift roster followed different pattern: number of officers varied between 0500–0700, 0700–1800 and 1800–2000 periods. In Malta peak number of officers was deployed during the morning shift (0500 and 1330) whilst in Gozo, the highest number of officers on the beat was deployed between 0700 and 1800.

Figure 14: Comparison of number of field inspections and spot-checks performed during the spring hunting seasons over the past 8 years



Source: Wild Birds Regulation Unit / Malta Police Force, 2019

11.11 In the course of these inspections and spot-checks, the officers disclosed a total of 17 offences (4 in Malta and 13 in Gozo), which led to legal action being taken against 5 persons (3 in Malta and 2 in Gozo), of which one person is being charged for two offences committed in Malta. No further action could be taken on the remaining 11 cases due to lack of information on the possible culprits.

11.12 Statistics pertaining to daily enforcement deployment, daily number of field inspections and spot-checks conducted and nature of the offences detected is summarised in the following tables (Table 9).

Table 9 – Enforcement deployment and offences detected during 2019 spring hunting season.

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Night patrols conducted		Number of field inspections conducted (visits to specific areas)		Number of spot-checks on individual hunters		Offences detected (number of cases and nature of offence)				
	Malta	Gozo	Malta	Gozo	Malta	Gozo <sup>29</sup>	Malta <sup>30</sup>	Gozo	Malta	Gozo	Malta	Gozo			
10/04/2019	50	9	22	3	0	2	208	48	36	21	0	0			
11/04/2019	50	9	22	2	0	2	208	61	35	15	0	0			
12/04/2019	52	9	22	3	0	0	208	86	38	13	0	1 Illegal Trapping <sup>31</sup>			
13/04/2019	52	9	22	3	0	2	208	45	45	34	0	0			
14/04/2019	52	9	22	3	0	0	208	49	56	16	0	0			
15/04/2019	53	10	22	2	0	3	208	52	74	25	0	0			
16/04/2019	61	9	33	5	0	3	208	44	80	12	0	5 Illegal Trapping <sup>32</sup>			
17/04/2019	61	10	61	2	0	2	208	70	83	18	1 Illegal Killing of Protected Birds <sup>33</sup>	1 Illegal Means <sup>34</sup>			
18/04/2019	61	9	33	4	0	3	208	56	95	12	1 Firearm Irregularities <sup>35</sup>	0			
19/04/2019	61	9	33	3	0	3	208	58	91	20	0	1 Illegal Means <sup>36</sup>			
20/04/2019	61	11	33	3	0	2	208	79	86	9	0	1 Bag reporting irregularity <sup>37</sup>			
21/04/2019	61	9	33	4	0	2	208	46	87	19	0	0			
22/04/2019	67	10	33	2	0	2	208	70	95	10	0	0			
23/04/2019	58	9	33	4	0	3	208	56	59	17	1 Firearm Irregularities <sup>38</sup>	0			
24/04/2019	61	9	33	3	0	2	208	66	85	19	0	0			
25/04/2019	58	9	33	2	0	2	208	56	75	32	0	3 Illegal Means <sup>39</sup>			
26/04/2019	60	9	33	4	0	2	208	51	71	11	1 Hunting without a valid licence <sup>40</sup>	0			
27/04/2019	67	9	33	2	0	3	208	48	95	7	0	0			
28/04/2019	60	9	33	3	0	2	208	67	73	18	0	0			
29/04/2019	67	9	33	3	0	2	208	54	93	28	0	0			
30/04/2019	62	9	30	3	0	2	208	60	97	14	0	1 Bag reporting irregularity <sup>41</sup>			
							<b>Total</b>	<b>0</b>	<b>44</b>	<b>4,368</b>	<b>1,222</b>	<b>1,549</b>	<b>370</b>	<b>4</b>	<b>13</b>

Source: Wild Birds Regulation Unit / Malta Police Force, 2019

<sup>29</sup> The Police Mobile Squad carrying out night supervision all over the island of Gozo was detailed to carry out night patrols in areas commonly used for hunting.

<sup>30</sup> A total of 52 localities were visited and surveyed by patrolling teams at least twice during each shift in Malta on each day of the season. In Gozo, enforcement teams conduct patrols throughout the island.

<sup>31</sup> Case refers to an illegal trapping site of unknown owner found in Kerċem. Gozo police dismantled the illegal trapping site and seized all trapping paraphernalia, culprit remained unknown therefore no further legal actions could be taken.

<sup>32</sup> Cases refer to five illegal trapping sites of unknown owners found in Gharb, Victoria, Żebbuġ (two sites) and Ghasri. Police seized a mist net and a trap intended to catch Turtle-doves from Gharb, a cage containing a live Turtle-dove from Victoria, a net and two Turtle-doves from the first site and an unused trapping clap net from the second site found in Żebbuġ and another clap net from Ghasri. All items were withheld by Police and all live birds were immediately released, culprits remained unknown therefore no further legal action could be taken.

<sup>33</sup> Case refers to the illegal killing of a European Turtle-dove and a Eurasian Golden Oriole (*Oriolus oriolus*) in Miżieb, reported by BirdLife volunteers. Action led to arrest of the poacher who was subsequently released on bail and the seizure of the firearm and bird carcasses. The case is pending court hearing.

<sup>34</sup> Case refers to an unattended bird caller of unknown owner seized by the Police from Gharb, culprit remained unknown therefore no further legal action could be taken.

<sup>35</sup> Case refers to the use of a firearm capable of holding more than two rounds of ammunition. The hunter was issued with an administrative fine of €250.

<sup>36</sup> Case refers to the illegal trapping of Common Quail (*Coturnix coturnix*) using illegal means i.e. nets and live decoys of the same species by an unknown culprit in Xaghra Gozo. Police seized nets and released two live Quail. Culprit remained unknown therefore no further legal actions could be taken.

<sup>37</sup> Case refers to the non-reporting of one hunted Quail. The hunter was issued with an administrative fine of €50.

<sup>38</sup> Case refers to the use of a firearm capable of holding more than two rounds of ammunition. The hunter was issued with an administrative fine of €250.

<sup>39</sup> Cases refer to three unattended bird callers of unknown owners found in different fields in Żebbuġ. All three devices were dismantled and seized by the police, culprits remained unknown therefore no further legal actions could be taken.

<sup>40</sup> Case refers to a repeated offender who was apprehended for illegally killing protected birds on the 17<sup>th</sup> of April 2019 and subsequently had his special licence and general licence seized. The culprit was again found attempting to hunt without a valid licence and using a bird caller. Police seized a bird caller, shotgun pellets, a pair of binoculars and firearms. Case is pending court hearing.

<sup>41</sup> Case refers to the non-reporting of one hunted Quail. The hunter was issued with an administrative fine of €50.

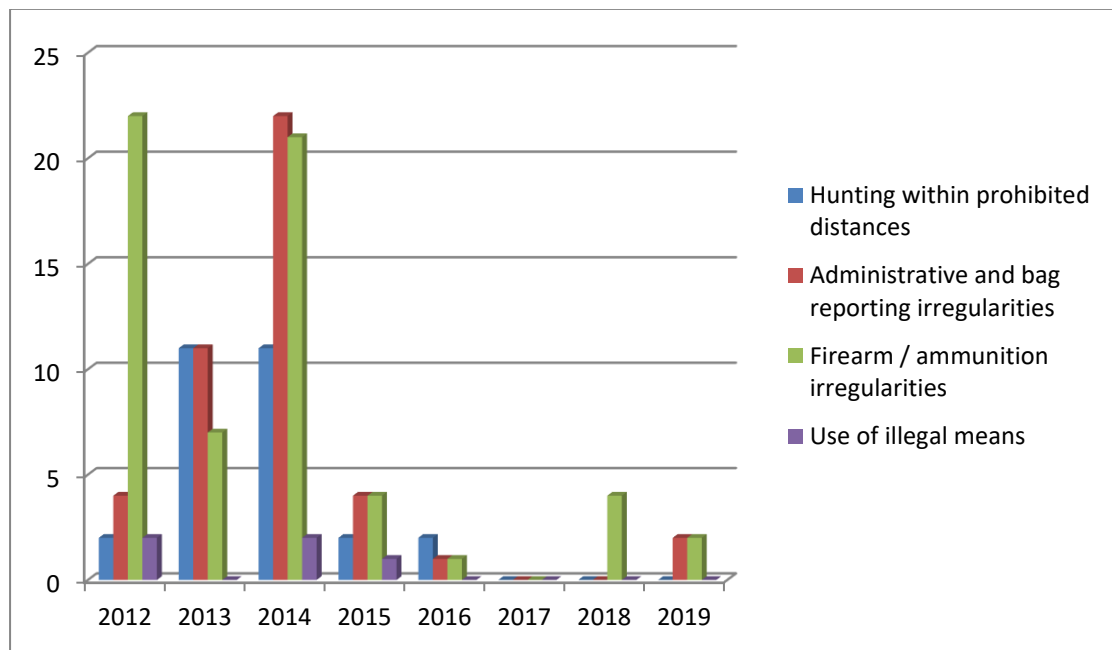
11.13 Table 10 below compares the number and nature of the offences detected on which legal action was taken during 2019 spring hunting season with the corresponding statistics for the previous seasons. Figures 15 and 16 analyse the trends pertaining to detection and legal action of minor (Figure 15) and major (Figure 16) offences during the period of spring hunting derogation over the past seven years.

*Table 10: Comparison of offences detected on which legal action was taken during 2012 – 2019 spring hunting seasons*

<b>Offences</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Hunting within prohibited distances	2	11	11	2	2	0	0	0
Administrative and bag reporting irregularities	4	11	22	4	1	0	0	2
Firearm / ammunition irregularities	22	7	21	4	1	0	4	2
Use of illegal means	2	0	2	1	0	0	0	0
Illegal trapping of protected birds	11	3	5	2	2	4	4	0
Illegal shooting of protected birds	2	3	2	3	1	1	2	1
Possession of protected species	5	1	1	2	0	0	3	0
Hunting in protected areas	0	4	2	0	0	0	0	0
Hunting without a valid licence	10	10	2	0	1	0	1	1
Hunting during the closed season	6	3	1	0	1	0	2	0
Conspiracy of breaking the law	0	0	0	0	0	0	1	0
<b>Total offences against which legal action was taken</b>	<b>64</b>	<b>53</b>	<b>69</b>	<b>18</b>	<b>9</b>	<b>5</b>	<b>17</b>	<b>6</b>

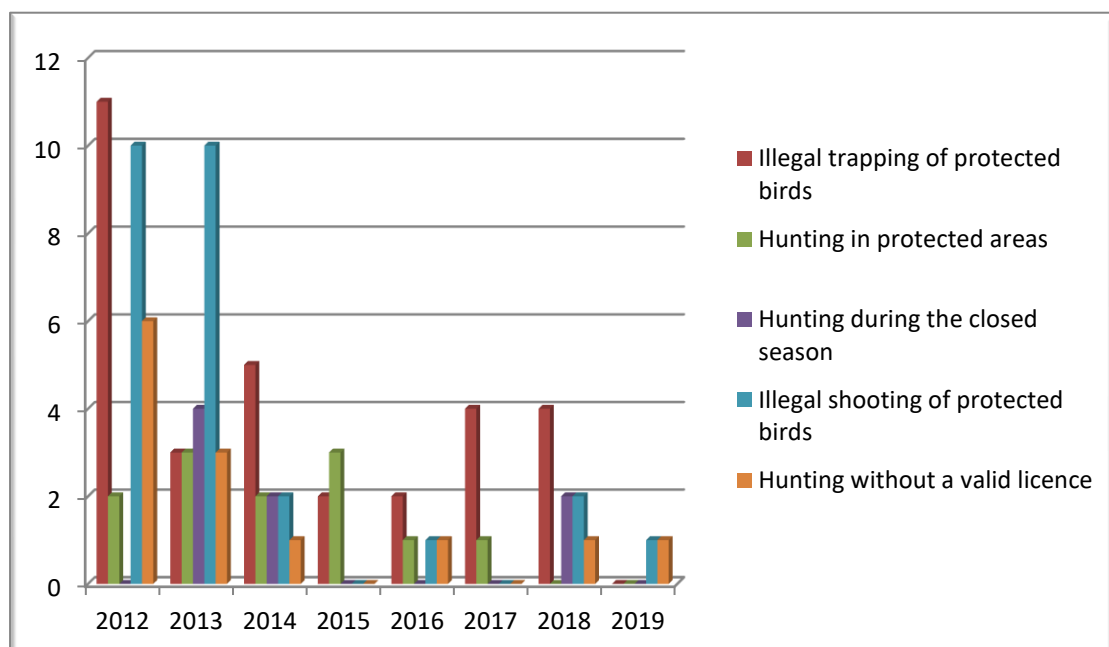
Source: Wild Birds Regulation Unit / Malta Police Force, 2019

Figure 15: Analysis of the trends pertaining to detection and legal action on relatively minor offences during the period of spring hunting derogation over the past eight years



Source: Wild Birds Regulation Unit / Malta Police, 2019

Figure 16: Analysis of the trends pertaining to the detection and legal action on major offences during the spring hunting seasons over the past eight years



Source: Wild Birds Regulation Unit / Malta Police, 2019

11.14 Table 11 below provides a comparison between the total number of birds confirmed to have been illegally shot during the 2018 and 2019 spring hunting seasons.

Table 11: Birds confirmed to have been illegally shot during the 2018 and 2019 spring hunting seasons. Entries in light grey are birds illegally shot outside season.

2018 spring hunting season (01/04/2018 – 21/04/2018)			2019 spring hunting season (10/04/2019 – 30/04/2019)		
Date of retrieval	Species	Retrieved from	Date of retrieval	Species	Retrieved from
01/04/2018	-	-	01/04/2019	Common Kestrel ( <i>Falco tinnunculus</i> )	Delimara
02/04/2018	-	-	02/04/2019	-	-
03/04/2018	-	-	03/04/2019	Marsh Harrier ( <i>Circus aeruginosus</i> )	Mdina
				Marsh Harrier ( <i>Circus aeruginosus</i> )	Żebbuġ
04/04/2018	-	-	04/04/2019	-	-
05/04/2018	-	-	05/04/2019	-	-
06/04/2018	Marsh Harrier ( <i>Circus aeruginosus</i> )	Għasri - Gozo	06/04/2019	-	-
07/04/2018	-	-	07/04/2019	-	-
08/04/2018	Marsh Harrier ( <i>Circus aeruginosus</i> )	Miżieb	08/04/2019	Stone Curlew ( <i>Burhinus oedicanus</i> )	Mellieħa
09/04/2018	-	-	09/04/2019	Yellow-legged gull ( <i>Larus michahellis</i> )	Salina
				Marsh Harrier ( <i>Circus aeruginosus</i> )	Mġarr
10/04/2018	-	-	10/04/2019	-	-
11/04/2018	Turtle-dove ( <i>Streptopelia turtur</i> )	Xemxija	11/04/2019	-	-
12/04/2018	Pallid Harrier ( <i>Circus macrourus</i> )	Marsascula	12/04/2019	Hoopoe ( <i>Upupa epops</i> )	Żebbuġ
	Turtle-dove ( <i>Streptopelia turtur</i> )	Għaxaq			
13/04/2018	Moorhen ( <i>Gallinula chloropus</i> )	Marfa	13/04/2019	-	-
14/04/2018	Common Kestrel ( <i>Falco tinnunculus</i> )	Żebbuġ	14/04/2019	-	-
15/04/2018	Turtle-dove ( <i>Streptopelia turtur</i> )	Birzebbuġa	15/04/2019	Marsh Harrier ( <i>Circus aeruginosus</i> )	Delimara
16/04/2018	Common Kestrel ( <i>Falco tinnunculus</i> )	Marsascula	16/04/2019	-	-
17/04/2018	Marsh Harrier ( <i>Circus aeruginosus</i> )	Mrieħel	17/04/2019	Turtle-dove ( <i>Streptopelia turtur</i> )	Mellieħa
				Turtle-dove ( <i>Streptopelia turtur</i> )	Miżieb
				Golden Oriole ( <i>Oriolus oriolus</i> )	Miżieb
18/04/2018	-	-	18/04/2019	Turtle-dove ( <i>Streptopelia turtur</i> )	Miżieb

2018 spring hunting season (01/04/2018 – 21/04/2018)			2019 spring hunting season (10/04/2019 – 30/04/2019)		
19/04/2018	Common Kestrel ( <i>Falco tinnunculus</i> )	Sigġiewi	19/04/2019	-	-
	Turtle-dove ( <i>Streptopelia turtur</i> )	Delimara			
20/04/2018	Turtle-dove ( <i>Streptopelia turtur</i> )	Fawwara	20/04/2019	Common Kestrel ( <i>Falco tinnunculus</i> )	Gozo
	Turtle-dove ( <i>Streptopelia turtur</i> )	Xagħra, Gozo			
	Turtle-dove ( <i>Streptopelia turtur</i> )	Dwejra, Malta			
21/04/2018	Common Kestrel ( <i>Falco tinnunculus</i> )	Birżebbuġa	21/04/2019	-	-
	Turtle-dove ( <i>Streptopelia turtur</i> )	Delimara		-	-
22/04/2018	Common Kestrel ( <i>Falco tinnunculus</i> )	Attard	22/04/2019	-	-
23/04/2018	Lesser Kestrel ( <i>Falco naumanni</i> )	Qrendi	23/04/2019	Stone Curlew ( <i>Burhinus oediconemus</i> )	Pembroke
	Turtle-dove ( <i>Streptopelia turtur</i> )	Xemxija			
24/04/2018	Turtle-dove ( <i>Streptopelia turtur</i> )	Gozo	24/04/2019	Turtle-dove ( <i>Streptopelia turtur</i> )	Żurrieq
25/04/2018	Common Kestrel ( <i>Falco tinnunculus</i> )	Żebbuġ		Marsh Harrier ( <i>Circus aeruginosus</i> )	Marsalforn
	Turtle-dove ( <i>Streptopelia turtur</i> )	Gozo	25/04/2019	-	-
26/04/2018	Short-eared Owl ( <i>Asio flammeus</i> )	Żabbar	26/04/2019	Turtle-dove ( <i>Streptopelia turtur</i> )	-
27/04/2018	-	-	27/04/2019	Turtle-dove ( <i>Streptopelia turtur</i> )	-
28/04/2018	Cuckoo ( <i>Cuculus canorus</i> )	Buskett	28/04/2019	-	-
29/04/2018	Spotless Starling ( <i>Sturnus unicolor</i> )	-	29/04/2019	-	-
30/04/2018	Little Bittern ( <i>Ixobrychus minutus</i> )	Żebbuġ	30/04/2019	Turtle-dove ( <i>Streptopelia turtur</i> )	Rdum tal-Madonna
				Montagu's Harrier ( <i>Circus pygargus</i> )	Żabbar
<b>Total</b>		<b>17 (+9 outside season)</b>	<b>Total</b>		<b>14 (+6 outside season)</b>

Source: BirdLife Malta (2018; 2019) & Wild Birds Regulation Unit (2018; 2019)

11.15 As shown in Table 11 above, during 1<sup>st</sup> April - 21<sup>st</sup> April (2018 open season) 17 illegally shot birds were reported. The 2019 open season (10<sup>th</sup> April – 30<sup>th</sup> April) was characterised by 14 casualties. The ratio of illegally shot birds for the period when the season was open during both years, that is, from the 10<sup>th</sup> to 21<sup>st</sup> April, is 15:7 (2018:2019), with Turtle-doves constituting the majority of casualties.

11.16 In addition to enforcement deployment by the authorities, around 13 hunting marshals were deployed by the Federation for Hunting and Conservation – Malta

(FKNK) to assist the authorities in surveillance, whilst *Kaċċaturi San Ubertu* (KSU) deployed around 20 observers to monitor the extent of migration and to assist the authorities in the detection and reporting of any observed illegalities. Furthermore, various volunteers from the Committee Against Bird Slaughter (CABS) and BirdLife Malta maintained a close watch for any irregularities throughout the season.

11.17 During the season, BirdLife Malta held its Spring Watch camp, which covered two of three weeks of the season. The Spring Watch camp recorded 92 illegal hunting activities of which 73% consisted of incidents concerning shooting at protected birds (not Quail) including Turtle-doves. These offences have been documented in a video summary and published through a press release<sup>42</sup>, and reported to the European Commission.

11.18 In respect of the offences detected during the 2019 spring hunting season, criminal action is being taken against a person for the illegal killing of a European Turtle-dove (*Streptopelia turtur*) and a Eurasian Golden Oriole (*Oriolus oriolus*), for relapsing and subsequently being re-caught hunting without a valid spring hunting licence and using a bird caller.

## 12. Conclusions

12.1 The application of the 2019 spring hunting derogation was preceded by a series of analyses that considered all relevant legal, scientific and technical aspects pertaining to this derogation, as well as by an open and transparent discussion with stakeholders.

12.2 As a result of these processes, the decision to apply the derogation was made after ascertaining that there is no other satisfactory solution, and that the following critical prerequisites will be met:

- The derogation will satisfy all the relevant requirements of the Birds Directive, and specifically the parameters stipulated in Article 9 (1) (c); and
- The actual implementation of the derogation on the ground will ensure that the relevant legal parameters enacted in pursuance of point (a) above will be respected in the field through an elaborate and robust enforcement regime.

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<sup>42</sup> <https://birdlifemalta.org/2019/05/an-open-hunting-season-on-the-red-listed-turtle-dove/>

- 12.3 Throughout the period of this derogation, the authorities ensured that all parameters of the derogation were met in practice. Supervision on the ground was ensured through deployment of appropriately trained and suitably equipped field officers who maintained extremely high intensity of field patrols and spot-checks on individual hunters.
- 12.4 The overall number of field inspection/patrols and spot-checks held during the 2019 spring hunting season was the highest on record when compared with the previous spring hunting seasons. This unprecedented enforcement presence in the field ensured a sustained level of deterrent against illegalities.