

UK Small Cetacean Bycatch Response Strategy

Consultation Paper

Response of Irish Whale and Dolphin Group

Fisheries Interactions Working Group

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Introduction

The Irish Whale and Dolphin Group (IWDG) would like to applaud the UK Government for its initiative in drawing up a response strategy to mitigate against the effects of levels of bycatch on small cetaceans in certain marine fisheries. The UK Government's initiative will hopefully be rapidly followed by an EU Bycatch Response Strategy.

The IWDG notes that both the fish stocks being fished and the cetaceans being by-caught are transnational populations. There is a need, therefore, for any bycatch mitigation measures to be implemented along geographical rather than political boundaries. Thus we urge the UK Government to encourage neighbouring states to adopt similar bycatch mitigation programmes and to cooperate on a regional basis towards the reduction of cetacean bycatch in these fisheries.

The IWDG also raises issue with some aspects of the Small Cetacean Bycatch Response Strategy and highlights its concerns in the following document.

Section 4: Paragraph 71.

The report recommends a legal requirement for *'UK fishing vessels, apart from those vessels operating within 6 miles of the coast, using bottom set gill nets in ICES areas VIIe, f, g, and j to use acoustic deterrents ('pingers') on their nets.'*

The IWDG contend that this legal requirement should be extended to all vessels operating bottom set gill nets **within 6 miles** of the coast, as inshore waters are prime habitat for harbour porpoise in UK waters and thus any bycatch mitigation measures proposed in the bottom set gillnet fishery should also apply to these waters.

Section 4: Paragraph 72.

Paragraph 72 states that *'the English Channel historically had a harbour porpoise population, and the large amount of set net fishing in this area may act as a barrier to any recovery of the population'*, yet goes on to state that no regulatory requirement be imposed on this fishery 'subject to further work'.

The IWDG contends that, knowing that the harbour porpoise population in the English Channel has been severely reduced and that set netting in the area may be preventing its recovery, the **precautionary principle** would support the immediate regulation of this fishery in order to protect the remnant population and pending further research into harbour porpoise in the English Channel.

It is therefore our contention that the bottom set gillnet fishery in ICES area VIIId be required to use acoustic deterrents.

Section 4: Paragraph 78.

The paragraph relating to mortality limit schemes as a mitigation method against bycatch lacks conviction in its wording and gives an impression that the UK Government is not serious in consideration of mortality limit schemes as a management tool for bycatch mitigation.

The IWDG contends that mortality limit schemes are a useful and viable mitigation measure against bycatch in certain high value or high cetacean mortality fisheries. We would therefore recommend that paragraph 78 be revised to remove ambiguous terminology and to place mortality limit schemes on the table as a viable mitigation tool against bycatch in UK fisheries where deemed necessary.

Section 4: Paragraph 80.

The paragraph states that '*so far, no suitable sites for harbour porpoise have been found in UK waters*'.

The IWDG and conservation groups in the UK have highlighted areas of high porpoise densities – sites which consistently yield high relative abundance at headlands in Wales, Cornwall and Antrim. The IWDG contends that, although calving grounds for this species have yet to be identified in UK Coastal waters, inshore sites such as these represent important feeding areas for harbour porpoise and their calves and thus fulfill the spirit of the Habitats Directive, which seeks to conserve a representative network of habitats for species including harbour porpoise.

Section 5: Paragraph 83.

Paragraph 83 highlights the need for *further work ... on small cetacean population structure and seasonal movements' in UK waters*'.

Since 2001 the IWDG, in partnership with the Biscay Dolphin Research Program, the Plymouth-Santander Marine Survey and partners in Spain, have conducted monthly transect surveys in Irish, UK, French and Spanish waters under an umbrella program called ARC (Atlantic Research Coalition). At the moment these surveys operate in the following UK waters: English Channel, Irish Sea and Celtic Sea/Bristol Channel.

The IWDG encourages the UK Government to engage with NGO's and support such joint research initiatives, this would enable more routes to be covered and monthly monitoring to be expanded to other UK waters. Our hope is to form a European cetacean monitoring network.

The IWDG also encourages more work to be carried out on cetacean population structure in UK waters. Limited genetic (e.g. Duke *et al.*, in prep.) and contaminant (e.g. Berrow *et al.*, 1998) data suggests, for example, that harbour porpoises in the Irish Sea may be geographically isolated and should be treated as a separate management unit. Other sub-groups or populations may exist.

Section 5: Paragraph 85.

The paragraph proposes *that a voluntary arrangement should be entered into with those fisheries obliged to use pingers to take observers onboard*¹.

The IWDG contends that such an arrangement may lead to a bias in the data collected as vessels with a poor record on bycatch or who are not adhering to the new regulations may be reluctant to take observers onboard. Thus the very vessels that require monitoring may continue to escape detection.

Thus the IWDG recommends that the independent observer program be placed on a legal footing from the outset and that vessels be obliged to take observers onboard as part of their fisheries license requirements.

The penalties for non-compliance with such requirements should be clearly defined and offer an effective deterrent to offenders (e.g. suspension or revoking of fisheries licence).

Section 5: Paragraph 87.

The IWDG is concerned that habituation to acoustic devices may be a real problem and observer programmes should be designed to rapidly identify this, if it occurs.

Section 6: Paragraph 92.

The concept of an accreditation scheme for vessels taking on board voluntary observers - where compliance with observer schemes **is not** mandatory - and providing assistance with research is to be applauded.

One of the criticisms of fishermen who take part in research projects or take observers on board has been the lack of acknowledgement and the lack of feedback. An accreditation scheme would provide important acknowledgement to fishermen who are prepared to take on observers or to help with research as well as providing, for the first time, an indirect financial incentive.

It is also important, however, that fishermen get adequate feedback from the projects they are involved in. A copy of the final scientific report is often inadequate as the jargon in such reports are usually beyond the reading tolerance of the non-scientific community. The IWDG

advocates the preparation of regular feedback reports in non-technical terms in the form of a project newsletter or as articles in industry newspapers.

Section 7, Paragraph 111.

The IWDG contends that 5-10% observer coverage should be a **minimum** and any coverage below this should be discouraged, even to identify fisheries with a potentially high bycatch.

Annex A: Paragraph 33, IV

It is important that the funding for the implementation of these new regulations is not the full responsibility of the fishermen. In an industry where profit margins can often be tight and which is already compromised by new (but necessary) EU restrictions costs of initial installation of new equipment should be supported through a subsidy scheme. Fishermen will still bear the costs of equipment maintenance, battery replacement etc ...