

Agenda Item 4.2

Priorities in the Implementation of the
Triennium Work Plan (2010-2012)
ASCOBANS Conservation Plan for Harbour
Porpoises in the North Sea

Document 4-06

Report of the North Sea Coordinators

Action Requested

- Take note of the report
- Comment

Submitted by

Consultants / Secretariat



NOTE:
IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR
OWN COPIES OF DOCUMENTS TO THE MEETING

Secretariat's Note

1. This document contains the final report submitted by the consultants hired for the interim coordination of the Conservation Plan for Harbour Porpoises in the North Sea. The Terms of Reference for the assignment can be accessed as Annex 17 of the AC16 Report.
2. With this report, the contract with Russell Leaper and Vassili Papastavrou has been concluded.
3. A new consultancy contract was advertised on 14 March; the deadline for applications is 15 April. The Secretariat will consult with the North Sea Group when selecting the candidate or institution.

FINAL REPORT ON PROGRESS TO DEVELOP FURTHER THE ASCOBANS CONSERVATION PLAN FOR HARBOUR PORPOISE IN THE NORTH SEA

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Updated report 04/04/2011

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INTRODUCTION

This report is the final report on progress on the Conservation Plan for the Harbour Porpoise in the North Sea under a short term contract issued in 2009. The intention of the work conducted so far was to prepare for the longer term implementation of the Plan by the funded co-ordinator position. Our initial work concentrated entirely on issues related to bycatch, but at AC17 it was also noted that underwater noise is also a substantial threat to porpoises in the North Sea.

We produced an interim report in March 2010 for the cancelled AC17 meeting, updated in September 2010 for AC17 in Bonn (AC17_4-05). The report to AC17 covered issues related to an agreed work plan; (1) Document relevant regulations and guidelines and review reports on implementation, (2) Promoting and explaining the plan to stakeholders, (3) Practical implementation of the plan (Monitoring and mitigating bycatch from small vessels), and (4) Data collection and fishing effort.

This current report provides an update on new information that we are aware of relevant to the Plan including a meeting of the North Sea Regional Advisory Council. It is intended to supplement the information in AC17_4-05.

SHIFTS IN PORPOISE DISTRIBUTION PATTERNS

The need for flexibility in monitoring and mitigation measures has been highlighted by well documented shifts in porpoise distribution within the North Sea. While no new major surveys have been conducted, further analyses support a long-term southward shift in distribution (Darke and Bradbury, 2011; Haelters *et al.*, 2010).

In addition to nationally co-ordinated efforts, a number of surveys for porpoises using visual and acoustic methods are being undertaken within the North Sea particularly in areas assigned for the potential development of off-shore wind farms. These will be of most value in a wider context if the survey methods used and data collected are compatible. Other planned surveys include a passive acoustic survey of the Channel by International Fund for Animal Welfare from May 2011.

The Joint Cetacean Protocol (JCP) being developed by JNCC in the UK aims to create a standard structure for sharing cetacean sightings data (<http://jncc.defra.gov.uk/page-5657>). Cetacean data from the ASCOBANS area are actively being sought from governmental organisations, non-governmental organisations and industry for phase 3 of the project which aims to identify spatial and temporal trends in density.

CURRENT INFORMATION ON PORPOISE BYCATCH

The southward shift in porpoise distribution has increased the need for better information on bycatch and effort in static net fisheries in the southern North Sea (ICES subdivision IVc), especially for vessels less than 12m in length and semi-professional or recreational fisheries. ICES (2010) notes that the assessment of total porpoise bycatch in this area is very uncertain, with the upper end of the estimates exceeding 1.7% of the current best estimate of the harbour porpoise population, while other estimates are below 1.7%. ICES further advises that if sufficient information is not forthcoming to conduct an assessment in three years time, then mitigation measures should be applied to all

static net fisheries, including those undertaken by small vessels and for recreational purposes in subdivision IVc.

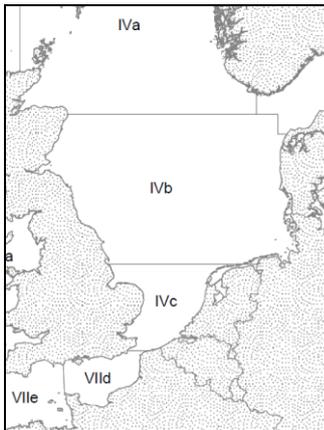


Figure 1. ICES Subdivisions in the North Sea.

DEVELOPMENTS IN BYCATCH MITIGATION MEASURES

The most effective mitigation measure remains to cease fishing using static gear that poses a risk to harbour porpoise (ICES, 2010). Where the social or economic cost means reducing the use of high risk gear is not possible, acoustic deterrents on static gears are effective in reducing harbour porpoise bycatch. Alternative measures that attempt to make nets stiffer or easier for porpoises to detect acoustically have not shown a consistent reduction in bycatch (ICES, 2010).

Regulation 812/2004 does not cover use of acoustic deterrents from vessels less than 12m in length. A study was conducted in Cornwall, UK to investigate the effectiveness and practicalities of using pingers on inshore vessels operating in subdivision VIIe (Hardy and Tregenza, 2010). The vessels were using tangle nets usually consisting of monofilament netting of 27cm mesh. These nets target benthic species such as monk fish and are designed to lie flat on the sea bed. Results using C-PODs showed substantial reduction in porpoise vocal activity around the nets when the pingers were active. The conclusion was that pingers would reduce porpoise bycatch in this type of fishery. Use of pingers was generally considered acceptable by the skippers involved with the main problems being limited battery life and the lack of an indication whether the pinger was "live or dead".

In the Cornish study, pingers were attached to the weighted footrope of the net. The suggested advantages of this approach are that the weight of the pinger does not pull down the headrope, and there may be less risk of button-holing (when the pinger falls through the mesh of the net causing a tangle) during deployment. It was also noted that the smaller flaking machines on these vessels did not appear to cause safety issues that had been reported on larger vessels with pingers being spat out at crew members (Caslake and Lart, 2006).

A new design of pinger, Fishtek Banana Pinger BP15 (<http://fishtekmarine.com/pdf/BP%20154.pdf>) aims to be tough and low cost, with replaceable batteries and an indicator of performance status. The manufacturer suggests the banana shape allows for easy handling and the light weight (20g) for less risk to crew.

COLLABORATION BETWEEN ASCOBANS AND NORTH SEA REGIONAL ADVISORY COUNCIL

RL attended the Executive Committee meeting of the North Sea Regional Advisory Council (NSRAC) in Aberdeen, Scotland on 22 October 2010 as an ASCOBANS observer. The NSRAC was established in 2004 as part of an effort to provide greater stakeholder involvement in fisheries management at a regional level. Its main objective is to 'prepare and provide advice on the management of the

fisheries of the North Sea on behalf of stakeholders in order to promote the objectives of the Common Fisheries Policy'. To achieve this, the NSRAC has a two level structure with a larger General Assembly and a smaller Executive Committee. About two thirds of the members of NSRAC are from the fishing sector with the remainder being from other interest groups including conservation NGOs. The General Assembly and Executive Committee meet annually but the NSRAC also has a number of working groups which address issues in greater detail. The current working groups are; Spatial Planning (including Marine Protected Areas), Socio-economic, Nephrops, Kattegat and Skaggeak, Flatfish and Demersal.

There was some discussion of the proposed Dogger Bank SAC. The NSRAC has commented on the UK consultation¹. The NSRAC noted 'concern that the approach adopted by the UK to boundary setting and features of interest for the Dogger Bank pSAC is inconsistent with that taken by the German and the Dutch Governments to their components of the Dogger Bank.' For example, the UK does not include harbour porpoise as a feature of interest for the pSAC. Wildlife Link (a coalition of conservation groups in the UK) expressed the view that harbour porpoise should be reinstated as a qualifying feature for the designation of the site by the UK².

The next meeting of the General Assembly/Executive Committee will be from 10-11 October 2011 in Boulogne-Sur-Mer. Informal discussions suggested that it might be possible for someone from ASCOBANS to give a presentation at this meeting (for example on the Conservation Plan for harbour porpoise). Such a presentation would need to be arranged with the chair (Niels Wichmann, Chief Executive of the Danish Fishermen's Federation) well in advance and would be most effective if there were simple clear requests relevant to the fisheries interest groups.

NSRAC comments seabird bycatch action plan

The NSRAC has responded to the consultation on the EU Action Plan for Reducing Incidental Catches of Seabirds in Fishing Gears which is due to be finalised in 2011³. Several of the issues raised by the NSRAC with respect to seabird bycatch are also relevant to porpoises. These comments provide an indication of the general feeling within NSRAC towards bycatch and bycatch mitigation that should be taken into account in any approaches to the NSRAC by ASCOBANS.

In particular, the NSRAC noted that 'Fishers do not want to catch seabirds, not just because of this environmental impact but also because bycatch of seabirds and other non-target species can be disruptive to fishing operations and can therefore have an adverse effect on productivity'. It is likely that the NSRAC would make similar points with respect to porpoise bycatch to the comments it made on the seabird plan of action. In particular it was noted that 'there is little gill-netting beyond 12nm in the North Sea, rather gill-nets are used mainly by inshore fishers. Such fishers are less well catered for in the current stakeholder composition of the NSRAC and the issue therefore needs to be addressed by the relevant Member States as well as by the NSRAC'. As is also the case with porpoises, seabird bycatch occurs in recreational and semi-professional fisheries. The NSRAC notes that these are 'unregulated (and often not best-practice)' and need to be integrated into the wider control regime.

The NSRAC also notes the need to seek gear modifications that reduce bycatch of both seabirds and small cetaceans as far as is technically practicable. In terms of implementation the NSRAC comments that 'Whereas 'bottom up' collaboration with fishers should be the top priority approach, requiring mitigation measures to evolve and be subject to ground testing, we do not discount the possibility that for certain situations, where best practice has been accepted and proven, legally binding technical conservation measures may be required for consistency and control'.

¹ (http://www.nsrac.org/wp-content/uploads/2010/11/NSRAC-DoggerBankConsultation_Response_FINAL-RSPB-Euan-Dunn1.pdf).

² http://www.wcl.org.uk/docs/2010/Link_response_Dogger_Bank_consultation_12Nov10.pdf

³ <http://www.nsrac.org/wp-content/uploads/2010/08/NSRAC-resp-to-draft-PoA-Seabirds-160810.pdf>

SUGGESTED NEXT STEPS FOR CO-ORDINATION BETWEEN ASCOBANS AND NSRAC

The NSRAC is well aware of the issue of porpoise bycatch. With the general reduction in fishing effort in the North Sea using static gear there is a general feeling within the NSRAC that the problem is not as serious as it was. As representatives of the full-time professional fishing industry many members of the NSRAC would like to see greater emphasis on regulating inshore, recreational and semi-professional fisheries. Nevertheless, the comments from the NSRAC on seabird bycatch do indicate a willingness to help address the problem even if it includes enforced technical conservation measures. The impression we have is that the NSRAC would be most likely to respond favourably to a presentation with a single clear message that the representatives can then relay to the fishers involved. The NSRAC might be a good forum in which to start initial discussions of new or experimental technical measures for larger vessels where these have been identified. However, ICES (2010) advises that insufficient evidence exists to recommend further mitigation measures for any fishery in the North Sea and Skagerrak.

The need to address smaller vessels (<12m) has also been emphasised, but the NSRAC may not be the best forum for this. For most member states, vessels less than 12m in length make up around 75% of the fleet (ICES, 2010), but are not covered by Regulation 812/2004. Many of the fishers using such vessels are not represented at the NSRAC.

COMMUNICATING WITH OPERATORS OF SMALLER VESSELS

In the UK, recent legislation has established groups to provide more local input into the management of inshore fisheries. Inshore Fisheries Groups in Scotland are associations of stakeholders with an interest in fishing within the coastal to 12nm zone. The South East Scotland IFG which is the only IFG in the North Sea has been meeting regularly since 2009. The workings of IFGs in Scotland were reviewed in 2010 including comparisons with other similar models elsewhere in Europe⁴. In England the equivalent bodies are the Inshore Fisheries and Conservation Authorities (IFCAs) which will operate from April 2011. These groups and their equivalents in other North Sea countries may be a useful point of contact for starting discussions of the need for bycatch monitoring and mitigation for smaller vessels. For example, in a study of the use of pingers in an inshore fishery, Hardy and Tregenza (2010) note that assistance from the Cornwall Sea Fisheries Committee (CSFC), including identifying and recruiting the fishermen willing to be involved in the project, was of paramount importance.

EU LEGISLATION WITH REGARD TO ANIMAL WELFARE AND FISHERIES

The Treaty of Lisbon, which entered into force on the 1st of December 2009 amends the current founding treaties for the EU including the Treaty Establishing the European Community which will be renamed as the Treaty on the Functioning of the European Union (TFEU). Title II of TFEU lists some key principles the Union should respect. Additions have been introduced with the Lisbon Treaty into the TFEU which includes fisheries amongst policies which need to take animal welfare into account. Article 13 states that 'In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.' These changes may have implications for the consideration of porpoise bycatch as an animal welfare problem in addition to conservation issues.

⁴ <http://www.scotland.gov.uk/Topics/marine/Sea-Fisheries/InshoreFisheries/IFGsMap/policyappraisal>

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