

The Workshop on mitigation measures to reduce bycatch of short-beaked common dolphins in the Bay of Biscay (WKEMBYC2)

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January 9 2024, SAP Common Dolphin

Stages of an infringement procedure



1-Complaints leading to the opening of bilateral discussions/cases opened by the Commission on its own initiative

2-Exchanges with Member States

3-Pre-litigation procedure:

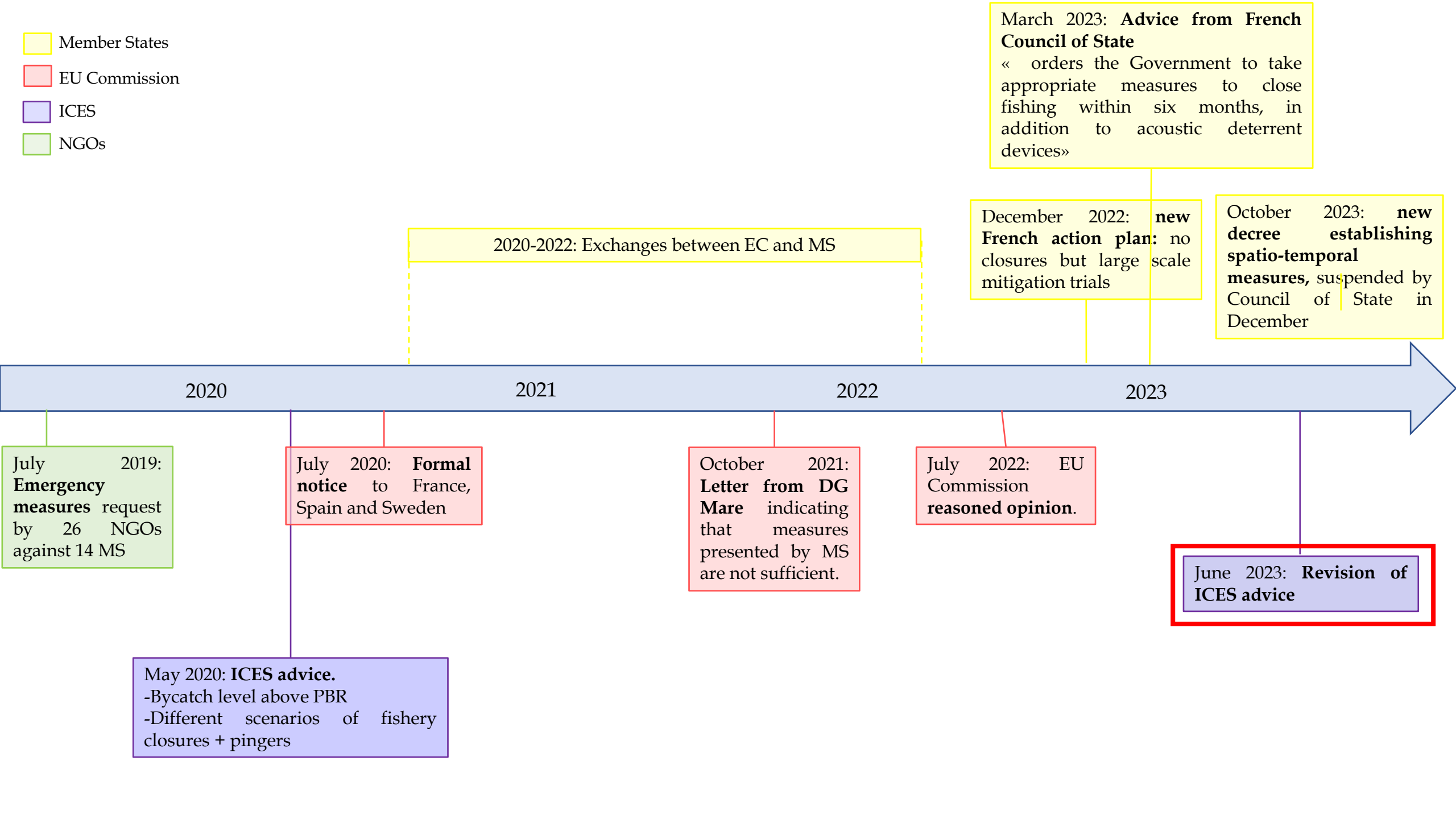
Letters of formal notice (request for specific information)

Reasoned opinion (formal request to comply with EU law)

4- Referral to the European Court of Justice

5-Court sanctions if the country fails to communicate measures

- Member States
- EU Commission
- ICES
- NGOs

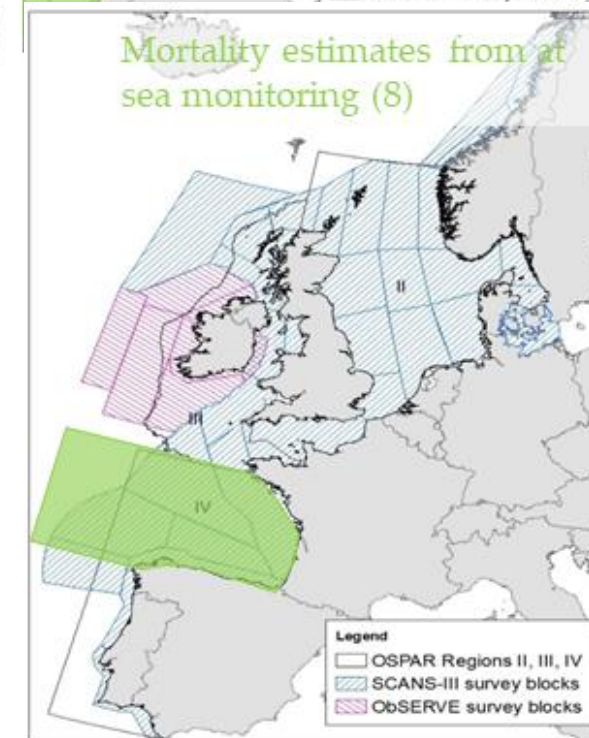
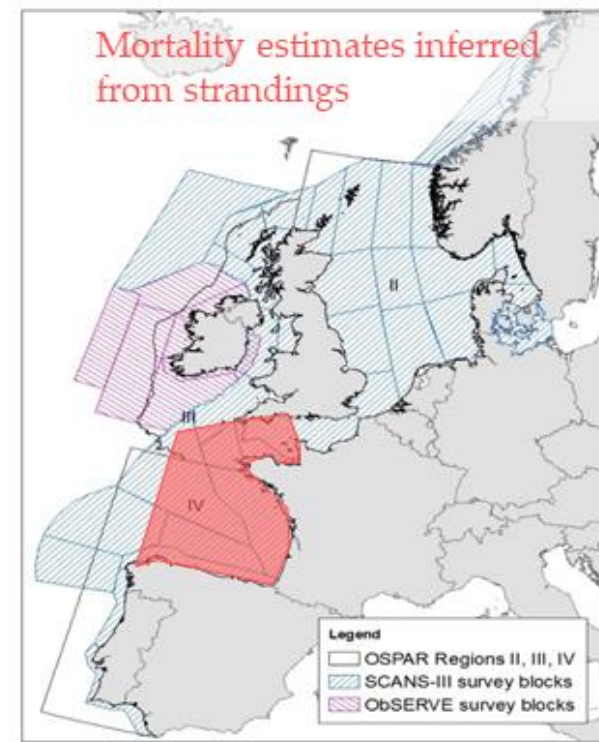
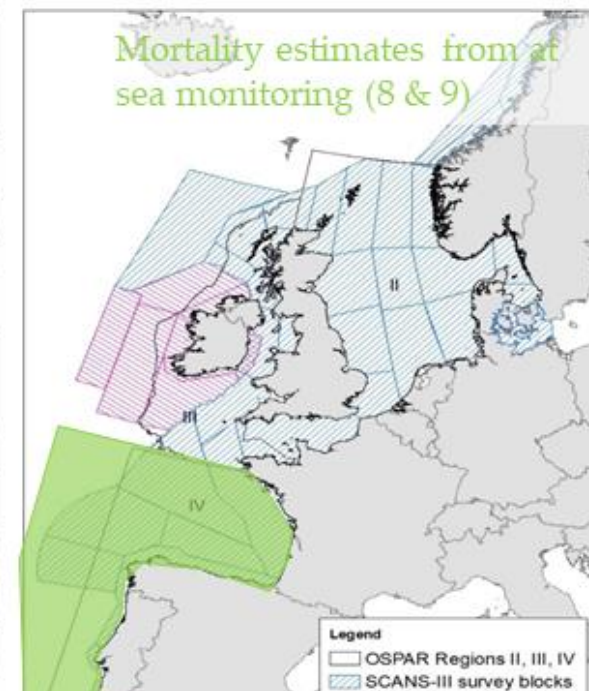


1- State of the art

- Review of relevant legislation
- Common dolphin knowledge (abundance, population management units, conservation status)
- Bycatch (historical rates, update since 2020)
- Mitigation trials (published and ongoing)
- Data sources (at-sea monitoring and strandings)

2- Update of mitigation Scales

December 2022



Update June 2023

2- Update of mitigation scenarios

Bycatch estimates from at-sea monitoring

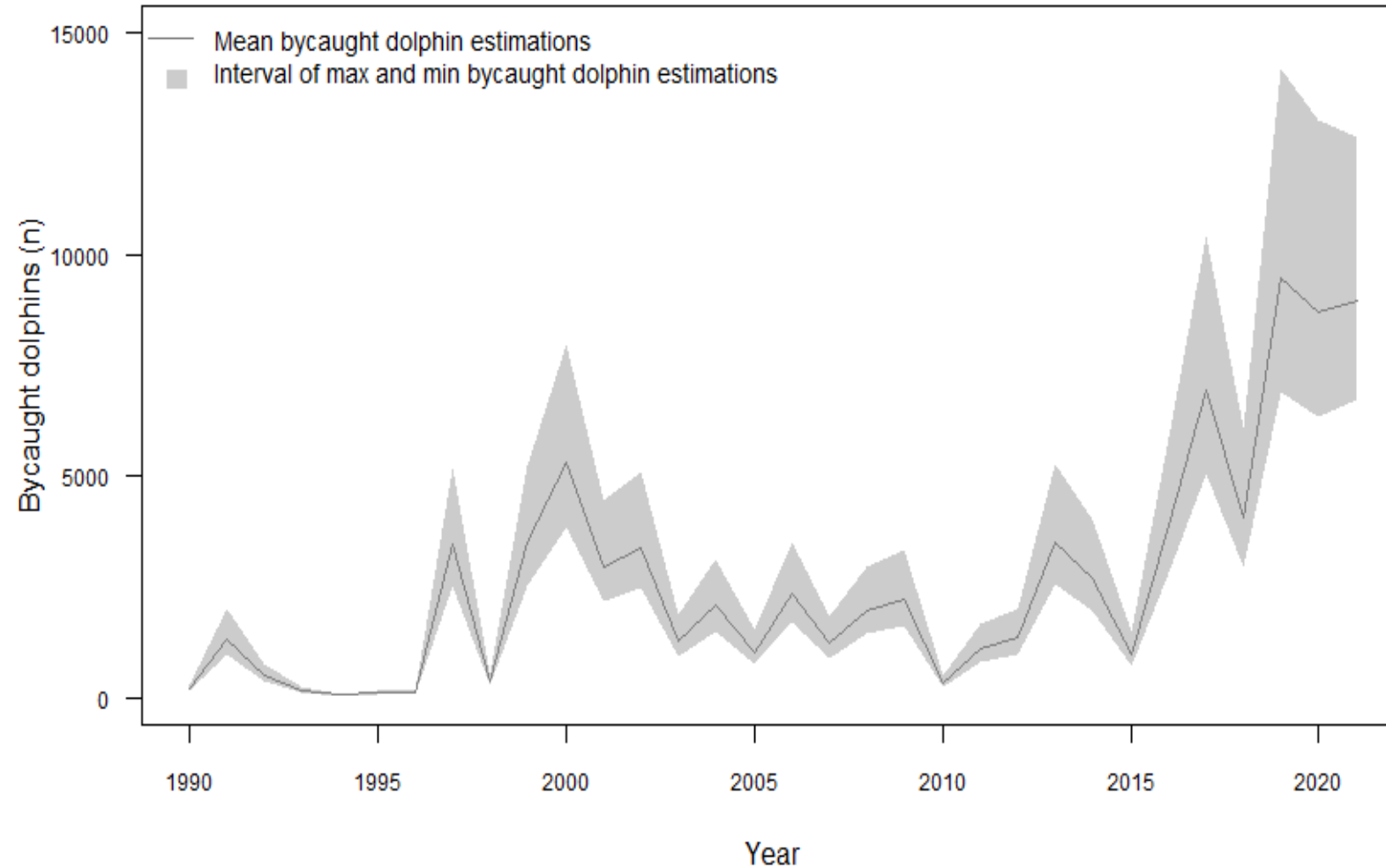
Table 2.2 Summary of common dolphin bycatch per métier from WGBYC at-sea monitoring data in the Bay of Biscay and Iberian Coast ecoregion (Subareas 8 and 9) for 2019-2021. Da Sobs = days at sea observed

Ecoregion	Metier		Fishing effort	Estimated bycatch	Lower 95% Confidence limit	Upper 95% Confidence limit
	L4	Metier L5	(<u>DaS</u>)			
Bay of Biscay and the Iberian Coast	GNS	DEF	75428	574	359	825
	GTR	DEF	162389	2179	1172	3180
	LLS	DEF	51196	275	0	826
	OTB	DEF	26049	103	0	256
	OTM	DEF	312	416*	0	1248
	PS	SPF	67890	1192	650	1842
	PTB	DEF/MPD	4725	731	582	879
	PTM	DEF	663	69	50	88
	PTM	SPF	911	402	268	555
Total				5938		

* Less than 1 day at sea of observation

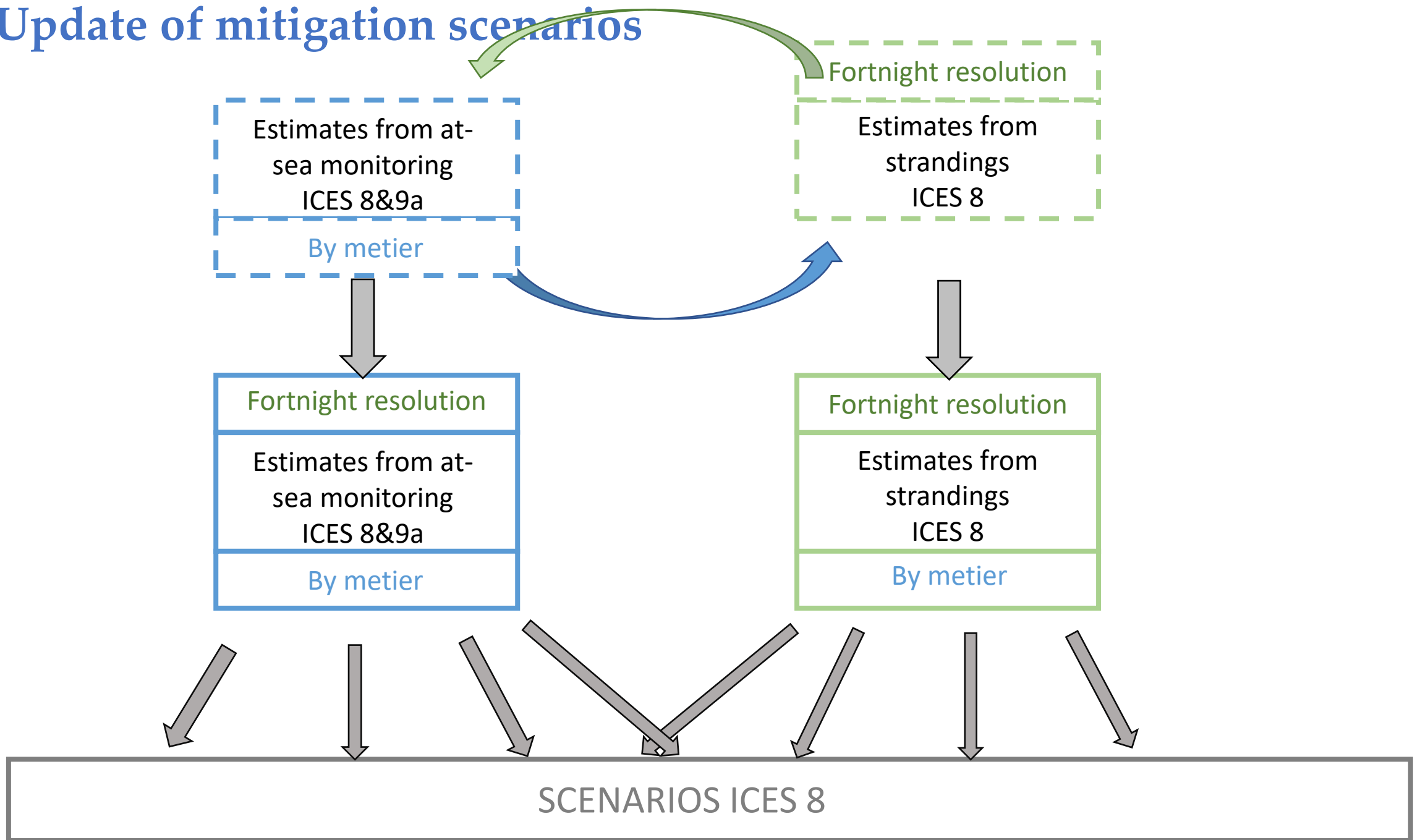
2- Update of mitigation scenarios

Bycatch estimates from strandings



9,040 (95%CI [6,640 - 13,300]) common dolphins per year between 2019 and 2021

2- Update of mitigation scenarios



2- Update of mitigation scenarios

	A / M	B	C / L	D / H	E	F	G	I	J	K	N / O
Scenario	4-month closure all métiers + (M: pinger PTM / PTB rest of year)	Annual effort reduction of 40% all métiers	2-month closure all métiers + (L: pinger PTB / PTM rest of year)	6-week closure (mid Jan - end Feb) all métiers + (H: pinger PTM / PTB rest of year)	4-week closure (mid Jan - mid Feb) all métiers	2-week closure (mid Jan - end Jan) all métiers	Pinger PTM / PTB all year & same 6 week closure all other métiers	Pinger PTM / PTB all year and same 4 week closure all other métiers	Pinger PTM / PTB all year and same 2 week closure all other métiers	Pinger PTM / PTB all year	3 month (Jan-Mar) + 1 month (mid-Jul-mid-Aug) closure all métiers + (N: pinger PTB / PTM rest of year)
Total resulting bycatch - monitoring mortality	3571	4755	3985	4340	4932	5406	4886	5276	5588	5938	3334
Total resulting bycatch - strandings mortality	5436	7238	6067	6608	7509	8229	7439	8032	8507	9040	5076
<u>Bycatch Reduction obtained</u>	0,40	0,20	0,33	0,27	0,17	0,09	0,18	0,11	0,06	0,00	0,44
<u>Effort reduction needed</u>	0,33	0,40	0,17	0,12	0,08	0,04	0,11	0,07	0,04	0,00	0,33
<u>Efficiency score</u>	1,2	0,5	2,0	2,3	2,2	2,3	1,6	1,5	1,6	NA	1,3
% of PBR	<10%	<u>mPBR</u>	<50%	<75%	<PBR	>PBR					
<u>Number bycatches</u>	493	985	2464	3695	<4927	>4927					

2- Update of mitigation scenarios

Management objectives

Table 1.3. Proposed scenarios for the four tested management objectives, and evaluation of associated risks, for the common dolphin in ICES Subarea 8. For further information on performance of scenarios, please see Table 1.2.

Scenarios that meet the objective	Expected outcomes	Relative risk of not achieving the objective	Comment on the scenario risk	Bycatch from strandings above threshold
Management objective: PBR				
H- 6-week closure (mid-Jan.-end of Feb.) of all métiers and pingers on PTB and PTM gears for the rest of the year	Bycatch reduction: 27% Efficiency score: 2.3	Medium	Closure achieves the greatest proportion of the bycatch reduction and a 6-week closure is more likely to capture the peak in mortalities. ^{§§}	Yes
G- pinger PTM/PTB all year and 6-week closure of all other métiers of concern (mid-Jan.-end of Feb.)	Bycatch reduction: 18% Efficiency score: 1.6	Very high	Closure achieves the greatest proportion of the bycatch reduction and a 6-week closure more likely to capture the peak in mortalities. High risk of not achieving the objective, reached only with monitoring estimates. Bycatch inferred from strandings remain above PBR. ^{*****}	Yes
L- 2 month closure (mid-Jan.-mid-March.) of all métiers and pingers on PTB and PTM gear for the rest of the year	Bycatch reduction: 33% Efficiency score: 2	Very high	Longer-term closure that would cover the peak mortality. Bycatch inferred from strandings remain above 50% of PBR. ^{*****}	Yes

2- Update of mitigation scenarios Management objectives

Table 1.3. Proposed scenarios for the four tested management objectives, and evaluation of associated risks, for the common dolphin in ICES Subarea 8. For further information on performance of scenarios, please see Table 1.2.

Scenarios that meet the objective	Expected outcomes	Relative risk of not achieving the objective	Comment on the scenario risk	Bycatch from strandings above threshold
Management objective:<75% of PBR				
M- 4 month closure all métiers (Dec.-end of March) and pingers on PTM/PTB gears for the rest of the year	Bycatch reduction: 40% Efficiency score: 1.2	Low	Long term closure that would cover the peak mortality. +++++	Yes
N- 3 month (Jan. - Mar) and 1 month (mid-July-mid- Aug.) closure all métiers and pingers on PTM and PTB gears for the rest of the year	Bycatch reduction: 44% Efficiency score: 1.3	Medium	Risk around the timing of the shorter second closure. Observer monitoring data provide estimates below mPBR, whereas strandings provide estimates just above mPBR (n=985) +++++	Yes

2- Update of mitigation scenarios

Recommendations for mitigation

1. None of these scenarios can achieve a level of bycatch that would ensure the viability of the population is maintained (50% of PBR and mPBR).
2. To achieve a level of bycatch that would reduce bycatch below 75% PBR, scenario N or M would need to be implemented (4 month closure in winter or 3+1 in summer for métiers at-risk), + pingers on PTM/PTB the rest of the year
3. It was suggested that spatio-temporal closure measures could be relaxed if and when specific fleets or métiers were able to demonstrate that they are 'dolphin-safe', i.e. when fisheries demonstrate their involvement in scientific monitoring programmes, compliance with taking observers or EM on board, pinger use, demonstrated no or agreed low levels of bycatch.
4. The provision of funding for fishers to transition in the long-term to alternative fishing practices to help reduce common dolphin bycatch, while ensuring that these measures are also safe to other Protected, Endangered or Threatened Species (PETS).
5. Mitigation trials to reduce cetacean bycatch in various métiers must be encouraged, associated with power analysis in order to optimize their capacity to detect efficiency of mitigation devices.

2- Update of mitigation scenarios

Recommendations for monitoring

1. Adequate monitoring through dedicated observers or incentivised use of REM should be implemented in Subarea 8. These monitoring protocols need to be based on a random sampling design that ensures representative coverage of the relevant métiers and vessel sizes throughout the area of dolphin distribution; likewise, the at-sea control system should check if pingers are adequately deployed and in working order.
2. Developing bycatch estimate methodology that consider the unequal and non-representative sampling scheme of at-sea monitoring programmes. At a national level, improved reporting of data on certain net dimensions (length and height) as an indication of the capacity of the net to bycatch dolphins for GNS and GTR métiers; similarly, the vertical opening of trawls, in particular HVO and VHVO trawls, should be clearly documented as it seems to be critical to assess their capacity to catch common dolphin.
3. Stranding networks need to be supported along the French coastline to help determine the efficacy of and requirement for on-going bycatch reduction measures. More broadly, maintain or reinforce existing stranding networks in the NE Atlantic common dolphin range states and encourage joint analyses and experimentations, including tagging experiments of dolphin carcasses to refine key parameters allowing bycatch mortality to be estimated.

2- Update of mitigation scenarios

Recommendations for monitoring

4. 'Large scale surveys to estimate the abundance of common dolphins should be implemented more regularly than the current decadal interval of the SCANS surveys; this is particularly relevant for any management decisions based on PBR or other thresholds.
5. Regional scale (e.g. Bay of Biscay) abundance surveys should also be carried out on a seasonal basis to monitor short-term changes in distribution and density of common dolphins which will also help determine the appropriateness of management measures. In the absence of adequate monitoring of common dolphin in the Bay of Biscay, it will be difficult to gauge the effectiveness of any mitigation measures adopted (e.g. an observed decrease in strandings could not definitely be attributed to the mitigation measures with-out concurrent knowledge of the at-sea distribution and abundance of common dolphins).