Summary of consultation responses to the UK Small Cetacean Bycatch Response Strategy.

1. By the end of the consultation period on 13 June 2003, of the 384 organisations and individuals invited to comment, Defra received a total of 43 responses. These comprised: 15 conservation organisations, 17 organisations involved in the fishing industry, 5 public bodies, 2 members of the public and 4 others.

2. 33 respondents (76.7%) were broadly supportive of the aims of the strategy and 7 (16.3%) strongly disagreed. 3 (7%) wished to make no comment upon the proposals outlined in the strategy. The percentage figures that follow are based upon the number of respondents who commented upon the strategy (40).

3. Of the respondents who did provide comments, 6 (15%) thought that the proposals went too far, 17 (42.5%) thought that the proposals did not go far enough and 17 (42.5%) that the proposals were sufficient to achieve the aims of the strategy.

4. Of the 7 organisations that strongly disagreed with the strategy, 6 were involved with the fishing industry. 3 of these (7.5% of the total number of respondents) did not agree that there is a need for a small cetacean response strategy, one suggestion was that the increase seen in cetacean bycatch is a result of an increase in population numbers. The others strongly felt that the strategy did not address what was seen as the main cause of small cetacean bycatch (offshore bass pair trawling teams). Also that as the strategy would only apply to British vessels, it would have little effect on bycatch numbers and would disadvantage British boats in competition with other European fleets.

5. 32.5% of organisations who expressed broad agreement with the aims of the strategy also expressed concern that the main cause of cetacean bycatch was the pelagic bass pair trawling fishery, which the strategy would do little to address because the vast majority of vessels involved were of European origin. 12.5% suggested that the pelagic bass pair trawl fishery should be closed until the effect that it does have on cetacean populations can be properly assessed.

6. The single conservation organisation to strongly disagree did so because it felt the strategy championed a method that would be detrimental to cetacean survival (separator grids) and that it did not provide strong enough support for other measures proposed to reduce cetacean bycatch.

7. 30% of respondents who had expressed broad agreement with the aims of the strategy shared the concern that separator grids have not proved to be fully effective and themselves pose a significant risk to cetaceans. 10% made reference to the experience of separator grid trials conducted by New Zealand in relation to Hooker's sea lions, particularly that the level of sea lion kills forced the early closure of the Auckland Islands squid fishery in April 2002.

8. 15% of respondents thought that the ASCOBANS precautionary objective of reducing bycatch to 1% should be recognised in the strategy document, with 10% insistent that the ultimate aim of the strategy should be to reduce incidental cetacean deaths to zero.

9. It was strongly felt by 27.5% of respondents that to be effective any strategy intended to reduce cetacean bycatch significantly would need to be agreed and enforced at European Commission level.

10. 30% expressed support for a formal timetable for the implementation of the strategy. 25% felt that implementation of the strategy should be achievable within 1 year of publication. However one respondent highlighted that manufacturers would find little benefit in manufacturing stocks of battery powered devices before legislation is put in place, or before a supplier decision is made. Time will need to be given for a phased introduction of pingers.

11. 12.5% argued that the proposed timeframe to reduce bycatch of harbour porpoise in the Celtic and North Seas was too lenient and that the targets specified in the strategy to be met within 3 years should be achievable within 1 year.

12. 10% welcomed that a formal review of the effectiveness of the measures was intended within 3 years of publication. A further 7.5% thought that the formal review should be undertaken within 12 – 18 months of publication.

13. 27.5% supported the compulsory use of acoustic devices (pingers) on certain fisheries in the Celtic and North Seas, whilst 10% were opposed to compulsory use being imposed until the further research and development envisaged has been completed.

14. 22.5% (82% of respondents who support the compulsory use of pingers) do not agree with the proposed exemption from the requirement of vessels operating within 6 miles of the coast. They also stated their opinion that the legal requirement should be for pingers to be used on all UK set net fisheries, not just those using a mesh size greater than 220mm.

15. 15% (54.5% of respondents who support the compulsory use of pingers) do not accept that ICES area VIId should not be subject to a legal requirement for the use of pingers in set net fisheries. It was thought that this was at odds with Habitats Directive Article 12(1), namely that Member States have a duty “to maintain or restore at a favourable condition status … species of wild fauna”.

16. 5% (18% of respondents who support the compulsory use of pingers) argued that all UK licensed vessels in UK wreck net fisheries should be required to use pingers, not just on “nets which individually or linked in fleets are up to 300m long”. 25% of those opposed to the compulsory use of pingers argued that the cost of fitting pingers to nets used in wreck net fisheries could well be out of proportion to the relatively small saving of life that might result.

17. 17.5% of respondents stated that any regulations regarding the use of pingers **must** specify the acoustic operating characteristics of pingers, the spacing of pingers on nets and how pingers should be attached to nets. Operating and maintenance instructions must also be included, as should the provision of adequate training.

18. 40% specifically supported the continuation of research into cetacean bycatch. 25% felt that greater emphasis should be placed on research into alternative mitigation measures, gear modification, gear setting techniques and more selective fishing methods. 10% mentioned that studies have shown habituation to be a problem and would merit further investigation, as does the potential problem of habitat exclusion in areas where pingers are deployed.

19. 50% of respondents agreed that an observer scheme would be an effective measure to adequately monitor the effectiveness of pingers. (No respondent specifically stated they were opposed to such a scheme). 25% of respondents who commented upon this suggestion welcomed the concept of a voluntary observer scheme. 75% claimed that to be effective any observer scheme would have to be mandatory. The call for mandatory

observer schemes were supported exclusively by the conservation organisations and opposed exclusively by the fishing organisations.

20. 27.5% expressed approval for the concept of an accreditation scheme. 10% suggested that consumers want to know that the products they are buying are “dolphin friendly”, therefore the criteria for any accreditation scheme should be the proven reduction of cetacean deaths from bycatch, rather than whether a fishery is “adopting, or providing assistance in researching, cetacean friendly methods of dishing”. 15% highlighted that it would be essential for a management body to be established to administer and monitor any such scheme. Sufficient resources would need to be committed to establish, promote and publicise the scheme including a public awareness campaign. Difficulties highlighted were that (1) Accreditation schemes are costly and would need to offer meaningful financial benefits to vessels to be successful and sustainable. (2) Fisheries, for whatever reason, not included in the scheme will be perceived by the public to have a bycatch problem whether or not this is the case.

21. 10% of respondents accepted that a mortality limit scheme could be a viable mitigation tool particularly if operated at European Community level. However any such scheme would need to be backed up by a robust management plan including a comprehensive observer programme to ensure any quota is strictly adhered to and which clearly identifies an enforcement mechanism. The scheme would also need to be flexible in order to take account of changing environmental effects which may alter the relevance of current estimates for “safe” levels of bycatch.

22. A further 25% did not consider that a mortality limit scheme would be viable. Most opposed to this type of scheme argued that the limits set would effectively be seen as an authorised level of bycatch (or quota), with all the inherent problems associated with quotas. If mortality limits were adopted it would be necessary to have accurate information regarding the status of each and every cetacean population.

23. It was suggested that if the UK adopted mortality limits in isolation, this would have minimal effect upon the level of cetacean bycatch and merely disadvantage UK fishing vessels competing with vessels from other Member States in the same fishery, a concern shared by those who accepted the concept of a mortality limit scheme (paragraph 21).

ANNEX A

CONSULTATION RESPONSES

Consultation responses on the UK small cetacean bycatch response strategy.

	Number of respondents	Broadly agree with the aims of the strategy	Broadly disagree with the aims of the strategy	No comment
Conservation NGOs	15	14 (93.3%)	1 (6.7%)	-
Fishing industry NGOs	17	10 (58.8%)	6 (35.3%)	1 (5.9%)
Public bodies	5	4 (80%)	-	1 (20%)
Members of the public	2	2 (100%)	-	-
Others	4	3 (75%)	-	1 (25%)
Total	43	33 (76.7%)	7 (16.3%)	3 (7%)