

ELUK response to the UK Dolphin and Porpoise Conservation Strategy consultation

Environment Links UK (ELUK) brings together environment and animal protection organisations to advocate for the conservation and protection of wildlife, countryside and the marine environment. The network comprises the combined memberships of Wildlife and Countryside Link, Scottish Environment LINK, Wales Environment Link and Northern Ireland Environment Link. Taken together, Environment Links UK members have the support of over eight million people in the UK. This response is supported by the following ELUK member organisations:

- Environmental Investigation Agency
- Greenpeace UK
- Hebridean Whale and Dolphin Trust
- Humane Society International
- International Fund for Animal Welfare
- MARINELife
- National Trust For Scotland
- ORCA
- RSPCA
- Whale and Dolphin Conservation
- The Wildlife Trusts
- WWF-UK

1. Do you support the implementation of the UK Dolphin and Porpoise Conservation Strategy?

Yes, ELUK welcomes the implementation of the strategy. The High Level Report states that the Technical Report will be reviewed every 6 years and the Action Plan document is intended to be updated more frequently. We would appreciate the opportunity to continue to engage in this review process.

As raised in our draft strategy consultation response (May 2018), all cetaceans are offered strict protection by EU law in UK waters. We are pleased to see minke whales have been added to the strategy following stakeholder consultation, but we strongly believe that the strategy should cover all cetacean species, including humpback whales and deep water species, such as beaked and sperm whales because all cetaceans face similar threats in UK waters. If it is felt that there is not enough known about some of the baleen and beaked whale species, this makes it even more important that research is focused upon them as part

of this strategy and that the precautionary principle is used.

'Addressing existing and emerging pressures' is an important goal of this strategy. However, the Strategy does not reflect that we are facing climate and biodiversity crises. The strategy lacks the urgency and ambition we would expect to see in response to these widespread issues.

The strategy states that it "aims to achieve and/or maintain the favourable conservation Status" yet currently none of the cetaceans in the Strategy are at Favourable Conservation Status under the UK assessment of the Habitats Regulations (p10 of the High Level report). This should be explicitly stated throughout and the Conservation Strategy must contribute to the recovery of marine species. ELUK members would like to see the UK be more ambitious and go beyond the minimum requirement to maintain/achieve population numbers. We would like to see healthy cetacean populations occupying the full range of their habitats with due concern for the status of all individuals across all regions. It is also unclear why the strategy does not aim to achieve Good Environmental Status in line with the UK Marine Strategy, as the accepted indicators of UK marine health.

Further, as previously raised, the actions do not reflect the precautionary principle. As such, actions should not be delayed due to lack of research and especially where actions have already been identified by existing research and evidence. The next best step is to begin addressing them by detailing solutions and management actions according to the precautionary approach.

Generally, there is too much focus on the need for research and not enough on management action. There is a lot that we know about some of the problems and the solution is not more research but targeted action.

The Government's Animal Welfare Action Plan recognises that "the health and welfare of our animals is intertwined with the health of our planet" and the Animal Welfare (Sentience) Bill will provide for animal welfare considerations to be necessary in all policy formulation. With this in mind, we believe this current strategy should more comprehensively and proactively address, and provide mitigation for, welfare issues at the individual and group level, in addition to conservation assessments for specific species.

We do not consider this strategy to be a replacement for site-based management in marine protected areas. Proper designation of whale and dolphin MPAs in Scottish, English, Welsh and Northern Irish waters and associated robust management plans, including for UK harbour porpoise SACs, are urgently required.

Funding for implementation must be forthcoming.

2. Do you agree that the evidence presented supports the case for the strategy?

We agree that the strategy is necessary and should be expanded to include all cetacean species.

The assessments are overly reliant on SCANS and post mortem data, and not reliant enough on data readily available from other sources or research from other parts of the world or similar species. A sensible precautionary approach would be to use this information until there is convincing evidence to show they should not apply in the UK context. In addition, for the evidence to be considered robust, it requires more than 100 post mortem examinations over a five year-period for a single species. This method will exclude species that are rare and over-represent those that are abundant.

Our members currently carry out much of the science and monitoring activities and are well equipped to deliver monitoring projects and the research as a number of actions require. However, much of the evidence already being generated by NGO's has not been referenced or presented here. Information on the densities and population demographics generated from long-term monitoring conducted by NGOs is missing from the species accounts in the High Level report. For example, there is no mention of areas of high densities for minke whales in the UK. Long-term monitoring by NGOs off the east and west coasts of Scotland show that these are important areas for minke whales (Paxton et al., 2014), and have both now been designated as MPAs. In addition, there are also two well-studied coastal populations of bottlenose dolphins off the west coast of Scotland (Sound of Barra and Inner Hebridean Community; Van Geel, 2016).

3. Do you have any comments on the vulnerability assessments and the conclusions reached?

Yes, we strongly contest the value of a single UK level assessment for each pressure.

Assessment is considered at a UK level and not at the appropriate regional or local scale. As a result there is no distinction between national, local or regional impacts. This averaging out of the data ensures that it's very difficult to get a High vulnerability score across the UK as a result, but certain areas will almost certainly be High. This makes the tables of no use for regional or local management. Any industry looking at these tables to inform a site-specific development could not rely on them to be locally or even regionally accurate. The strategy states that it "recognises local/regional variations in populations and pressures where appropriate". Although Table 4 has identified regional variations, no additional regional vulnerability assessments have been made on a regional scale. It is necessary to provide vulnerability assessments on a regional scale because the species densities and pressures vary between areas. As an example, the maximum UK vulnerability score for any type of fishing gear, including static nets, is medium. Harbour porpoises in the Celtic Sea and North Sea are likely declining due to gillnet entanglements (NAMMCO and NIMR, 2019) and this is not reflected because of the UK wide approach. Similarly, harbour porpoise are also known to be particularly sensitive to acoustic disturbance and ADDs have been shown to disturb and displace porpoises, yet the UK exposure and vulnerability score is low. On the west coast of Scotland, ADDs constitute a regionally significant and chronic source of underwater noise, which likely has widespread negative consequences for porpoises across the region (Findlay et al., 2018), and is not reflected because of the UK wide approach.

Further, we reiterate that the vulnerability scoring method falls to the lowest common standard. As a result, it is not precautionary enough (i.e. where there is an interaction of High risk, but a Low exposure, the strategy concludes with the lower value). For example, the scientific literature clearly links both disturbance (Sivle et al., 2015; Tyack et al., 2011), at-sea injury and mass strandings (Dolman et al., 2010; Parsons et al., 2008) of cetaceans to the use of military sonar. Although there is low vulnerability across the UK, the impacts have high regional impacts when operations are occurring. If activities have a high impact, even in limited areas, they should be addressed.

We also have concerns about the methodology used to assess vulnerability because the definitions of sensitivity and exposure are not well aligned with the legislation or assessment of conservation impacts. This means that the strategy will fail to meet the requirements of the Habitats Regulations and the Fisheries Act (2020). Exposure has been assessed as the proportion of animals in UK waters experiencing the pressure, rather than biologically meaningful units. A good example of where the criteria for sensitivity and exposure aren't appropriate is for bycatch and entanglement. Because bycatch and entanglement can be fatal, all gear types where any fatal incident has occurred, however rarely, are classified as high sensitivity. This means that the assessment ignores the level of risk to different species that might interact with different gear types and so is just based on spatial overlap. Therefore, most of the research over the last few decades into the different levels of risk for each species associated with different types of gear cannot be included in the assessment process. The result is that the text descriptions based on information and literature in Table 4 are often inconsistent with the vulnerability assessment. For example, with harbour porpoise their vulnerabilities to creels and set nets are both classified as medium and yet the text makes it clear that 'bycatch in fishing gear (particularly bottom set gillnets) is recognised as the greatest anthropogenic pressure'. We agree with this assessment and that this should therefore be 'high risk'.

It is not clearly defined whether the "Exposure" and "Vulnerability" categories are based on current, past or future scenarios. Vulnerability scores should consider the future trends of some of these pressures, as well as spatio-temporal variability.

It is appropriate that a High UK vulnerability score is obtained for chemical pollution of coastal species. However, it is not appropriate that there are no other inclusions of High, for bycatch and noise pollution.

In Table 2

Generally, climate change/biodiversity loss should also be recognised in this table, and in the action plans.

Bycatch: The impacts of gill nets are clearly documented globally. Drift net fishing should be considered 2/3 and not 2. Set nets should be considered 3 for coastal bottlenose dolphins and Risso's dolphins, based on UK strandings data alone (CSIP and CWT reports).

Acoustic disturbance: cumulative impacts, seismic or geophysical surveys, pile driving, acoustic deterrent devices and military activities should be 2/3 for harbour porpoise, as impacts are well documented (Coram et al., 2014; Wisniewska et al., 2018) and the activities need to be better managed to reduce the impacts.

Physical disturbance: Wildlife tourism should be 2/3 for harbour porpoise, minke whale, common dolphin and Risso's dolphin.

Physical injury: collisions with renewable energy devices should be at least 2, given the limited evidence available for arrays.

Marine pollution: Measures to prevent and respond to oil pollution should be reviewed and updated, so this should be a 2.

In Table 4

Harbour porpoise: Acoustic Deterrent Devices used on aquaculture farms in west Scotland should be included in regional variation (as it is for common dolphin, white beaked dolphin, Risso's dolphin and minke whale). Collisions with renewable energy devices should be included where these are sited and planned. Although porpoises are not a key target species for recreation and wildlife tourism, they are the most frequently encountered species in some regions. For example, 40.9% of operators on the west of Scotland reported seeing porpoises daily (Ryan et al., 2018). This should also be included in the regional variation for this species.

Coastal bottlenose dolphin: given the number of bycaught bottlenose dolphin recorded in the southwest (CSIP/CWT data), this should be included in regional variation.

Risso's dolphin: Recreation and Wildlife tourism in West Scotland should be included in regional variation.

Common dolphin: Recreation and Wildlife tourism in West Scotland should be included in regional variation, where they are cited alongside minke whales as the most important species of cetacean to whale-watch operators (Ryan et al., 2018).

Bottlenose dolphin: Recreation and Wildlife tourism in West Scotland should also be included in regional variation.

Finally, there is no assessment for the cumulative impacts of all activities listed, there is only one for cumulative impacts of noise pollution. Cumulative impacts should be assessed on a regional level because they will vary greatly between areas.

4. Do you have any comments on the actions that have been identified in the strategy?

The action plan is heavy on conducting more research, but this must be supplemented with better management. The impact of some activities are already well documented (i.e. ADDs and bycatch) and provide enough evidence for management action now through

implementing better regulation and monitoring, and trialling management strategies. We should take the precautionary approach based on the evidence currently available.

We are pleased to see that NGOs are included as partners in the delivery of all of the action plans. We request membership of each of the working groups being set up.

Action sheet 1: Chemical pollution

Chemical pollution is the only pressure that the strategy considers cetaceans receive a high UK vulnerability score (Table 1) and requiring further measures (4 in Table 2). Yet there are no proposed actions to tackle pollution. Even if this is just stated as a goal of the proposed working group, this would provide some assurance that chemical pollution will indeed be a focus of near-future action.

Action sheet 2: Bycatch

The goal has to be reductions in bycatch and a timeline should be provided by which time government will commit to reductions in bycatch levels at sea. It is not sufficient that the action here is the implementation of the bycatch mitigation initiative.

We request membership of the bycatch sub-groups created to develop sections of the initiatives.

Action sheet 3: Entanglements

Although the European Maritime and Fisheries Fund (EMFF) funded Scottish Entanglement Alliance project is just being finalised, as it has been led by NatureScot, it is surprising that no reference is made to this, the progress made on this issue and the extent of the problem (Maclennan et al., 2019; 2020), in this action sheet.

Action sheet 4: Underwater noise

Some members would like to collaborate with the underwater noise subgroup and are able to contribute long-term acoustic monitoring data to improve the understanding of the impact underwater noise has on cetaceans to inform management and conservation.

Action sheet 5: Wildlife tourism

We agree with this action sheet and request membership of the tourism working group.

Action sheet 9: Monitoring plan

As previously mentioned, our members currently conduct a variety of long-term marine mammal monitoring schemes and are well equipped to deliver monitoring projects and the research as a number of actions require. Members welcome the opportunity to feed into the development of a monitoring programme and contribute long-term monitoring data to provide a more robust understanding of the conservation status of UK cetaceans.

5. Do you have any comments on the accessibility of the information in the documents?

The information was accessible.

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