

Written Evidence submitted by the Marine Mammal Observer Association (MMOA)(MM0007)

The [Marine Mammal Observer Association \(MMOA\)](#) is a membership-based association with the aim of bringing together and representing individuals who work commercially and professionally as marine mammal observers (MMOs) and passive acoustic monitoring (PAM) operators who implement mitigation measures to protect marine life during industry operations. The MMOA also provides information to other individuals that have an interest in MMO issues.

We recently saw the call for evidence to assist with marine mammal conservation and population recovery and felt it appropriate to submit our thoughts. We consist of a voluntary [committee](#) and membership. The call was put to our membership, as many are environmental professionals working in the field and have spent countless hours at sea or on land surveying, mitigating for and protecting marine mammals. The below is a combination of membership and our committee input.

1. What is the status of marine mammal populations?

This is a rather large question and would need further clarification as there are species doing well and species close to extinction (outside the UK). Also, are you referring here to just marine mammals found in UK waters. If this is the case marine mammal populations in the UK differ, significantly in their status. We would require further clarification on this to answer proportionally.

2. How, and for what purpose, are marine mammals being killed?

No comments received

3. Beyond whaling, what human behaviours are affecting whale populations and how?

No comments received

4. How effective are the global protections of marine mammals?

When it comes to industry there are mitigation guidelines to protect marine mammals from the impacts of some sources of anthropogenic noise. Most guidelines worldwide contain the possibility for a shutdown under some circumstances (Canada, USA, Greenland, Australia, New Zealand, Sakhalin, ACCOBAMS, Brazil) but in the UK mitigation is mostly restricted to delaying commencement of operations. While the possibility of a shutdown is allowed in the UK during pile driving soft starts (the initial gradual increase in energy) in practice this is overruled by Health and Safety or operational considerations. Furthermore, shutdowns are not recommended for marine mammals detected after the piling soft start, even though energy levels often continue to increase. For geophysical surveys in UK waters shutdowns are not recommended at any time after operations commence. The MMOA propose a shutdown for mitigation during seismic operations during the soft start period up to the start of line and at any time where animals enter the zone of PTS (Permanent Threshold Shift or permanent deafness). PTS zones are based on best available science and sound modelling can help identify appropriate mitigation zones. These can be over 3 km in extreme circumstances but in many cases are less than 500m as can be seen in this report from [JASCO](#)

We should not assume that a marine mammal that has not been detected prior to the soft start (and therefore operations are not delayed) is instantly unaffected by the sound after the first shot is fired. We also should afford the mammals the benefit of doubt when they are exposed to high levels of sound that may cause PTS, that failure to flee may not be in some instances that they are not affected by the sound but that sound levels are of a secondary concern due to perhaps:

1. Presence of calf
2. Presence of food
3. Inability to flee due to oxygen deficiency and fatigue
4. Reaction to a threat where animals may mob a threat like sparrows mob a hawk.
5. Increased sound levels both vertically or horizontally which may force an animal to remain in situ.
6. Habituation to sound levels

The British government which conducts military exercises in waters outside British jurisdiction could consider applying the same level of care as it does in UK waters, with discussions with the regulatory authorities responsible and NGOs active in the relevant jurisdiction, as well as appropriate monitoring and mitigation. This would apply the same level of care both within and outside UK waters and EEZ and perhaps avoid stories as described in the [Scottish Mail on Sunday](#). As evidenced by bodies washed up along the Scottish coast, events which impact on populations in neighbouring jurisdictions can affect population levels both inside and outside UK waters.

5. How can the UK better protect marine mammals?

As an example of the current state of monitoring effects on cetacean behaviour from anthropogenic activity, a notable point of interest from the recent [UK Conservation Strategy](#) for dolphins and porpoises was the frequent usage of terms relating to 'no evidence' and 'few examples' (e.g. page 12) suggesting more research is needed. How is this lack of research being addressed? Which teams will be undertaking the research? How will they be funded? Simply stating that there are few examples (recorded) without outlining exactly how, when, and by whom needed research will be undertaken is unsatisfactory.

Similarly, data used to steer guidance and implement policy in the UK has been drawn from outdated sources (up to 10 years old). An example of this from a recent technical report by the Scottish Government on cetacean conservation shows a lack of mention of the Fisheries Act of 2020, instead referring to the EU-managed catches. What are the implications of the new Fisheries Act on cetacean conservation, particularly as related to the reduction in prey availability? A glaring oversight in the evidence presented to implement conservation of cetaceans in the UK. These gaps in the integration of policies are where the protection for cetaceans in the UK falls short, exposing species to a range of effects that could otherwise be mitigated more efficiently.

a. What role can the UK Government play to protect and promote the conservation of marine mammals internationally?

The UK Government needs help improving their understanding of various marine species, the issues that affect them and the importance of awareness (research, monitoring and communication efforts). An example of this is the minimal acknowledgment to any of the number of marine mammal NGOs and research groups (e.g. Irish Whale and Dolphin Group, ORCA, Sea Watch Foundation, etc.) that currently work to protect cetaceans in UK and neighbouring waters. There needs to be a detailed framework providing resources and explaining how the efforts of these groups can be integrated for greater understanding of the issues. For example, providing jobs and additional funding to assist with research into

marine mammal identification (photo ID), impacts and stressors, bioacoustics, cumulative impacts and report sightings through government-funded grants to local NGOs within such citizen science programmes. Volunteers and citizen science should not be relied upon, we need jobs in this field, boots on the ground and analyses completed to understand these animals. This can be part of the green job's initiative; however, it must be asked how will threats be monitored? What measures are in place to prevent PCP accumulation, ghost gear and other sources of pollution, particularly around marine protected areas (MPAs)?

Additionally, vessels in the UK are not required to report whale strikes occurring at sea. Why isn't this a legal requirement? How can the UK protect species without have a detailed understanding of collisions and resulting mortality? Recording vessel strikes would provide data to justify the designation of an offshore MPA in a zone where strikes occur more frequently than other areas in UK waters. This is a simple action the UK Government can approach with immediate effect.

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