

Further written evidence submitted by the Wildlife and Countryside Link (MM0031)

EFRA Committee Marine Mammals Inquiry - additional information

February 2023

The Wildlife and Countryside Link Bycatch group is providing additional information on the Government's policies to tackle bycatch in UK waters. This follows the Committee's oral evidence session of 10 January 2023 with Rt Hon Lord Benyon, Defra Minister; Rt Hon Lord Goldsmith, FCDO Minister; James Smith, Deputy Director of International Marine Environment, Defra; and Lowri Griffiths, Acting Deputy Director of Ocean Policy, FCDO, and the Government's further written evidence.

This document outlines a number of concerns over how the issue is being tackled, with a focus on monitoring bycatch and the Government's Clean Catch programme. Overall, sensitive protected species continue to be bycaught, injured and killed in UK fisheries and the Government is still failing to take urgent and effective action to address these fishing-related deaths. We believe that much more can and must be done to tackle bycatch from both a conservation and welfare perspective; delivering genuinely effective monitoring and mitigation of bycatch.

Bycatch Monitoring - licence condition for self-reporting

The Government noted that in 2021 they (and devolved governments) introduced a licence condition for monitoring, meaning that for wild-capture commercial fisheries in the UK Exclusive Economic Zone (EEZ) there is a requirement for fishers to report marine mammal bycatch.

It is our understanding that this licence requirement has not led to widespread reporting of bycatch, confirming our concerns surrounding the limitations of relying on self-reporting by vessels. We understand that Defra has received just 18 reports since 22/10/2021 (from a total of 6 vessels). One of these reports came from the CHART program run by Cefas (not commercial fisheries). With commercial vessels, only 2 of the reports showed any mortality/injury to any marine mammal (1 harbour porpoise and 1 common dolphin). The other 15 reports were all nil returns (made by 3 vessels). This is despite reports commissioned by the Government¹, and Whale and Dolphin Conservation and Humane Society International² estimating that

¹ See

<https://randd.defra.gov.uk/ProjectDetails?ProjectID=19943&FromSearch=Y&Publisher=1&SearchText=ME6004&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

² See

<https://uk.whales.org/wp-content/uploads/sites/6/2021/02/cetacean-bycatch-uk-fisheries-problems-solutions.pdf>

thousands of seals, dolphins, harbour porpoise and other marine mammals caught as bycatch each year.

Self reporting of bycatch occurrences is an inadequate approach and does not meet the legal requirements of the US Marine Mammal Protection Act Import Provision Rule. Therefore mandatory monitoring, using Remote Electronic Monitoring (REM) with camera and dedicated observations is required.

Bycatch Monitoring - existing observer programme

The Government noted that the new Bycatch Monitoring Programme (BMP) has a £1 million envelope over a three-year period, and stated that they are considering introducing REM. However, Link members believe that this new programme must make vital improvements on the previous iteration given that our understanding of bycatch rates in UK waters is still limited by the low level of observer coverage that it achieved.

Monitoring undertaken over the last 25 years through the UK's dedicated BMP only allows analysis of bycatch rates of a few species. Monitoring of all protected species bycatch only comes from UK-registered fishing vessels and currently focuses on three broad gear types, with annual sampling achieving coverage of <1% of total static net effort, 1-2% of longline effort and roughly 5% of midwater trawl effort.³ Given this low coverage achieved, current figures are likely to underestimate the true scale of the problem. Estimates are further limited by a lack of bycatch monitoring of small scale vessels, non-UK vessels fishing in the UK EEZ or the UK fleet fishing in UK overseas territories or outside UK waters, and the voluntary acceptance of observers within the existing programme.

Whilst we recognise that the UK BMP provides a strong basis to start tackling known bycatch issues in UK waters, it is currently insufficient and consequently there remains considerable uncertainty of the bycatch rates of all marine mammals and other wildlife such as seabirds, seals, sharks, skates and rays, including those most commonly bycaught, due to poor levels of monitoring data. Serious concerns remain about high bycatch levels of harbour porpoises which are likely impacting populations in several areas of the UK, particularly the Celtic Sea. To get accurate bycatch rates, understand trends over time, and to level the playing field for fishers, it is important to effectively monitor bycatch in UK waters, including small scale vessels and non-UK vessels fishing in UK waters.

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<https://sciencesearch.defra.gov.uk/ProjectDetails?ProjectID=20461&FromSearch=Y&Publisher=1&SearchText=bycatch&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

Further, the Cetacean Strandings Investigation Programme (CSIP) was mentioned a number of times in the Committee session. This is another vital programme that complements our understanding of bycatch threats, yet the numbers of post mortems conducted have been reduced in recent years and the scheme is under considerable financial pressure. The strandings scheme in England does not include seals which is a significant failing and the strandings scheme in Northern Ireland does not, to our knowledge, include post mortems, which should be addressed.

In 2022, Whale and Dolphin Conservation and the RSPB created a document making recommendations for effective sensitive species bycatch monitoring in the UK - this document has been provided separately to the Committee.

Clean Catch UK

At the Committee, the Government placed a strong emphasis on addressing bycatch through funding Clean Catch UK in Cornwall, claiming “a really big reduction has been seen through Clean Catch.” However, Wildlife and Countryside Link is not aware of any evidence of bycatch reductions in the area as a result of this project or any other recent work in UK waters and has numerous concerns about the effectiveness of the Clean Catch programme. Having shared our concerns directly with officials, we also recently compiled the environment sector's views on the efficacy of the first phase of Clean Catch, with a view to informing the next phase of the scheme. Hopefully this will help guide the effective use of resources to improve the programme and ensure that the Government's obligation to minimise and where possible eliminate sensitive species bycatch is met.

Overall, our view is that something different to Clean Catch 1 is needed to effectively tackle wildlife bycatch across taxa in UK seas, largely due to issues associated with the structure, project design(s), lack of technical steer, geographic limitations and ambition of the first phase. A UK-wide, multi-taxa bycatch technical advisory group could have an important role in shaping the structure and function of relevant stakeholder and wider working groups. In addition, The advisory group could review evidence, drive the project designs and distribute funds to ensure that best practice, scientifically robust mitigation trials (including alternative gears), monitoring trials, and proper stakeholder engagement are delivered. The Clean Catch National Steering Group (NSG) possess species specific bycatch expertise and these experts need to be used more effectively. In addition there is a general view that communications have been inadequate throughout the project, that there has been a serious lack of urgency with no real timeframes set to achieve action, and resources have been poorly spent.

Bycatch Monitoring Programme – NGO considerations for the new contract

Informal submission to Defra – March 2022

The previous Bycatch Monitoring Programme (BMP) had a poor track record on transparency, timely production of reports, objectivity and accountability and delivered woefully low monitoring and poor spatial coverage. This failure to effectively collect the vital information needed on sensitive species bycatch, makes it essential for the design and implementation of this new contract to significantly improve on the old, inadequate programme.

The new BMP contractors must ensure that the monitoring and associated data is accessible and transparent and available in a timely fashion. This will depend on regular reporting and communication between the contractors, a technical advisory group, and the public as well as the management authorities and statutory nature conservation bodies. There must also be a clear protocol for processing data access requests.

Crucially, this new BMP must utilise Remote Electronic Monitoring (REM) with cameras (appropriately placed to monitor bycatch) to ensure monitoring takes place regardless of any external factors. There should be clear targets for the number of days and percentage of overall fishing effort to be monitored by REM. Ideally this would be 100% for the highest risk fleet segments.

There is a real opportunity for leadership with the new bycatch monitoring programme *if* the programme and approach is drastically improved.

The following actions are needed from central governments to ensure:

1. The new BMP is effective:

- Utilise post-Brexit fisheries powers to introduce a **mandatory requirement** for **all vessels operating in UK waters to accept observers** or other forms of monitoring when requested, to address bias towards vessels voluntarily permitting monitoring (see [Babcock and Pikitch](#)) and towards only UK-registered vessels.
- Ensure that targeted bycatch monitoring is **UK-wide** and aims to deliver a systematic stratified sampling design across all four countries' waters
- In the interests of **transparency** establish a UK-wide sensitive species **bycatch technical advisory group** (TAG) that steers data collection (including the BMP), reviews results and identifies trials/next steps made up of governments, industry, scientists and NGOs
- **Review investment** in monitoring at regular intervals to ensure resource is sufficient to effectively understand and record changes in rates in sensitive species bycatch
- **Utilise data from the BMP to inform policy and management decisions** (including trials, implementation of mitigation, regulations and research) across the UK specifically to support the achievement of the ecosystem objective of the UK Fisheries Act
- Ensure that **REM with cameras** forms a key tool within the programme to allow effective and robust monitoring of fleets for bycatch. This should include setting targets for effort monitored by REM

2. The new BMP is adaptive and responsive:

By reviewing the contract (with the TAG) at the following points:

- Every six months (sampling protocol)

- Between the 3-year and 10-year contract
- Throughout the 10-year contract (once awarded)

And in light of:

- The [ICES review of protected, endangered and threatened species monitoring](#) and Defra-commissioned bycatch monitoring gap analysis (in prep)
- The introduction of mitigation measures and/or regulations to ground truth mitigation actions (when applied) and ensure the programme can effectively monitor reductions and bycatch rates
- The Northridge et al. (2020) report and [Evans et al. \(2021\) Risk Assessment of Bycatch of Protected Species in Fishing Activities](#)

3. Further steps are taken to improve understanding of bycatch outside the BMP including:

- Ensure there is a mandatory requirement to report all sensitive species bycatch and that this is ground-truthed/verified with independent monitoring data
- Improve monitoring of sensitive species – including increased baseline monitoring of population demographics (such as population status, size, and natural mortality (survival rate)) of impacted species to help assess the extent to which bycatch is affecting the population or sub-population and assess progress towards the UK Marine Strategy
- Rollout of Vessel Monitoring Systems (VMS) on all vessels (as a minimum) to understand fishing patterns

Key considerations contractors must address in the monitoring programme design include:

Monitoring coverage and distribution:

- How will the levels of monitoring coverage achieve effective and robust coverage compared to the <1-5% of total effort across three broad gear types currently achieved?
- Clarity needed on how monitoring distribution and coverage will be determined across UK waters to ensure it is representative across geographic areas, seasons, gear types, vessel sizes, levels of fishing effort and distribution of fishing activity (irrespective of nationality)
- How strandings data and fisher reported data will be incorporated for marine mammals
- How sampling will be improved across small scale vessels
- How a systematic, stratified sampling design will be delivered

Transparency, accountability and accessibility of data collection and results:

- How information on the programme including results and methodology will be available in the public domain
- How data will be managed, and data requests processed e.g. investment in a central online database (similar to the EU Fleet Register) that includes data on sensitive species bycatch, fishing patterns, effort and gear that is accessible to regulatory authorities, statutory bodies and researchers (on request)
- How coordination and collaboration will be ensured with EU member states, other countries and ICES

Electronic monitoring:

- Clarification on which electronic monitoring tools will be utilised and how/where

- Assurances that REM with cameras will be utilised and information on which high-risk vessels will be prioritised.
 - With respect to bycatch, we would envisage at the least gillnets in the south west and south east of England for seabirds and cetaceans, longlines in the north of Scotland for seabirds and gillnets off Shetland for cetaceans and seabirds would be high priority for full REM deployment
- Placement of cameras should be fit for purpose including to ensure their ability to record individuals that drop out of the gear before they are hauled onboard the vessel
- Setting clear targets for rollout of REM (with cameras) e.g. do the contractors/governments have a certain number of hours monitoring as a target to represent a certain % of the fishing effort (in high risk/priority fisheries)?
- Integration and alignment with other work streams that include REM with cameras such as future catching and REM policies to assist vessel prioritisation and rollout to ensure there is clear plan for the effective roll out of REM across UK fleets
- Integration with human observations to ensure necessary data is collected e.g. on age class, sex, injuries and time to death etc. by trained observers

Approach to data collection:

- Avoid any reliance on self-reporting
- Recording and reporting of all bycatch – including individuals that are caught alive and released and collecting information on injuries as is required in the US for marine mammals
- Better data on bycaught animals – the priority should be to obtain data on bycatch to a species or family level. Information on the age class and sex (at least from a sample of the bycatch) would also be valuable to better understand the impact on different parts of the population within species

Integration of other datasets:

The focus must be on understanding the true nature and scale of bycatch by improving targeted independent, monitoring at sea during fishing operations however, the following could be valuable to integrate within the new BMP:

- VMS/iVMS tracking data – especially if paired with information on fishing effort, gear configuration (e.g. number of hooks, mesh size) and mitigation measures
- GPS, TDR and other novel tracking
- Wider observation programmes – provided these specifically include bycatch monitoring
- Strandings data – which will also help to understand compliance with self-reporting
- Acoustic monitoring
- Data from offshore renewable developer and other projects