North Western Waters Regional Advisory Council

OPINION

EUROPEAN MEASURES TO REDUCE INCIDENTAL CATCHES OF CETACEANS IN FISHERIES - Acoustic Deterrent Devices

Presented to the EU Commission on the 7th of March 2006

Following a recent meeting of the NWW RAC Executive Committee the following concerns emerged with respect to the mandatory use of acoustic deterrent devices as required under Articles 2 and 3 of Regulation 812/2004.

It must be stressed that the issues of most concern are to do with practical and technical issues and not the by-catch issue. There are currently 4 types of deterrent devices commercially available to fishermen but trials carried out in the intervening period since the introduction of the regulation have shown serious reliability and durability problems with all of these devices. Extensive trials carried out by Cornish Fish Producers Organisation member vessels in Area VII for over five years have shown that none of the devices meet the practical requirements of the fishing fleet as illustrated by Seafish Report No.CR207 *Trial of acoustic deterrents ('porpoise pingers') for the prevention of porpoise (Phocoena phocoena) by-catch –Phase 2 and 3 Endurance*Trial. Similar studies by the Institut Maritime de Prevention in France and BIM in Ireland have shown similar problems with different types of gillnets.

It should be also noted that the Irish trials showed even more severe problems with the deployment of deterrent devices on large mesh tangle net gear. Tangle nets, primarily used to target species such as anglerfish, ray and turbot are different in construction to gillnets used for hake and cod. Tangle nets are generally rigged with no floatation and the large mesh sizes used (220 –350 mm) means pingers have tendency to fall through the meshes causing gear to be shot fouled and also increasing net damage. This has been witnessed in the BIM trials where from the observed deterrent deployments 34% resulted in tangling of the nets, either during shooting or hauling. .

In addition a number of practical safety issues have arisen during the trials carried out, such as pingers striking crew-members as the nets are being hauled and transported back to the shooting pound through net stacking machines and the increased frequency with which crewmen had to climb up into net pounds to untangle deterrent devices from nets. . Reference the Institut Maritme de Prevention report; *Impact of the Introduction of Cetacean Pingers on the Security and the Work Conditions Onboard the Western Channel Gill Netters, November 2005.*

Two further issues that need to be addressed are cost and supply of devices. At a price of approximately 70 euro per pinger the cost of fitting pingers as described in the regulation for a typical gillnet vessel fishing 25km of nets will be in the region of €8,750 when spaced at 200m and €17,500 when spaced at 100m (depending on specification) not including ongoing annual maintenance and replacement costs of approximately a third this figure. For vessels working tangle nets this figure would much higher due to the larger amounts of gear worked. In the current economic climate even with grant assistance for the initial expenditure, this represents a serious cost for fishermen. It should also be noted that if the regulation were enforced in totality, the current production level of pingers by the four manufacturers would not meet demand. The current time lag for production of 1,000 devices according to the manufacturers is anything from a month to 6 weeks.

Given these factors it is therefore essential that a thorough regulatory impact assessment be is carried as a matter of urgency before this regulation can be fully complied with by fishermen.

The NWWRAC suggests that implementation of articles 2 and 3 of this regulation be delayed until further testing of the devices is carried out including the testing of the necessary modifications to the existing devices required to make them suitable to meet both practical and technical criteria.

The views expressed above were accepted unanimously by the NWWRAC subject to a reservation by the environmental NGOs who believe that if a delay is unavoidable then there must be clearly defined objectives for further investigations with a firmly set timescale. The environmental NGOs also believe that if this timescale is not met, alternative mitigation measures will be called for, including closure or suspension of the appropriate fisheries.