



The Northern Ireland Marine Task Force (NIMTF) is a coalition of non-government environmental organisations – it includes RSPB, Ulster Wildlife, Wildfowl and Wetlands Trust, WWF Northern Ireland, National Trust, Friends of the Earth, Irish Whale and Dolphin Group, and Northern Ireland Environment Link. The NIMTF has the support of approximately 100,000 local people. We are working towards healthy, productive and resilient seas for Northern Ireland.

Northern Ireland Marine Task Force response to:

Consultation on management measures on the use of fast craft and personal watercraft (PWC) in marine protected areas.

Submitted: 30/08/2022

General Comments

The Northern Ireland Marine Task Force (NIMTF) welcome the opportunity to respond to the consultation on management measures on the use of fast craft and personal watercraft (PWC) in marine protected areas (MPAs).

NI’s MPA network has been established with the primary purpose of improving the marine environment, putting in place measures to conserve designated species and habitats from an array of human-induced pressures. Conservation objectives from each MPA highlighted within this consultation include ‘Ensure there is no significant disturbance of the species.’ This includes disturbance from noise and erratic movement associated with various types of fast crafts. It is imperative that this objective is being met, in order to ensure individual species are being protected within the NI MPA network, allowing species populations to thrive throughout our local seas.

Re: Provision of Advisory Notice for the operation of fast craft and PWC in MPAs

We acknowledge the benefits of an advisory notice. Still, we question the management measure's overall impact as detailed methods for delivering the notice to all users are not outlined. Furthermore, fast craft users differ from commercial operators as PWC are more portable and quickly launched and retrieved from slipways. They can be operated by tourists and visitors whose presence can be fleeting and variable around the coast. This has made DAERA's and the Strangford Lough and Lecale Partnership's attempts to engage with fast craft and PWC users over the last couple of years challenging, even with incentives offered to the users. It also means that repeated engagement opportunities are essential as members of the PWC and fast craft group will change year after year. It is imperative that DAERA ensure education of PWC users is effective and vigilantly monitor compliance. A non-compliance procedure should be agreed on and outlined in detail within advisory notice.

Re: Commission of site-specific surveys to determine level of risk of disturbance experienced by sensitive marine species

Site-specific surveys to determine the level of risk of disturbance experienced by sensitive marine species should consider the likelihood of cumulative disturbance effects on the species. This is vital as fast crafts and PWCs are growing in popularity in Northern Ireland, and energy infrastructure development projects are planned. Further explanation and consultation about the survey methodology is essential in order to achieve meaningful data to support analysis and a rationale for any regulations and enforcement. If the survey results show significant risk from PWC and fast crafts, further restrictions (e.g. prohibition zones) on fast craft usage must be implemented.

Re: Lack of evidence of disturbance to sensitive marine species in MPAs by fast crafts

While we acknowledge that DAERA has not received evidence of actual disturbance to sensitive marine species by fast crafts, this does not mean that it hasn't occurred. A disturbance may not be recognised, reported or recorded. We recommend that DAERA MPA officers are trained in recognising disturbances, and channels for the public to report disturbances are easily accessible and promoted widely online and through local signage where appropriate.

A disturbance can cause physiological stress^[2] with long-term consequences far beyond short-term observable changes in behaviour. Research investigating the effects of a disturbance at the population level by fast craft/PWC for sensitive species is needed to inform MPA management plans.

Given the knowledge and evidence gap, a review of best-available evidence should be conducted to inform the guidance included in the Advisory notices and the Precautionary Principle should be applied where appropriate.

Re: Inclusion of non-motorised Personal Watercraft (PWC)

There is no clear definition of PWC 'and other leisure craft not used in navigation*' within the consultation document, except for the brief mention of jet-skis on page 11. We believe non-motorised 'silent' personal watercraft such as canoes, kayaks and paddleboards should be

considered for inclusion in the definition. Marine animals will hear an engine from a long way off, but with canoes, kayaks and paddleboards the animals may not wake up until a person is already too close to them. Their panic response will be greater as they feel threatened with someone so close to them.

Consultation Questions

Commercial Tour Operators

1. **Do you agree with the Department’s definition that a Commercial tour operator is, “anyone who uses their vessel to carry fee paying customers for leisure purposes including, but not limited to, activities such as, diving, angling, wildlife tour and thrill rides”?**

Yes, the NIMTF agrees with this definition.

2. **Are there any other activities that you feel should be included under this definition?**

N/A

3. **Do you support the proposal, “Permitted access to marine protected areas for all commercial tour operators conditional on the vessel’s skipper gaining certification in the WiSe Scheme”?**

The NIMTF supports the proposal to introduce ‘Permitted access to marine protected areas for all commercial tour operators conditional on the vessel’s skipper gaining certification in the WiSe Scheme’. NIMTF appreciates the role commercial operators have in building deeper connections to the coast through activities such as wildlife watching, diving trips and recreational angling.

4. **If you are a commercial tour operator, what impact would this proposal have on your business?**

N/A

5. **Do you have any evidence or points of view that you wish the Department to consider relevant to this proposal?**

To manage and determine the success of WiSe accreditation being applied to commercial operators, NIMTF recommends a monitoring scheme for compliance be enacted. It is Ulster Wildlife’s (an NIMTF member organisation) experience that when training commercial tour operators, not all those trained uphold the best practice. Along with the WiSe Scheme certification for the skippers linked with the access permit to MPAs, there should be checks on

their compliance with the wildlife watching codes and on the quality of interpretation that they provide for their customers. Guide training in interpretation offers scope for enhancing the quality of wildlife watching experiences for tourists and their awareness of local conservation issues.

It is essential that a strong indication that resources will be made available is given at an early stage. Without adequate resourcing for promotion, monitoring and enforcement, compliance by some recreational craft users will be difficult to achieve, with potential adverse impacts on the wildlife we seek to conserve. Effective monitoring consumes significant staff time, and we fear the resources may not be available to provide this.

Additionally, a readily available and easily accessible compliance reporting system for the general public to use would support compliance monitoring. A 'Non-compliance' procedure should also be outlined and detailed within the permit for full transparency.

Alongside accreditation, we would recommend further resources such as infographics outlining best practice be made available. These resources can be displayed on commercial vessels, serving as a reminder to crew and an educational tool for passengers. Methods of accessing a potential reporting system for non-compliance should be displayed alongside these resources.

NIMTF recommend skippers permitted access to MPAs complete a 'refresher' training for the WiSe certification every 3 years.

The Condition Assessment 2019 Strangford Lough Subtidal Special Area of Conservation report states common seals in Strangford Lough SAC are in unfavourable and declining condition, and a potential driver of change in common seal numbers is recreational activities. As stated in the consultation document "there is a risk of disturbance to marine wildlife when groups of people in boat/boats are in their immediate proximity, **this disturbance can occur even if the vessel is moving at slow speed**". The WiSe Scheme guidance (Annex B) allows approaching seal haul outs, therefore, the NIMTF asks for a consideration of prohibition zones around key haul out sites proposed in Strangford Lough for fast craft and PWC be extended to include commercial tour operators.

Although DAERA has received "little evidence of actual disturbance", the driver behind the decline in seal populations is unknown and the Precautionary Principle must be applied. Research on the behavioural response of harbour seals in a Danish nature reserve to human-induced disturbances (boats) showed [1]:

- Harbour seals were alerted by boats at **560–850 m – a much greater distance than the WiSe Scheme minimum distance recommendation of 50 m.**
- Flight initiation distances were observed at **510–830 m – a much greater distance than the WiSe Scheme minimum distance recommendation of 50 m**
- Harbour seals exhibited weaker and shorter-lasting responses during the breeding season. They were more reluctant to flee and returned to the haul-out site immediately after

being disturbed, in some cases even during the disturbance. This seasonal tolerance is most likely attributed to a trade-off between fleeing and nursing during the breeding season, and **hence not an indication of habituation**.

Furthermore, while some signs of disturbance are visually observable, for example, a stampede into the water, new research is indicating that observed behaviour doesn't always reflect the stress state of a seal. For example, a 2015 study[2] presented evidence that harbour seal encounters with boats have energetic and physiological consequences while the seals are hauled out and these may persist for some time after the water entry behaviour, increasing exposure to stress and negatively affecting their health, condition and reproductive success.

Consultation Questions

Fast Craft and PWC

Skerries and Causeway SAC

1. Do you support the proposal, “Provision of Advisory Notice for the operation of fast craft in the SAC”?

Yes, NIMTF supports the proposal to provide an Advisory Notice for the operation of fast craft in MPAs.

While we acknowledge that DAERA has not received evidence of actual disturbance to harbour porpoise by PWCs, this does not mean that it hasn't occurred. Harbour porpoise surfacing rate has been found to significantly decline in the presence of motorised speed crafts, which can cause missed foraging opportunities and increased energy expenditure. Noise from, and presence of, motorised vessels can cause stress, behavioural changes, physiological changes with long-term consequences far beyond short-term observable changes in behaviour[3].

2. Do you support the proposal, “DAERA plans to commission a site specific survey to determine the level of risk of disturbance experienced by sensitive marine species”?

Yes, we support the proposal for DAERA to commission a site specific survey to determine the level of risk of disturbance experienced by sensitive marine species.

There is likely to be an increase in motorised PWC usage during the summer months, alongside non-motorised 'silent' personal watercraft such as canoes and paddle boards. As harbour porpoise are present within the skerries SAC all year round this provides an ideal opportunity for comparative surveys between the seasons to analysis the level of disturbance.

3. Do you support the proposal, “DAERA will continue to work with harbour masters and local authorities around the issues of slipway access”?

The NIMTF supports this proposal.

Increased purchasing of fast crafts in recent years means greater engagement with harbour masters and local authorities is vital to ensuring many users have access to advisory notice.

4. Do you have any evidence or points of view that you wish the Department to consider relevant to these proposals?

The typical appeal of fast crafts, specifically jet skis, is speed and thrill-seeking experiences; jet skis can reach an average speed of 40-60mph[4]. Harbour porpoise are challenging to observe from a distance, making monitoring and surveying difficult. Furthermore, when travelling at speed on a jet ski, it's unlikely the jet ski user would see porpoise barely breaking the surface, and therefore they wouldn't alter their own behaviour to avoid disturbing or colliding with the animal. It is vital that education of this sea user group is effective, and if the survey results show significant risk from PWC and fast crafts, further restrictions (e.g. total prohibition) on fast craft usage must be implemented.

Rathlin Island SPA/ SAC/ MCZ

1. Do you support the proposal, “Provision of Advisory Notice for the operation of fast craft in the SPA / SAC”?

Yes, NIMTF support this proposal.

2. Do you support the proposal, “DAERA will continue monitoring the risk of disturbance to sensitive species within the SPA/SAC”

NIMTF welcome the proposal of continued monitoring, however a detailed description of the monitoring methodology has been omitted from the consultation therefore it is unclear how DAERA are currently monitoring risk of disturbance to sensitive species within the Rathlin Island SPA and SAC. And it would be useful to know precisely what monitoring is undertaken, and how it is scheduled, e.g. in respect of seal pupping periods, harbour porpoise movements etc.

3. Do you have any evidence or points of view that you wish the Department to consider relevant to these proposals?

Since the 14th of July, 2022, a number of seabirds have tested positive for the Highly Pathogenic Avian Flu (HPAI) in sites around the Northern Irish coastline. Seabird populations throughout the British Isles are under increasing levels of pressure from the spread of this strain, and any activity that may cause additional stress and disturbance to seabirds and seabird colonies should be restricted. At this moment in time, consideration should be given to how this

ongoing situation may require additional restrictions within all NI SPA's, including relating to the use of fast crafts in the waters surrounding Rathlin. [HM4] [EM5].

In addition, protection should be given to areas in which rafting/loafing seabirds occur, notably auk species, fulmars and kittiwakes, from the cliff breeding colonies in the west and north of the island.

Strangford Lough SAC

1. Do you support the proposal, “The Department is proposing four Prohibition zones in Strangford Narrows (Cloghy Rocks, Granagh Bay, Bar Hall Bay and Angus Rock). The prohibition will apply to PWC and other leisure craft not used in navigation”?

NIMTF supports the proposal.

It will be crucial for management to consider how PWC users will be made aware of the exact boundaries for each of these prohibition zones and what the consequence for non-compliance is.

Particular attention should be given in respect of the common seal pupping period which occurs between June and July. As the summer season will have the highest levels of recreational activities, this may potentially push seals with young into great contact with PWC usage.

2. Do you support the proposal, “Permitted access to the SAC for PWC users, conditional on the user’s agreement to abide by a code of practice for the operation [EM7] [HM8] of PWC in Strangford Lough SAC”?

NIMTF supports the proposal to permit access to the SAC for PWC users on the condition they agree to abide by a code of practice for the operation of PWC in the SAC.

3. Do you support the proposal, “Provision of Advisory Notice for the operation of fast craft in the SAC”

Yes, please refer to the general comments section for further information.

4. Do you have any evidence or points of view that you wish the Department to consider relevant to these proposals?

NA

North Channel

1. Do you support the proposal, “The Department will maintain its monitoring programme and continue to gather evidence to help inform future decision making processes throughout the SAC”

NIMTF welcome the proposal of continued monitoring, however a detailed description of the monitoring methodology has been omitted from the consultation therefore it is unclear how DAERA are currently monitoring risk of disturbance to sensitive species within the North Channel SAC.

2. Do you support the proposal, “Provision of Advisory Notice for operation of fast craft in the SAC”?

Yes, please refer to the General Comments sector for further information.

3. Do you have any evidence or points of view that you wish the Department to consider relevant to these proposals?

Murlough SAC/ Minerstown

1. Do you support the proposal, “The Department will continue its programme of outreach and engagement with recreational users of the Minerstown area to increase awareness of the risk of disturbance to marine wildlife”?

The NIMTF greatly supports an outreach & engagement programme with recreational users of the Minerstown area. Any recommendations and lessons learned from this engagement that can be applied to the education programme required to support the implementation of Advisory Notices in other MPAs would be valuable.

2. Do you support the proposal, “Provision of an Advisory Notice for the operation of fast craft in the SAC”?

Yes, please refer to the General comments section for further information

3. Do you have any evidence or points of view that you wish the Department to consider relevant to these proposals?

NA

Ballykinler

1. Do you support the proposal, “Provision of Advisory Notice for the operation of PWC and fast craft in the SAC, this advisory note will offer guidance on the use of speed for planing craft including PWC approaching and travelling through the channel between Inner and Outer Dundrum Bay”?

Yes

2. Do you have any evidence or points of view that you wish the Department to consider relevant to these proposals?

NA

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