

National Park Law

Overall National Park objective:

§ 2: To ensure, as far as possible, an undisturbed development of natural processes

§ 5 (1) 2: It is not allowed to disturb, harm or kill animals

§ 6 (2/3) In the hitherto mode and to the hitherto extent, shrimp and finfish fishery is allowed. Exemption: zero-use zone. Restrictions for bivalve fishery.



Structure

- o Whales in the Schleswig-Holstein Wadden Sea
- o Historical data about harbour porpoise abundance
- o Reasons for establishing a whale sanctuary
- o Special regulations
- o Future perspectives
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Harbour porpoise	<i>P. phocoena</i>	1608
Common dolphin	<i>D. delphis</i>	2
Bottlenose dolphin	<i>T. truncatus</i>	1
White sided dolphin	<i>L. acutus</i>	0
White beaked dolphin	<i>L. albirostris</i>	24
Striped dolphin	<i>S. coeruleoalba</i>	1
Sperm whale (1998 / 2002)	<i>P. macrocephalus</i>	6
Minke whale	<i>B. acutorostrata</i>	5
Fin whale	<i>B. physalus</i>	3
Long finned pilot whale	<i>G. melas</i>	3
Beluga whale	<i>D. leucas</i>	1

Whale strandings 1990 – 2006 in the Schleswig-Holstein Wadden Sea





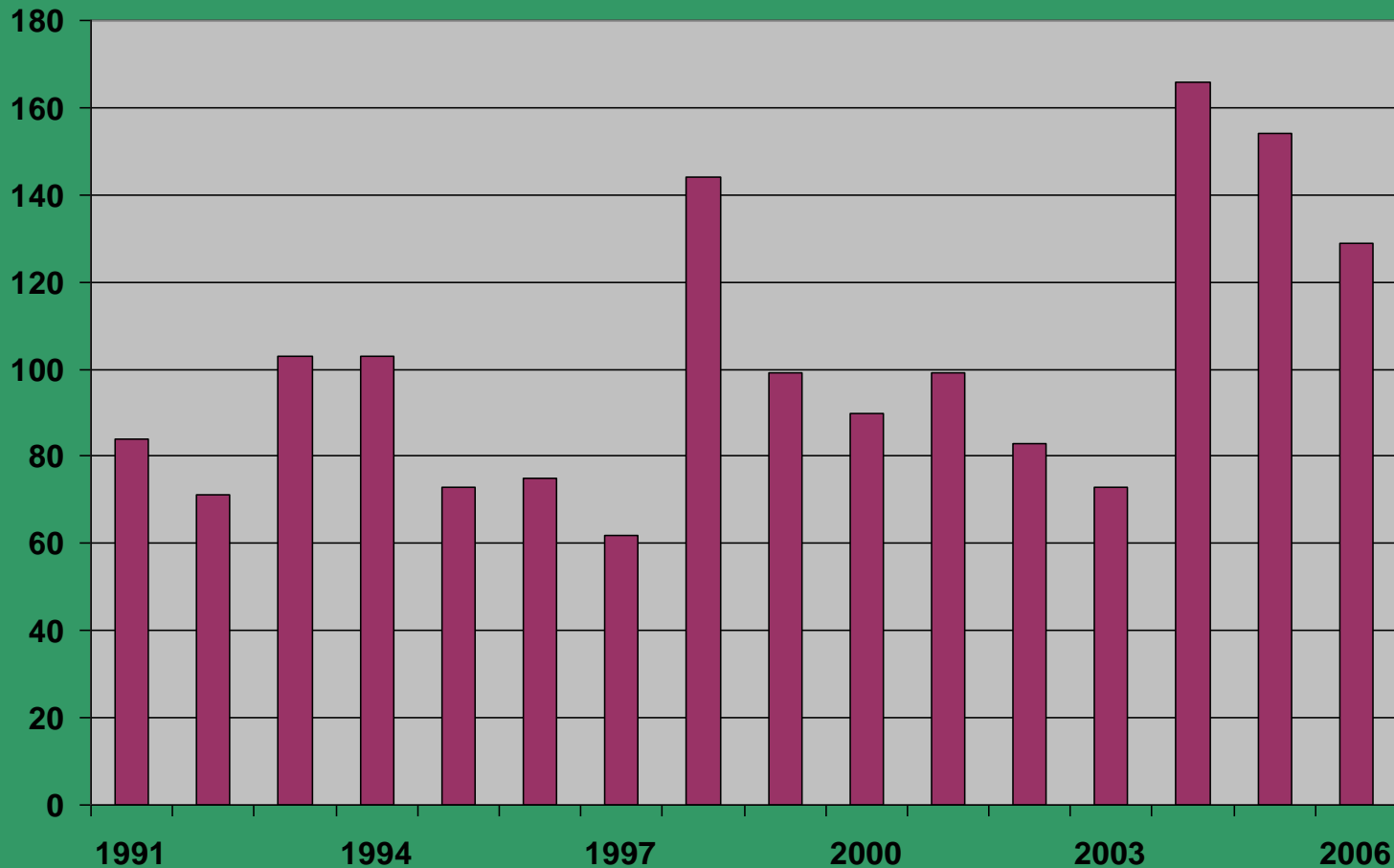
The Harbour Porpoise (*Phocoena phocoena*) is the only native whale species in the Wadden Sea Region, and reproduces here

Special public attention

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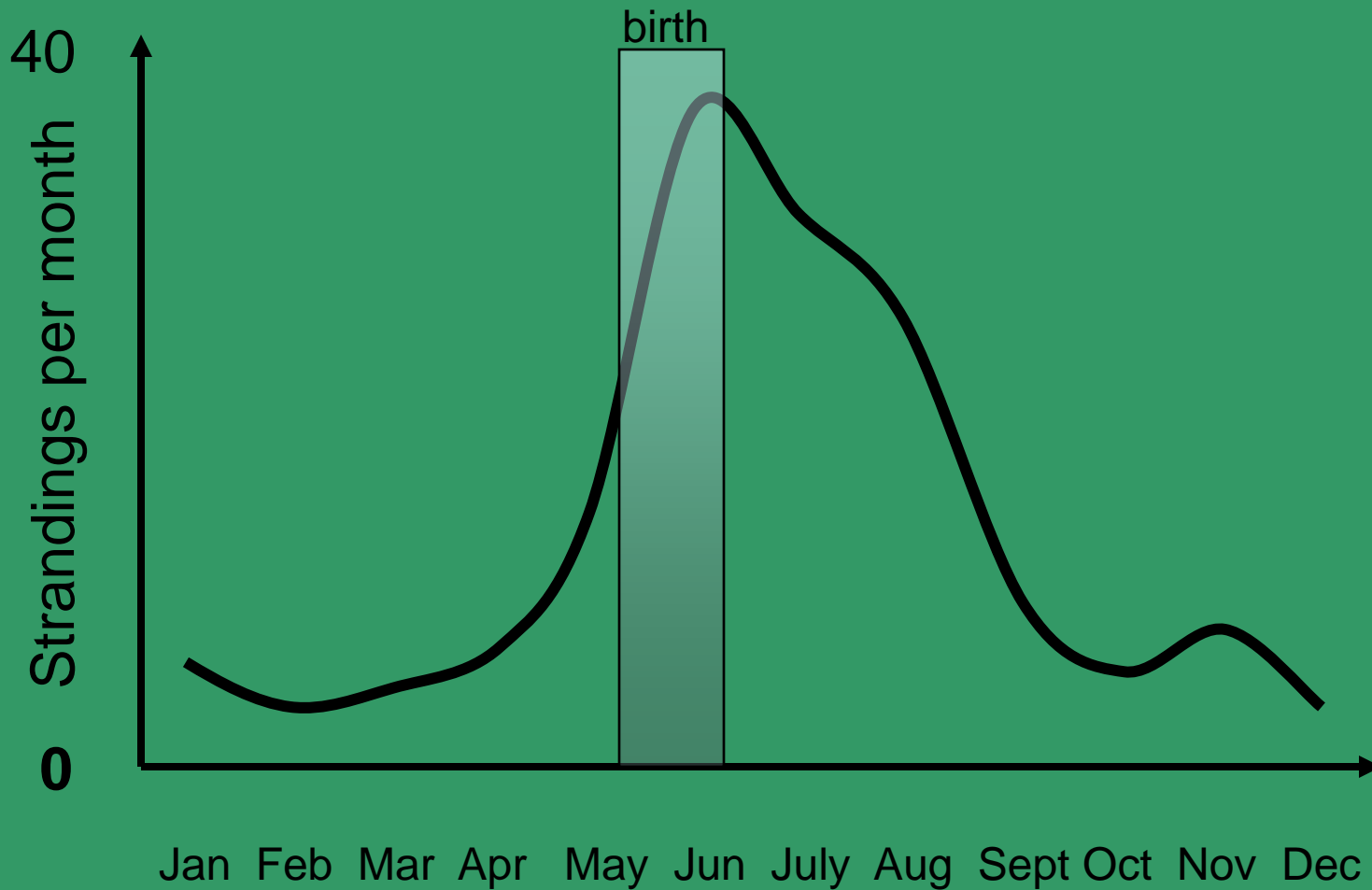
Harbour porpoise strandings along the Schleswig-Holstein West Coast

Monitoring data from Siebert et al. (2007), and Abt (2007)

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Phenology of harbour porpoise strandings 1990 - 2006

Abt 2007, adapted

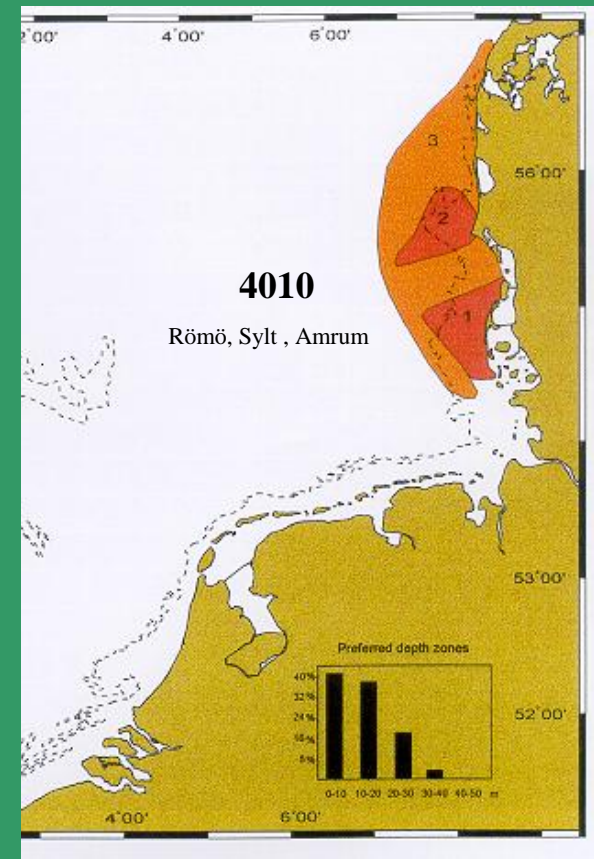
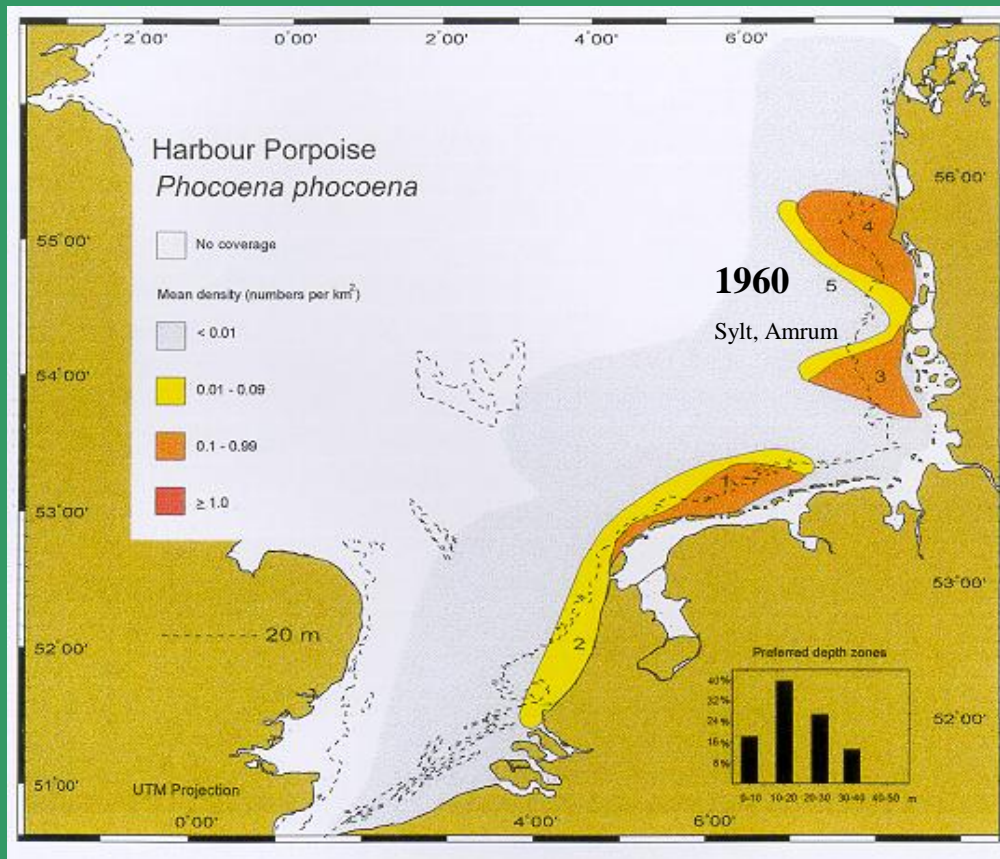
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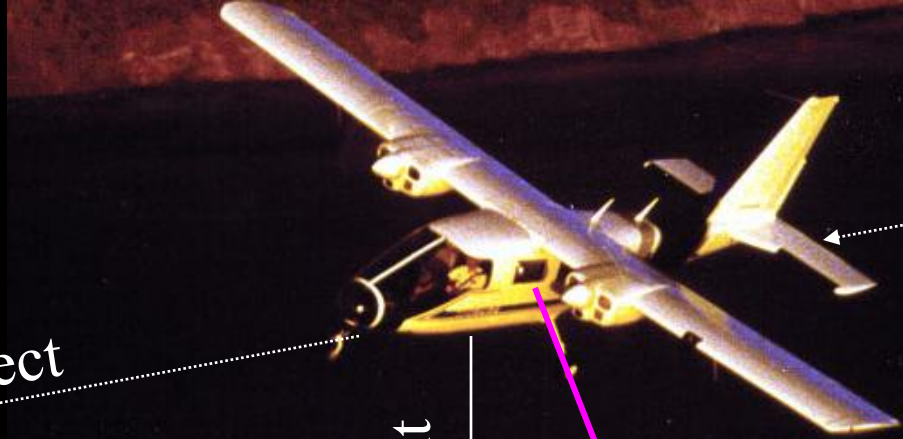
Winter

**Harbour porpoise densities
in the years 1986 – 1993**

Spring

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183 m flight height (SCANS&MINOS)

76 m (Butendiek)

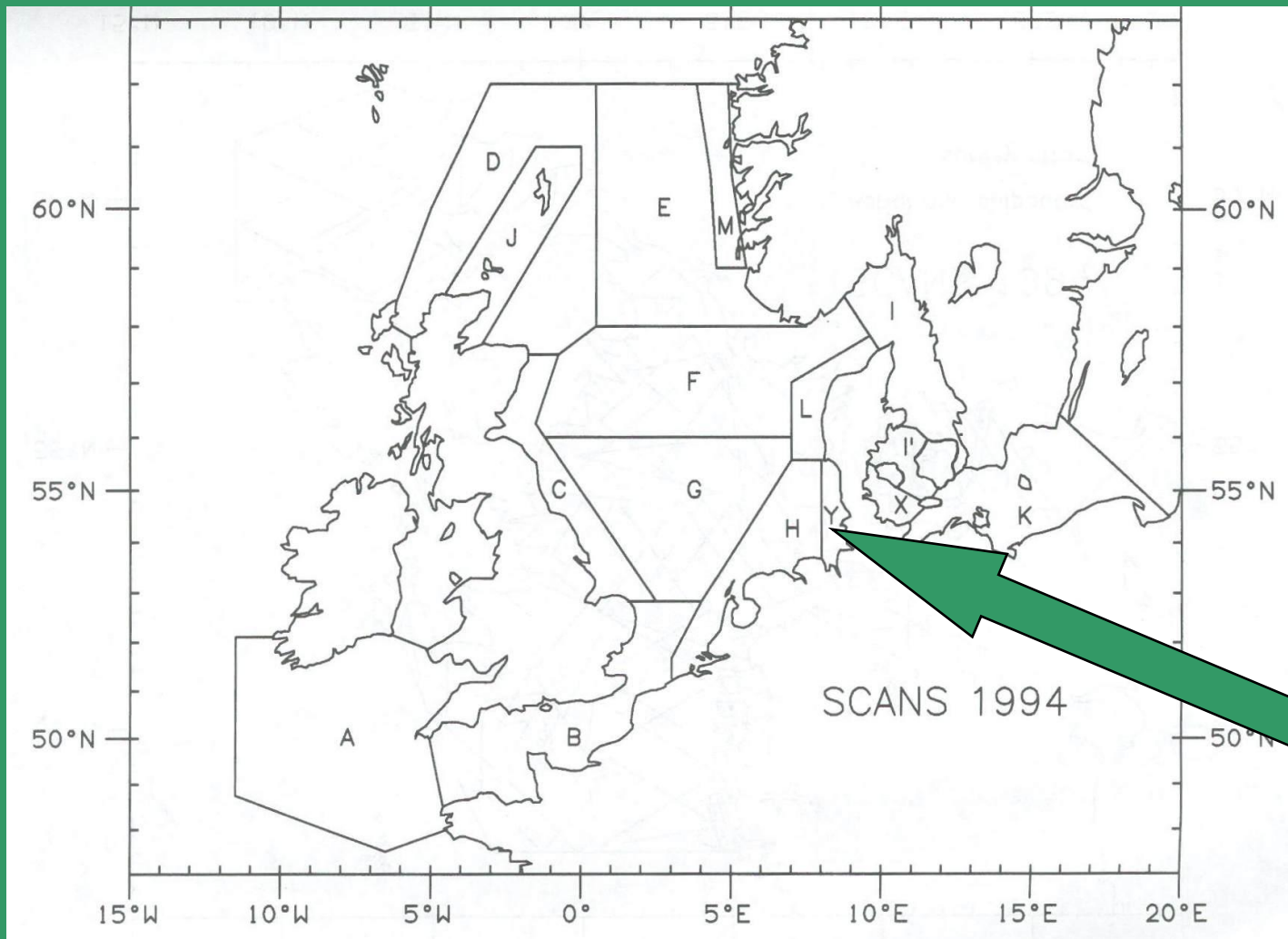
Transect

Constant flight height

α

Transect

Method since 1992: aerial counts



Y

Survey
block Y:
Eastern
Wadden
Sea Coast



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Results from the SCANS I-project (Hammond et al. 1995)

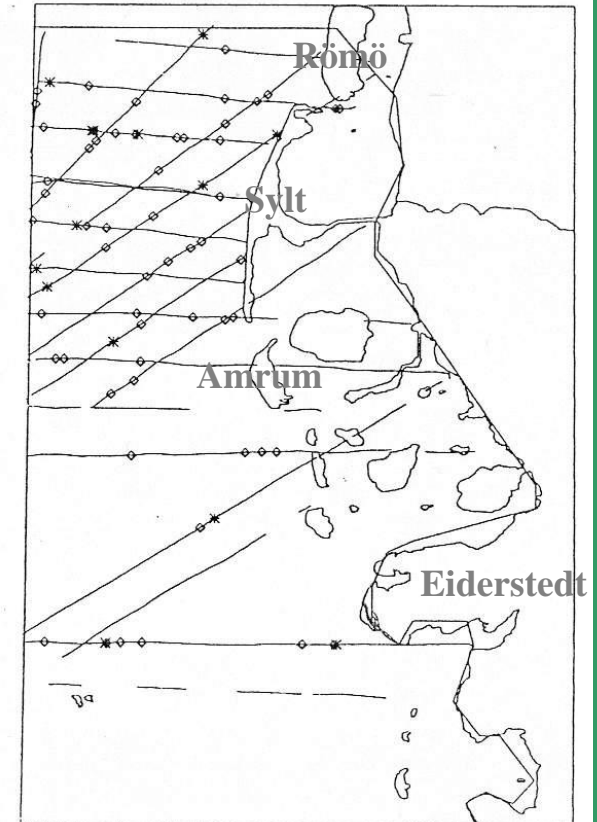
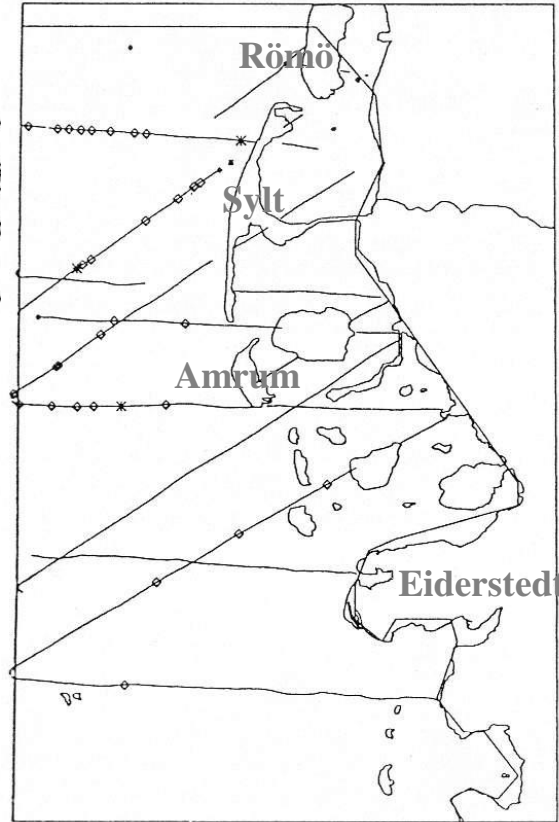
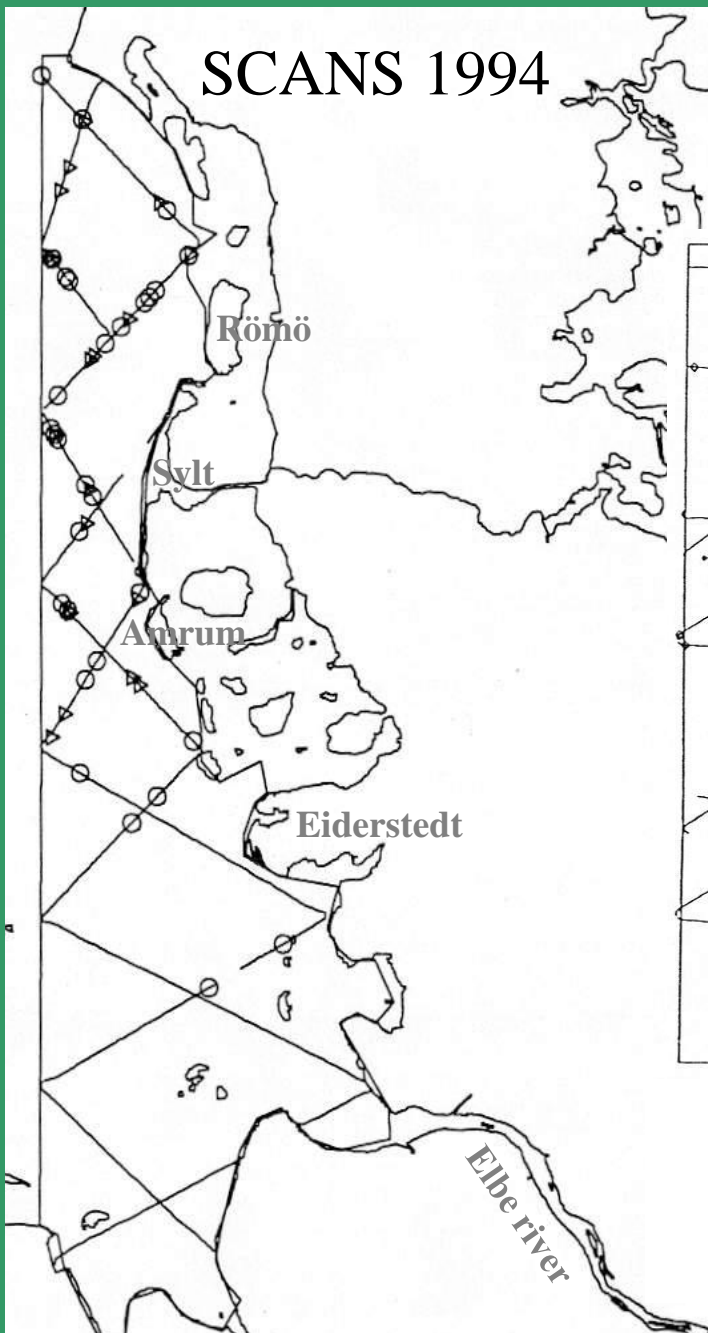
Small cetacean abundance in the North sea (Data from 1994)

SCANS block	region	abundance (individuals)	concentration (ind/km ²)	calves (%)
A	Southern Irish Sea	36280	.180	5.1
B	English Channel	0	.0	---
C	Eastenglish Coast	16939	.387	3.3
D	Northern Scotland excl. Block J	37144	.363	6.2
E	Northernmost North Sea / Norw. Deep	31419	.288	4.1
F	Northern Central North Sea	92340	.776	3.9
G	Central North Sea	38616	.340	6.7
H	Southeastern North Sea	4211	.095	0.0
I	Skagerrak	36046	.725	5.1
J	Orkney- and Shetland-Islands	24335	.783	0.0
L	Danish Coast excl. Wadden Sea	11870	.653	11.6
M	Norwegian Coast	5666	.450	5.4
Y	Eastern Wadden Sea Coast between Esbjerg to Wangerooge	5912	.812	14.1
  C,D,E,F,G ,H,J,L,M, Y	„Total North Sea“	268452	.446	5.4
			2x	3x

SCANS 1994

BMBF

1995 / 1996



Harbour porpoise sightings in summer
1994, 1995 and 1996 (x = calve)

Harbour porpoises off the westcoast of Schleswig-Holstein (database for the construction of the whale sanctuary)

	1992	1994	1995	1996	Ø
project	pilot.	SCANS	BMBF	BMBF	
season	sum.	summer	summer	summer	
region: area off (and in)	North-Sylt	Dan. & Schl.-Holst. Wadden Sea & Jadebusen	Wadden Sea between Rømø & Eider up to ca. 19 sm seawards	Wadden Sea between Rømø & Eider up to ca. 19 sm seawards	coast. area
population estimation		ca. 5900	ca. 4400	ca. 7350	5900
confidence interval (95 %)		1500-7800	1170-8496	5040-12600	
density (ind/km ²)		0.8	0.6	1.0	0.8
<i>density around and seawards from Sylt & Amrum</i>				1.7 / 2.3	
calves (%)	17.9	14.1	10.0	15.4	14.3

(Hammond et al. 1995, Adelung et al. 1997, Sonntag et al. 1999)

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Reasons for installing a whale sanctuary off Sylt and Amrum in 1999



North Sea
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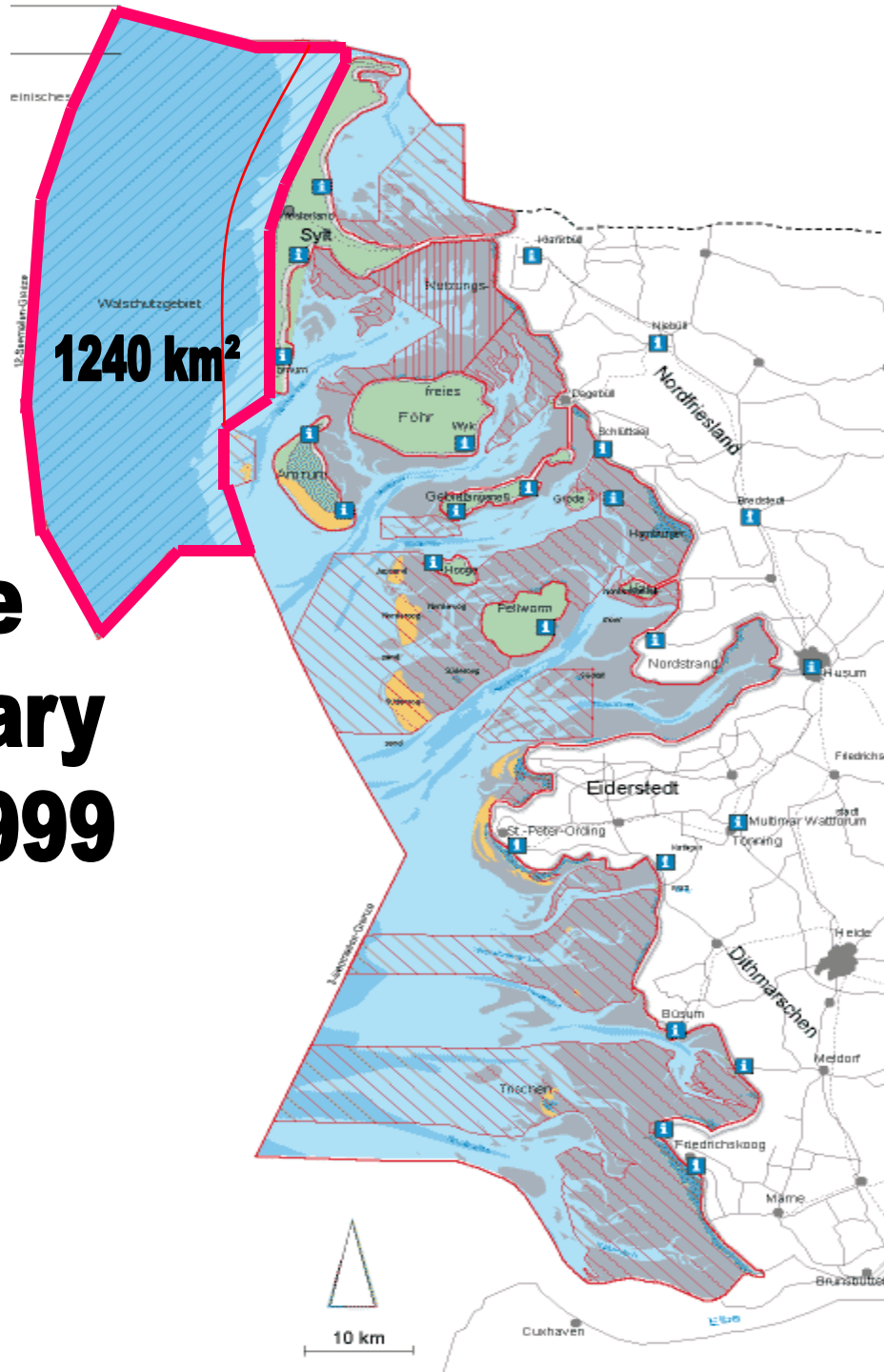
- Habitat (FFH) Directive prescribes the designation of harbour porpoise conservation areas (Appendix II)
- The region off Sylt and Amrum (and Southern Jylland) is an important living and calving ground for porpoises (Sonntag et al. 1999)

Conclusions for the Wadden Sea National Park

- **Following the precautionary principle (despite low bycatch rates!) the region should be protected as a whale sanctuary**
- **The whale sanctuary should be included in the National Park**
- **This is only a first step. The whale sanctuary is relatively small. A North Sea wide package of protection measures is needed !**



Whale Sanctuary since 1999



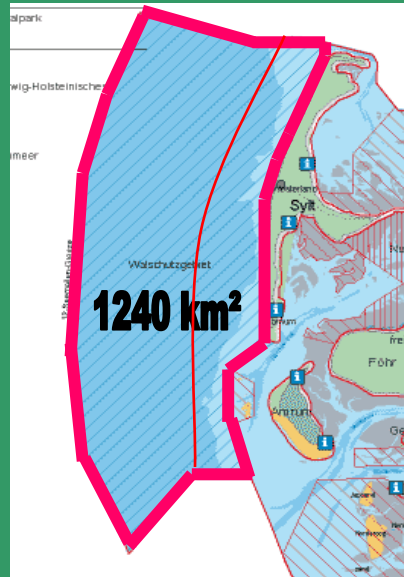
ASCOBANS
Agreement

FFH-
Directive
Appendix
II & IV

National
Park
Objectives

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**Whale
Sanctuary
1999 / 2004**

It is not allowed ...

- to impair whales seriously (NP-law SH)
- to use set nets higher than 1.3 m from the bottom (stretched meshes)
- to use mesh sizes > 150 mm
- to conduct industrial fishing
- to use drift nets
- not to report bycatch

Fishery Order SH

Net-specifications partly derived from the findings of Vinther (1995, 1997, 1999)

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SCHLESWIG-HOLSTEIN

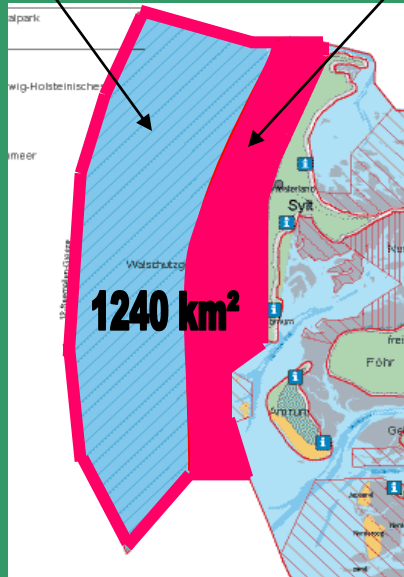
**The whale sanctuary is
embodied in German law,
but the**



**important implementation
in EC-law
is still missing**



„international“ national
fishery zone



**Whale
Sanctuary**

Status:

The whale sanctuary is relatively ineffective, because not German, but Danish fishermen use high set nets in this area (3 - 12 sm-zone).

As long as there is no EC-ratification, the use of risky set nets will continue in the whale sanctuary within the National Park.



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Steps towards EU-ratification

2004

The Federal Government, namely the FM for consumer protection, food and agriculture (BMVEL), and the FM for environment (BMU) presented the idea to the EC-commission



Notification by the EC: SH-regulations for German fishermen are in accordance with European law



2005

Talks between BMVEL and the EC to take over these regulations into EC fishery law (ratification)



EC: There is a problem. First coordinate with your Danish colleagues.
Danish Ministry of Food, Agriculture and Fisheries:
a whale sanctuary is not necessary:

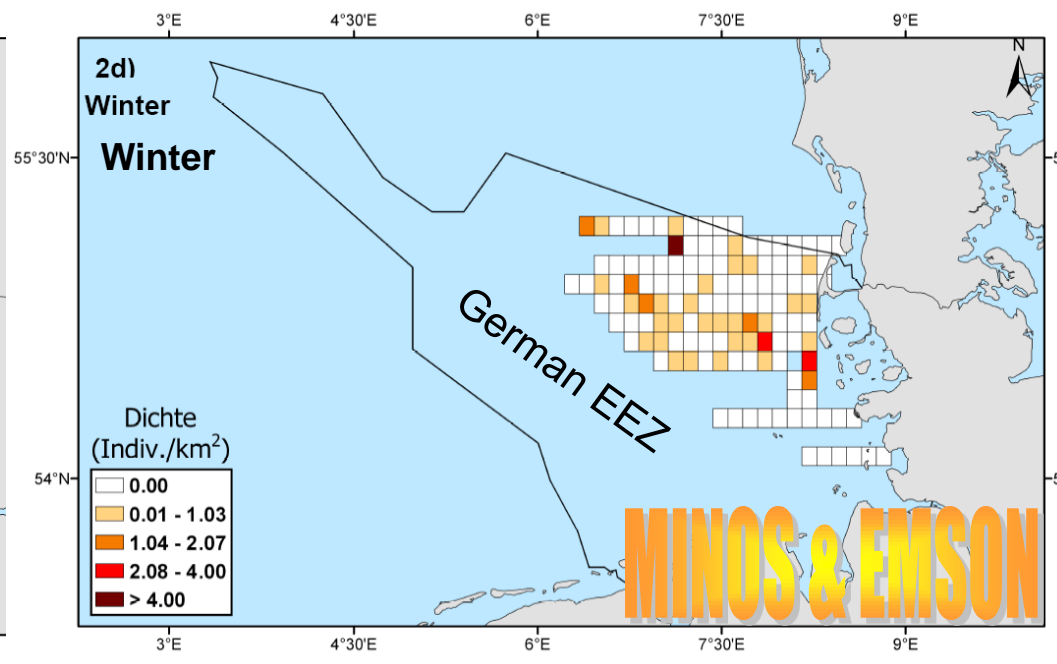
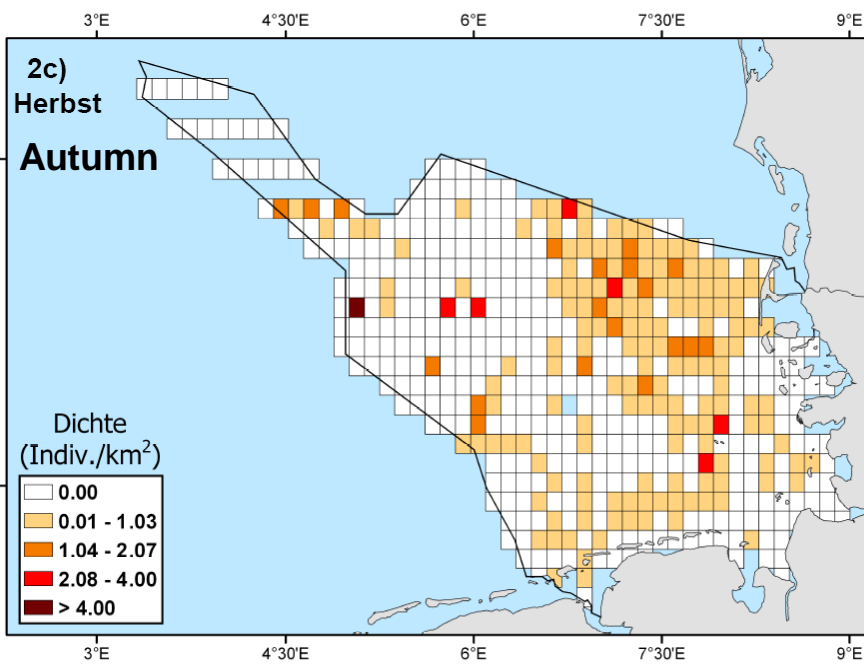
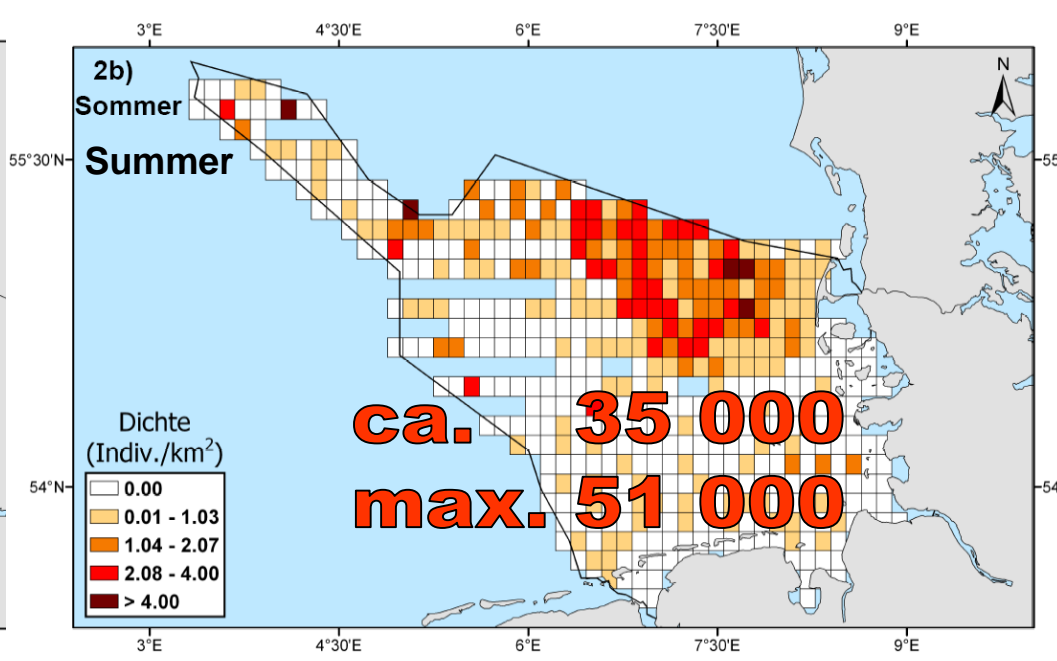
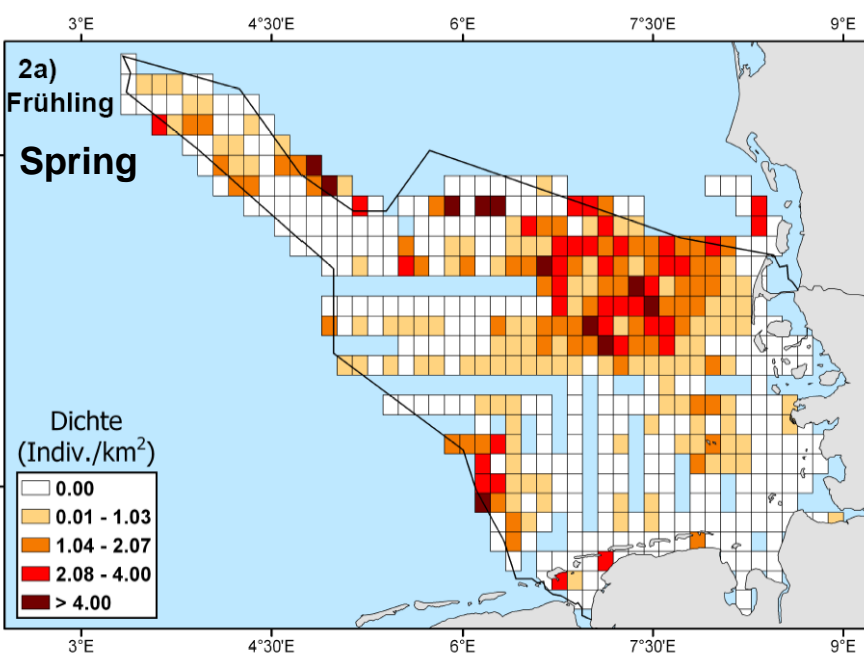


- there is no scientific evidence that justifies the German proposal
- the EC-Order 812/2004 (mandatory use of pingers) is sufficient



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Seasonal Distribution of harbour porpoises 2002 - 2005

The success of EC-Order 812/2004
(mandatory use of pingers) is yet unknown.
An EC evaluation report is still missing.



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**Irrespective of scientific evidence,
actual distribution patterns and
the effectiveness of other measures:
in a marine National Park
drowning of marine mammals
in set nets should be prevented**





Thank you !

Key messages from this presentation:

- measures to reduce bycatch of whales naturally must cover the total area of their habitat
- moreover, in special protection areas bycatch should be completely prevented (e.g. marine National Parks)
- appropriate national regulations should be ratified by all EC-members

