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Dear Stan Woznicki

### **WDC comments on the Cromarty Firth Port Authority Application for a ship-to-ship oil transfer licence**

We understand that the ship-to-ship oil transfer licence application by the Cromarty Firth Port Authority is for up to 48 transfers of oil annually, with a maximum transfer of 180,000 tonnes per operation. Given our area of interest, we have focused on the marine mammal sections, and predominantly cetaceans.

WDC has serious concerns about the potential environmental effects of the Ship-to-Ship Oil Transfer in the Cromarty Firth, we do not agree with the conclusion of the ES that there will be No Likely Significant Effect on the dolphins and therefore we object to the licence application.

### **Specific comments**

Our main concerns for the ship-to-ship oil transfer application and the grounds for our objection are these:

The documents as they stand are not adequate. It is not clear if this is an extension to the existing operation at a different location or an additional operation in a new location. No reference is made to the current contract details or the present level of ship-to-ship oil transfers and it is not clear if the licenced ship-to-ship oil transfer activities at Nigg oil terminal will continue parallel to the present application. If the activities will be



conducted in parallel, the cumulative impacts need to be adequately addressed.

The information in the document is not the most up to date available. The bottlenose dolphin population that reside in the Moray Firth is estimated to be around 195 individuals (Cheney *et al.*, 2013) and is currently classified as stable or increasing (Cheney *et al.*, 2014). However, the small population and late age-at-sexual maturity of bottlenose dolphins means that any effect on reproduction or the survival rate of individuals is likely to have a significant impact on the population. The documents do not recognise the importance of the habitat around the Sutors for a large part of the dolphin population throughout the year.

The ship-to-ship oil transfer will occur within the Moray Firth bottlenose dolphin Special Area of Conservation (SAC) and close to several other SACs for seals, seabirds and other species. The outer Moray Firth was also recently identified by the Statutory Nature Conservation Agencies as a proposed SAC for harbour porpoises. Any impacts on the integrity of all or any of these SACs would be against the requirements of the EU Habitats Directive.

The Habitat Regulations Appraisal (HRA) is not sufficient and it is not clear if this is an official HRA, as is required by EU legislation. The impact of an oil spill cannot be classified as 'medium term' and an Appropriate Assessment will be required, including to consider the long-term impacts of an oil spill on the bottlenose dolphin population.

Dolphins are very vulnerable to the potential impacts of oil. This cannot be emphasised enough for such a small population in such important habitat. Severe health impacts, including adrenal toxicity (due to hypoadrenocorticism), lung disease, poor body condition and reproductive failure were documented in dolphins exposed to the Deepwater Horizon oil spill in the Gulf of Mexico. Further, dolphins were observed in the oil spill, indicating that they were not able to actively avoid it (*e.g.* Schwacke *et al.*, 2013; Venn-Watson *et al.*, 2015). The effects of the oil spill are still being understood, and continue to be reported, almost six years after the event. Furthermore, evidence exists of the impact on health and reproduction of a number of cetacean species from contaminants in UK waters (Murphy *et al.*, 2015; Jepson *et al.*, 2016).

Harbour seals are also vulnerable to the potential impacts of oil, and warrant particular consideration due to declines in the Moray Firth and more widely on the east coast of Scotland.

It is not possible to eliminate the risk of an oil spill. Yet an adequate Oil Spill Contingency Plan (OSCP) is lacking. The oil spill contingency plan needs to include 'most likely' and 'worst case' scenarios, as well as a detailed cumulative impact assessment of a potential oil spill and other impacts from the consent of this licence. Furthermore, the 'Proposed guidelines for dealing with cetaceans in the event of an oil spill in the Moray Firth' (appendix D section C.1.) is from 1999. It is likely that there are more recent guidelines available from other areas of the world (especially since the



Deepwater Horizon oil spill) that could be adapted to the Moray Firth. Regardless, these existing guidelines are certainly inadequate.

Section C.2 (appendix D). WDC also has data available on the use of the Moray Firth by cetaceans and should be included in the list. Section C.2. states 'Oil spill contingency plans should include up to date information on the occurrence and usage of the Moray Firth by cetaceans'. It seems irrelevant to include a document that is so out of date in terms of the status of the SAC (referred to in the appendix as a 'cSAC') when it has been a designated site since 2005, and much more recent data exists than that used in the document. Furthermore, the document recommends placing small cetaceans in a small pool for rehabilitation. No cetacean rehabilitation facilities exist in the UK or do we wish for there to be a need for such a facility.

There is a lack of information on the mitigation methods for preventing impacts due to pathogens from the ballast water and preventing oil spills. The proposed mitigation methods would not be sufficient to mitigation against 'likely significant effects' to the Moray Firth bottlenose dolphin Special Area of Conservation.

There is inadequate assessment of the likely noise output and resulting increase in ship movements within the Cromarty Firth Port Authority area. Bottlenose dolphins, like other marine mammals, can be sensitive to noise pollution, including masking due to ship noise. The presence of additional boats is likely to cause additional disturbance impacts.

No potential alternative sites have been included in the application. Alternative sites need to be thoroughly assessed and include all potential impacts to sites and species covered by National and European legislation.

There is a lack of adequate consideration of the cumulative impacts on cetaceans and other marine species in the region, including activities at the Nigg oil terminal (as mentioned previously).

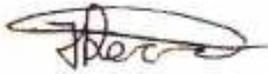
The lack of community stakeholder engagement pre-application was wholly inadequate. The Moray Firth is an area of importance, both locally and nationally. Any impact on the area due to a potential oil spill will have significant long-term consequences for the area, and the livelihood of stakeholders working in tourism and recreation, fisheries etc as well as the marine wildlife.

Up-to-date and adequate environmental data to meet the requirements of the legislation are lacking from the current consultation documents. Following further assessment to meet these legal requirements, we believe a further public consultation will be necessary.

Overall, we strongly object to the Ship-to-Ship Licence Application in the Moray Firth. Any impacts will have a significant effect on the integrity of the Moray Firth SAC (and other protected European sites) which is against the EU Habitats Directive.

We hope you find these comments useful and would be happy to discuss these comments further.

Yours Sincerely,



Fiona Read

Scottish Policy Officer

## References

Cheney, B., Thompson, P.M., Ingram, S.N., Hammond, P.S., Stevick, P.T., Durban, J.W., Culloch, R.M., Elwen, S.H., Mandlebreg, L., Janik, V.M., Quick, N.J., Islas-Villanueva, V., Robinson, K.P., Costa, M., Einfeld, S.M., Walters, A., Phillips, C., Weir, C.R., Evans, P.G.H., Anderwald, P., Reid, R.J., Reid, J.B. and Wilson, B. 2013. Integrating multiple data sources to assess the distribution and abundance of bottlenose dolphins (*Tursiops truncatus*) in Scottish waters. *Mammal Review* 43: 71-88.

Cheney, B., Corkrey, R., Durban, J.W., Grellier, K., Hammond, P.S., Islas-Villanueva, V., Janik, V.M., Lusseau, S.M., Parsons, K.M., Quick, N.J., Wilson, B., Thompson, P.M. 2014. Long-term trends in the use of a protected area by small cetaceans in relation to changes in population status. *Global Ecology and Conservation* 2: 118-128.

Jepson, P.D., Deaville, R., Barber, J.L., Aguilar, A., Borrell, A., Murphy, S., Barry, J., Brownlow, A., Barnett, J., Berrow, S., Cunningham, A.A., Davison, N.D., ten Doeschate, M., Esteban, R., Ferreira, M., Foote, A.D., Genov, T., Giménez, J., Loveridge, J., Llavona, A., Martin, V., Maxwell, D.L., Papachlimitzou, A., Penrose, R., Perkins, M.W., Smith, B., de Stephanis, R., Tregenza, N., Verborgh, P., Fernandez, A., and Law, R.J. 2016. PCB pollution continues to impact populations of orcas and other dolphins in European waters. *Scientific Reports* 6: 18573. doi: 10.1038/srep18573.

Murphy, S., Barber, J., Learmonth, J.A., Read, F.L., Deaville, R., Perkins, M., Brownlow, A., Davison, N., Pierce, G.J., Law, R.J. and Jepson, P.D. Reproductive failure in UK harbour porpoises (*Phocoena phocoena*): legacy of pollutant exposure? *PLOS ONE*, 10: e0131085. doi: 10.1371/journal.pone.0131085.

Schwacke, L.H., Smith, C.R., Townsend, F.L., Wells, R.S., Hart, L.B., Balmer, B.C., Collier, T.K., De Guise, S., Fry, M.M., Guillette Jr, L.J., Lamb, S.V., Lane, S.M., McFee, M.M., Place, N.J., Tumlin, M.C., Ylitalo, G.M., Zolman, E.S. and Rowles, T.K. 2013. Health of common bottlenose dolphins (*Tursiops truncatus*) in Barataria Bay, Louisiana, following the Deepwater Horizon oil spill. *Environmental Science and Technology* 48: 93-



103.

Venn-Watson, S., Colegrove, K.M., Litz, J., Kinsel, M., Terio, K., Saliki, J., Fire, S., Carmichael, R., Chevis, C., Hatchett, W., Pitchford, J., Tumlin, M., Field, C., Smith, S., Ewing, R., Fauquier, D., Lovewell, G., Whitehead, H., Rotstein, D., McFee, W., Fougères, E. and Rowles, T. 2015. Adrenal gland and lung lesions in Gulf of Mexico common bottlenose dolphins (*Tursiops truncatus*) found dead following the Deepwater Horizon Oil Spill. PLOS ONE, 10: e0126538. doi: 10.1371/journal.pone.0126538.

