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Fergus Ewing, Cabinet Secretary for Rural Economy and Connectivity
The Scottish Parliament
Edinburgh
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11th February 2019

Dear Cabinet Secretary

Inshore fisheries and marine protected areas

Following regular meetings with your officials and the welcome announcement at the 2018 Inshore Fisheries Conference in Inverness that there will be a discussion on the future of fisheries management in Scotland ahead of a formal stakeholder consultation, we look forward to continued constructive engagement.

Ahead of that process, and in light of recent Parliamentary Questions, I am writing on behalf of Scottish Environment LINK's marine group to articulate specific concerns regarding fisheries compliance capacity and delivery in Scotland. Recent reported incursions of scallop dredgers into restricted areas, including the fisheries closure in Loch Gairloch and the Firth of Lorn Special Area of Conservation (SAC), underline growing concerns about the regulation of the scallop dredge fishery in Scotland in particular.

The weight of scientific evidence is clear that scallop dredging is amongst the most ecologically damaging fishing practices when carried out in inappropriate locations, therefore it is imperative that everybody is confident about where and how the fleet operates. We welcome the progressive protection measures established for phase one of Scotland's inshore marine protected areas, and we look forward to phase two this year; the Regulation of Scallop Fishing (Scotland) Order 2017 limiting the number of dredges per side and requiring remote electronic monitoring (REM) on boats towing more and larger dredges, and of forthcoming work to improve protection for Priority Marine Features (PMFs) beyond the MPA network. However, it would appear that current capacity is not sufficient to ensure compliance with existing measures, and therefore unable to adequately underpin the spatial, ecosystem-based approach to fisheries management needed in Scotland.

We welcome the 2018-19 Programme for Government commitment to "...take steps to modernise the management of inshore fisheries through the introduction of appropriate vessel tracking and monitoring" and the announcement at the 2018 Inshore Fisheries Conference in Inverness of £1.5million from EMFF and Scottish Government to introduce I-VMS for the inshore fleet in 2020. We note from the conference proceedings that: "Two aspects will be the focus. Firstly, monitoring

for the under 12 metre fleet, initially around MPAs where vessels with tracking equipment will be allowed within buffer zones. Secondly, exploring the use of a sentinel fleet to further improve science.”

Recent reported scallop dredging incursions confirmed by Environment Climate Change and Land Reform Cabinet Secretary in response to [PO S5W-20066](#) underline the importance of fast-tracking I-VMS for scallop dredging boats of all size, and indeed vessels of all sizes using active gear, for compliance with both conservation and fisheries management measures inside and outside of marine protected areas

We are also concerned about the trial ring net fishery for herring that has started within the Moray Firth SAC for bottlenose dolphin and sandbanks. Our primary concerns regard the lack of a formal process of assessment for a new fishery, including a lack of documentation, and the lack of formal engagement with non-governmental organisations. Given that SNH have determined in their advice that there will be a “likely significant effect” on bottlenose dolphin and harbour seal, an Appropriate Assessment is a requirement under the Habitats Regulations. As competent authority, Marine Scotland is required to conduct this Appropriate Assessment and we have not had sight of any such document. We also have specific concerns about the trial itself, including about monitoring and about the times of use of the gear.

On behalf of the Scottish Environment LINK Marine Group, I am writing therefore to:

- seek assurance that “monitoring for the under 12 metre fleet, initially around MPAs where vessels with tracking equipment will be allowed within buffer zones” will not lead to any rolling back of the fisheries orders that were passed by the Scottish Parliament in April 2016 for the purpose of protected areas achieving their conservation objectives;
- ask that VMS, sensor and REM technology be fast-tracked for all smaller scallop dredging vessels (those with two tow bars, 16 dredges or fewer and tow bars less than 7.5m in length) and indeed fishing vessels of all sizes operating with active gear;
- clarify the Scottish Government’s position in relation to the potential for effective roll-out of VMS and expansion of REM;
- request evidence that adequate capacity is committed to ensure effective compliance with fisheries management measures in Scottish waters and;
- ask for an Appropriate Assessment to be carried out for the trial ring-net fishery in the Moray Firth SAC and that this be made publicly available and consulted upon.

Such measures are necessary toward helping achieve outcomes of the Inshore Fisheries Strategy including particularly Outcome 2: “Marine Scotland will implement an appropriate form of vessel monitoring to provide good quality information on the footprint of inshore fishing by 2020...” and Outcome 4: “Our inshore waters will be managed in a way which is environmentally sustainable ...The management of our fisheries will be congruent with the Marine Strategy Framework Directive. By 2020 effective assessment methodologies will be in place for fishing at Maximum Sustainable Yield, achieving Good Environmental Status and maintaining compliance with other marine conservation initiatives such as the Natura Directive and the development of Marine Protected Areas.”

I would be most grateful if Scottish Environment LINK’s Marine Group would be able to meet you to discuss these matters further.

Yours sincerely,



Calum Duncan
Convener, Scottish Environment LINK's Marine Group
Head of Conservation Scotland, Marine Conservation Society

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