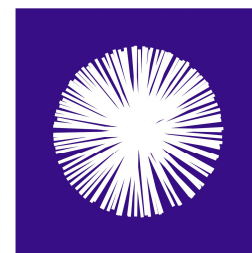


Response to the Scottish Government Consultation on Inshore MPA/SAC Management – Revised Conservation Orders

by the Scottish Environment LINK Marine Taskforce

January 2016



Scottish
Environment

LINK

Summary

- LINK members support the Scottish Government's process to establish a network of well-managed marine protected areas and develop proportionate management of anthropogenic activities within the sites. Evidence indicates that well-managed MPAs will not only result in an improvement to the environmental condition of Scotland's seas, but should provide secondary benefits in the form of increased fishing opportunities and positive displacement to areas that may not have previously be fished.
- LINK members are concerned that the amended derogations for the three draft Marine Conservation Orders (MCOs) will reduce the likelihood of conservation objectives being met (by leaving protected features vulnerable) and diminish the potential for increasing the health of the Scottish Marine Area (by, amongst other things, leaving other Priority Marine Features at risk).
- LINK members are disappointed that these proposals appear to be a step backwards, applying derogations to areas where fishing has historically taken place, rather than where the ecology requires it, and increases boundary complexity. Respondents to the original consultation (2014/15) called for simplicity to support effective monitoring and compliance, which are dependent on co-operation from sea users and integration of Automatic Identification Systems (AIS) in all fishing vessels.
- The environmental and economic basis for the MCO revisions need to be more transparent, particularly where fisheries derogations appear to have been amended to accommodate key fishing grounds.
- The revised MCOs risk compromising the life history of some of the protected features. For example, fishing derogations in shallow areas likely to be important for common skate spawning and nurseries in Loch Sunart to the Sound of Jura MPA/SAC, and foraging grounds for breeding black guillemot in Small Isles MPA.
- We support the Scottish Government's proposal to assist fishing businesses that may be affected by the management measures, (such as displacement and diversification of fisheries) by supporting access to funding, such as the European Marine Fisheries Fund. Any other secondary implications due to new fisheries management measures need to be pre-empted through research and monitoring.

Introduction

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong

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voice for this community in communications with decision-makers in Government and its agencies, Parliaments, the civic sector, the media and with the public.

Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through Taskforces – groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits.

LINK members welcome the opportunity to comment on this consultation.

Loch Sunart to the Sound of Jura MPA/SAC

LINK members support a progressive approach to the management measures for this site for the protection of the critically endangered common skate (*Dipturus batis* complex), and affirm that proportionate protection of benthic habitats is likely to have wider positive impacts on the ecosystem as a whole and future fishing opportunities. LINK members are very concerned about the introduction of additional derogations for trawling and dredging. Of particular concern is the fact that these additional derogations occupy shallow areas of the MPA, for which there is clear scientific evidence that the only biodiversity protected feature, the common skate, need for various crucial life history stages, including spawning and juvenile stages (Neat *et al.* 2014)¹. In particular we are disappointed to see derogations proposed for the shallow habitat on the Sound of Mull and on the western side of the Sound of Jura. The proposed derogation in the Firth of Lorn will also allow mobile demersal fishing activities south of the Garvellachs, an area which is likely to be integral to connectivity within the site (the Sound of Luing being the other main passageway). Application of best available scientific evidence would require that such corridors are included as part of the fisheries restrictions so that local migrations can occur and the site's conservation objectives are met.

Furthermore, LINK members are concerned about the derogation around Loch Shuna and Loch Craignish. While we support the prohibition of mobile demersal fishing activities within the inner part of Loch Melfort, the common skate records indicate that the population traverses the wider area. This area is also important for other mobile species, including harbour porpoise and seals. We seek clarification from Marine Scotland and SNH about how this will be assessed, and assurance that this MPA will be a priority for ecological monitoring. The latter must also include monitoring of the wider ecosystem impacts of the management measures.

Following a positive and proportionate response by the Scottish Government to last year's public consultation on the initially proposed management measures – the key messages of which included a call to simplify the zonal fisheries derogations and restrictions – it seems like a backward step to include additional derogation zones that increase the complexity of the measures. The additional derogations appear to correlate directly with areas of medium and high scallop dredge density (as shown on Figure D8 in the original 2014/15 consultation documents). While we sympathise with the local fishing businesses which may have to alter their fishing patterns as a result of the management measures, we seek clarification on the economic basis for these additional derogations, as Scottish Government's socio-economic analysis (published with the consultation analysis in June 2015) confirmed a minimal impact from the first revision of the MCO proposals. If

¹ Neat, F., Pinto, C., Burrett, I., Cowie, L., Travis, J., Thorburn, J., ... & Wright, P. J. (2014). Site fidelity, survival and conservation options for the threatened flapper skate (*Dipturus cf. intermedia*). *Aquatic Conservation: Marine and Freshwater Ecosystems*.

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new economic evidence has arisen since June 2015, as a basis for these derogations, this must be made more transparent and must be reconciled with the conservation objectives of the MPA. The added complexity of these derogations will have implications for both ecological monitoring and compliance.

Small Isles MPA

LINK members welcome protection of fireworks anemone in the amended fisheries derogations, a welcome example of using best available evidence of the distribution of the species in this site. However, LINK members are concerned that large areas of burrowed mud, and those supporting tall sea pen communities in particular, remain unprotected and included within the derogations. While we accept the Scottish Government's decision to adopt a zonal management approach, where appropriate to the conservation objectives, we cannot accept the stated driver of the proposal being "the need to minimise the level of protection of burrowed mud...because of the high level of dependency on this area of fishing vessels from Mallaig"². LINK members attest that the revised proposals could do more to consider the wider ecosystem that relies on interaction with the burrowed mud habitat. For example a large amount of recorded tall sea pen (*Funiculina quadrangularis*) habitat will remain open to trawling and dredging under the revised proposals, a species more sensitive to damage and less able to recover than other sea pen species³.

We are disappointed to see protection around the Sound of Canna returned to a more minimal approach - again this seems like a step backwards. To repeat our response to the 2014/15 consultation⁴;

"The stark difference between the abundance and diversity of benthic species in the Sound of Canna in comparison to the rest of the MPA highlights the clear need to remove pressure from mobile demersal fishing gear across more of the soft sediment habitats to improve the benthic biodiversity. We suggest an extension to the management zone boundary to the northwest (to the Rum and Canna coastlines) and to the north and northwest of the Sound of Canna (to include more of the burrowed mud habitat). A rare example of the burrowing sea anemone (*Aracnanthus sarsi*) has been identified in the muddy seabed off the north east of Canna. This species is considered to be of international importance in Scottish waters as a result of declines in UK populations. It is likely that more may inhabit this area, as yet undocumented, and we think that as much of this area as possible should be closed to mobile demersal fishing activities as a precaution to ensure that this key habitat, and the biodiversity it hosts, is conserved."

The amended proposed derogations are more complex in shape which, as per our comments for Loch Sunart to the Sound of Jura MPA, is contrary to the findings of the 2014/15 consultation on the original management proposals, which called for simplification of the boundaries. LINK members note that some of these amendments relate to historic use and convenience for active fishing vessels, but increasing complexity of derogation boundaries has implications for monitoring and compliance. We suggest that the value of environmentally proportionate measures will be higher for future fishing opportunities than preserving the extent of current fishing grounds within the proposed derogations.

² <http://www.gov.scot/Resource/0049/00491400.pdf>

³ Greathead, C. F., Donnan, D. W., Mair, J. M., & Saunders, G. R. (2007). The sea pens *Virgularia mirabilis*, *Pennatula phosphorea* and *Funiculina quadrangularis*: distribution and conservation issues in Scottish waters. *Journal of the Marine Biological Association of the United Kingdom*, 87(05), 1095-1103.

⁴ http://www.scotlink.org/wp/files/documents/ScotLINK_MPA_management_consultation_response_0202151.pdf

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LINK members acknowledge that black guillemot (*Cephus grylle*) is also a listed protected feature for the Small Isles MPA and recognise that Rum and Canna are also Special Protection Areas (SPAs) for a number of other bird species and we welcome the prohibition of the use of set nets in this MPA. We again seek clarification from the Scottish Government about their intentions to develop a biosecurity plan to protect black guillemot breeding colonies within this MPA and how it will integrate with management measures for the over-lapping SPAs. We also note that there are areas of seabed north of Canna and around the majority of the coast of Rum that are open to mobile demersal fishing activities. These areas are likely to include important foraging grounds of the breeding black guillemot. Given that black guillemot colonies are recorded around the entire coast of both Canna and Rum, and that prey availability has been directly linked to changes in seabird population trends, we do not agree that foraging areas have been adequately considered as part of the proposed MCO.

Wester Ross MPA

LINK members generally support the proposed amendments to the derogations for the Wester Ross MPA, the engine size rather than gross tonnage vessel capacity restriction and the retention of the scallop dredging prohibition throughout the site. Furthermore as highlighted for Loch Sunart to the Sound of Jura MPA and Small Isles MPA, the altered derogations result in zonal boundaries which are physically more complex, contrary to the strong message conveyed through responses to the 2014/15 consultation calling for greater simplicity to support more effective monitoring and compliance. LINK members note that some of these amendments relate to historic use and convenience for active fishing vessels, but increasing complexity of derogation boundaries has implications for monitoring and compliance. We emphasise here that proportionate protection of benthic habitats will not only result in much needed enhancement of the ecosystem as a whole, but will also provide positive future opportunities for fishing.

Additional Comments

LINK members would like to emphasise that altering fishing practices will inevitably lead to diversification of fishing techniques, coupled with displacement of effort. We recognise and support the Scottish Government's commitment to help fishing businesses access funding, such as the European Marine Fisheries Fund (EMFF), to make any necessary or desired changes to mitigate these effects. However, these effects are likely to be quite complex and the net result will be important to forth-coming spatial management measures due to be considered in the near future, such as protected sites for highly mobile species. For example, gillnet fisheries are totally incompatible with the conservation objectives of most mobile species, including seabirds, and creels are a known source of entanglement for minke whales in this area (Northridge et al. 2010)⁵. Given that the Small Isles MPA exists within a proposed MPA for minke whales and basking sharks, increased static gear fishing effort and unintentional 'edge effects' along MPA or MCO boundaries might be detrimental to both species. Additionally, the permitted fishing area of the Small Isles MPA is very close to Hyskier and west of Canna, a basking shark hotspot⁶ where collision, bycatch and entanglement risk will need to be managed on a seasonal basis in addition to the currently proposed measure. We therefore encourage a joined-up approach to MCOs and MPA management procedures and seek assurance from the Scottish Government that measures to protect features in one MPA are compatible and complementary with those of adjacent or overlapping MPAs.

⁵ Northridge, S., Cargill, A., Coram, A., Mandleberg, L., Calderan, S., & Reid, R. (2010). Entanglement of minke whales in Scottish waters: an investigation into occurrence, causes and mitigation. *Contract Report. Final Report to Scottish Government CR/2007/49*.

⁶ Speedie, C.D., Johnson, L.A., Witt, M.J. (2009). Basking shark hotspots on the west coast of Scotland: key sites, threats and implications for conservation of the species. Commission Report No. 339. Scottish Natural Heritage, Inverness. 58 Pp
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