

Consultation on the Proposed Introduction of New Statutory Scallop Fishing Management Measures

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Introduction

Scottish Environment LINK's Marine Taskforce welcomes the opportunity to respond to the consultation on new statutory scallop fishing management measures. However, we are disappointed in the scope of the consultation and the measures proposed within it. The introduction states that the intention of the proposed measures is to safeguard scallop stocks, secure fishing opportunities for the fleet and to more closely align measures between Scotland and England. This consultation misses a real opportunity to explore further measures which are urgently required to address the wider environmental impacts of this industry and support a truly sustainable fishery.

The Scottish Government's Marine Atlas identifies fishing as one of two significant, widespread pressures on the marine environment. It also shows that the health of the vast majority of our inshore habitats is of great concern, and that virtually every broadscale habitat type is in decline throughout Scottish waters. It is therefore essential that the Scottish Government uses this opportunity to deliver a strategic management plan for scallop fisheries in Scottish waters to help ensure the fishery plays its full role in halting and reversing this trend of decline. It should be noted that development of policies and legislation to address the wider environmental impacts of both sea and inshore fisheries is in line with the remit of the Scottish Government's Fisheries Management and Conservation Group¹. The proposals in this consultation are not sufficient to develop a management framework for sustainable scallop fisheries and will not contribute to Scotland meeting its many obligations to conserve marine species and habitats.

LINK has worked with the Scottish Government for many years to help deliver a management framework for sustainable scallop fisheries. We are very disappointed with the lack of progress to deliver the various recommendations and action plans that have been established. The then Scottish Executive's 2006 report 'A Sustainable Framework for Scottish Sea Fisheries' set out a series of action plans to support a sustainable scallop fishery –

- 6 month Action Plan: The Scottish Executive Environment and Rural Affairs Department (SEERAD) will convene the Scottish Scallop Advisory Committee.
- 18 month Action Plan: The Scottish Scallop Advisory Committee will investigate practical methods of mapping the footprint of the fishery and Fisheries Research Service (FRS), Scottish Natural Heritage (SNH), the Industry and Environmental Interests will work to reduce or mitigate any impact of scallop dredging on known sensitive marine areas in Scottish waters.
- 3 year Action Plan: Working through the Scottish Scallop Advisory Committee, Catchers and Seafish will investigate the possibility of improving Scallop gear to

¹ Available at <http://www.scotland.gov.uk/Topics/marine/Sea-Fisheries/FMAC/Remit>

reduce environmental impact and operating costs. FRS, SHN and the Industry will improve knowledge about scallop recruitment including spat fall and the use of closed areas.

The Scottish Scallop Strategy Group was convened under the Sea Fisheries Advisory and Reference Group (SeaFAR) and then by the Sea Fisheries Council (SFC). Minutes from a meeting of the Science and Environment Sub Group in March 2009 state that "reflecting some continuity with the SeaFAR process and its outstanding priorities, the SFC Scallops Group seeks to:

- Improve scallop knowledge
- Mitigate the environmental impact of scallop dredging on sensitive marine areas
- Improve scallop gear to reduce the environmental impact of scallop dredging on sensitive marine areas"

These priorities closely align with the recommendations set out the Beukers-Stewart 2009 report to SNH, Natural England and the Countryside Council for Wales². Beukers-Stewart highlighted four key areas for research –

- Map currents and larval dispersal of scallops to identify "source and sink" locations and assist with planning networks of effective protected areas
- Map seabed habitats according to sensitivity and overlay these with maps of fishing activity to identify key areas for management action.
- Measure by-catch in all fisheries to assess ecological significance and to reduce conflicts between different fisheries.
- Conduct research into suitable increases in minimum scallop dredge belly ring size. As growth rates vary for scallops around the UK with growth being much slower in Scottish waters it is essential that minimum ring size is set according to location, at least for the inshore fleet.

Beukers-Stewart made clear that scallop productivity in the UK could be dramatically improved by better management. The report highlights the negative effect of the fishery on juvenile scallops and the reduction in spawning refuges, and that the negative effects of towed fishing gear, particularly scallop dredges, on benthic habitats and communities are also '*...of considerable conservation concern.*' SNH and other agencies were advised:

'... a management regime for UK scallop fisheries that provided better protection to key scallop nursery and breeding areas, and maintained healthier benthic ecosystems in general would undoubtedly result in more productive and sustainable fisheries.'

The report goes on to propose several management measures including the development of an ecosystem level management plan, in which all interested parties are included, and which is set within a framework of zones. The low impact zone (0-3nm) would include fully protected areas, areas just for static gear fisheries (e.g. crab fishers) and scallop divers and other low impact uses such as recreation.

We are not aware of any action that has been taken on the back of this report. We request further information on how this report was considered and whether any of the recommendations have been taken forward. In particular, we are extremely concerned that no specialist group of stakeholders now exists within Scotland to consider such recommendations. It is essential a working group or forum is formed, similar to the Scottish Scallop Strategy Group, to deliver a strategic approach to scallop management within Scottish waters. Furthermore, in March 2009, the SFC and UK Scallop Groups held a two day workshop. We believe a similar event should be convened again in the near future.

² Beukers-Stewart BD and Beukers-Stewart JS (2009) Principles for the Management of Inshore Scallop Fisheries around the United Kingdom. Report to Natural England, Scottish Natural Heritage and Countryside Council for Wales. University of York

Such a strategic approach to the management of scallop fisheries must be considered within the Scottish Government's three pillar approach to marine nature conservation³. Therefore, in addition to the wider seas measures, including marine spatial planning, identified in the Beukers-Stewart 2009 report, the working group must also consider the role of protected areas. There is evidence that protected areas, in particular no-take zones, can contribute to sustainable scallop fisheries⁴. Protected areas can increase nursery habitat, which has been shown to substantially increase the settlement levels for the two key commercial scallop species. The increased presence of complex habitats positively encourages spat settlement, and the age, size and biomass of adult scallops have been found to be significantly greater within protected areas. A strategic approach to scallop fisheries management including a range of spatial measures within Scottish waters should be discussed by a stakeholder working group as a matter of urgency.

Despite the lack of management at a national level, the community and industry in Shetland appears to be taking their own measures, a move which LINK welcomes. The management model delivered through the Shetland Islands Regulated Fishery (Scotland) Order 1999, which empowers the Shetland Shellfish Management Organisation (SSMO) to manage the commercial shellfish fisheries within the six mile limit around Shetland, appears at this stage to be relatively successful and should be considered for other areas.

Our response to the consultation questions are set out below, however, they must be considered in the context of the comments set out above.

Question 1: Do you support the introduction of a flat rate 8 per side limit on dredges within the 12nm zone?

We support moves to reduce the number of dredges allowed within the 12nm zone. However, we stress again, this measure will be of limited environmental benefit if not coupled with a wider strategic approach to scallop management which includes consideration of closed areas.

Further, we request more detail on the environmental rationale for choosing 8 per side as a limit, and the benefits to the stock and the wider environment of selecting a lower limit.

Question 2: Do you support the removal of restrictions on dredges outside 12nm of the Scottish Coast.

No. We are concerned that vessels operating anywhere in the waters around Scotland with more than 14 dredges per side could have severe environmental consequences. We strongly believe the Scottish Government should be aiming to deliver the highest possible environmental standards. This does not mean supporting or encouraging a 'race to the bottom' in terms of regulation.

Even though, as we outlined above, more progress is urgently needed in Scotland, we urge the Scottish and UK Governments to make representations at a European level to raise EU standards to our own.

Question 3: Do you support exempting from regulation, attachments to dredges whose purpose is to increase the safety and speed with which dredges can be handled?

³ A Strategy for Marine Nature Conservation in Scotland's Seas, Scottish Government. Available at <http://www.scotland.gov.uk/Topics/marine/marine-environment/Conservationstrategy/marineconstrategy>

⁴ Howarth LM, Wood HL, Turner AP and Beukers-Stewart BD (2011). Complex habitat boosts scallop recruitment in a fully protected marine reserve. *Marine Biology* 158: 1767-1780

We are happy to exempt from regulation attachments whose purpose is to increase safety for handling. However, this must not be used as a loophole to allow attachments which can limit the size of the belly rings and reduce selectivity. We request further detail on how this will be monitored and enforced.

Question 4: Would you support the introduction of a phased increase in the minimum landing size for scallops from 100mm to 105mm and then to 110mm.

We support an increase in minimum landing size. However, we do not believe the phased approach is necessary given that such measures have been discussed by industry and scientists for a number of years. We advocate an immediate increase to 110mm. We request information on what impact on the scallop stocks will result from delaying the increase for a further two years.

Question 5: Do you agree that all scallops landed into Scotland and carried within the Scottish zone must comply with the Scottish minimum landing size?

Yes.

This response was compiled on behalf of Scottish Environment LINK's Marine Task Force and is supported by:

Hebridean Whale and Dolphin Trust
Marine Conservation Society
National Trust for Scotland
RSPB Scotland

Scottish Wildlife Trust
WWF Scotland
Whale and Dolphin Conservation Society

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