Proposal to designate Red Rocks and Longay as a Marine Protected Area

Consultation response, 26 April 2022

Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 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 voice for the environment. 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 groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Marine Group.

LINK members welcome the opportunity to comment on the Scottish Government's proposal to designate Red Rocks and Longay as a Marine Protected Area

1. Do you support the designation of Red Rocks and Longay as a permanent Marine Protected Area (MPA)?

Scottish Environment LINK members support the designation of Red Rocks and Longay as a permanent Marine Protected Area (MPA).

The protection of Scotland's inshore environment, and support for its valuable ecosystem services, is vital in the context of addressing the intertwined climate emergency and nature crisis. Meeting international goals to address these requires urgent, bold and transformative change. The implementation of an ecologically coherent network of MPAs which are well-managed under the OSPAR convention, aligning with the ecological principles of representivity, adequacy (size of site), viability, connectivity, replication, protection level and best available science, is therefore crucial and a legal requirement under the Marine (Scotland) Act 2010 and Marine and Coastal Access Act 2009.

Scottish Environment LINK members welcome commitments under the Bute House Agreement to completing the existing MPA network and increasing spatial protection of marine ecosystems through designation of at least 10% of Scotland's seas as Highly Protected Marine Areas (HPMAs). Best available science and the precautionary principle must underpin identification, designation and management of all MPAs in Scotland's waters, including HPMAs. The latter must be "fully" protected in line with IUCN guidance, precluding all damaging anthropogenic activity. As the Red Rocks and Longay urgent MPA was designated before the Bute House agreement, Scottish Environment LINK members consider it to be a part of the process to complete the existing network in response to the feature-based evidence gathered and not a potential HPMA. The latter should focus on already altered or diminished areas to drive wider ecosystem recovery.

The Red Rocks and Longay MPA is of great importance, providing much-needed protection for a crucial life-history stage of the critically endangered flapper skate. The site is the first egg-laying habitat of this scale to be

identified in Scotland and will complement the Sound of Jura MPA by providing protection to another life-stage of the flapper skate on the west coast of Scotland.

2. Do you agree that the scientific evidence presented supports and justifies the case for the designation of the site?

The research provides clear evidence of the presence of flapper skate egg cases in large numbers and justifies the designation of the site. It also demonstrates that the Quaternary of Scotland geodiversity features are functionally linked to the flapper skate, providing a suitable habitat for egg-laying. Scottish Environment LINK members therefore agree with the analysis of seabed habitat considered to be critical for flapper skate eggs.

3. Do you agree with the list of proposed protected features?

The Red Rocks and Longay pMPA is of great importance to the MPA network, providing much-needed protection for an essential life history stage of the critically endangered flapper skate, complementing the Loch Sunart to the Sound of Jura MPA for adult populations.

Due to the low fecundity of flapper skate, and the long time needed for eggs to hatch, the protection of egg-laying sites requires long-term management measures. We therefore strongly support Flapper skate to be part of the list of proposed protected features.

The quaternary of Scotland geodiversity features, such as the mapped moraine, are functionally linked to the flapper skate and provide crucial egg-laying habitat. The recognition and protection of ecological connectivity, including critical habitats is key to a network of well-managed MPAs. Listing and protecting the quaternary of Scotland geodiversity as a designated feature may also benefit all species using this habitat. That flapper skate egg cases were found safe and sound in this area suggest the highly rugose moraines act as a "self-protecting" feature preventing passage of heavy bottom-towed fishing gear, and also underline the importance of considering how all the features in a MPA inter-relate and support one another, which is a core principle of the whole-site approach to managing MPAs. Protecting seabed sites as a whole, rather than mosaics or patchworks of remnant features within them, is essential to help support an increase in the historically diminished extent of remnant Priority Marine features, to help recover marine biodiversity and ecosystem function more broadly and to achieve Good Environmental Status, particularly for seafloor integrity.

As we support the protection of the quaternary of Scotland geodiversity as part of the Red Rocks and Longay MPA, we also want to highlight the importance of considering the protection of ecosystems as a whole. A paradigm shift from a feature-based approach toward a whole-site, ecosystem-based approach to management of marine protected areas is crucial to address the intertwined nature and climate crises. Protecting a mosaic of interconnected habitats and species would ensure the recovery of the marine environment. The conservation of mobile species such as flapper skate requires the creation of ecological corridors that encompass a range of habitats. Indeed, very little is known about skate reproductive habits, where the egg-laying females come from, how often they come to the Red Rocks area and how many eggs they lay per year.

4. Do you have any comments on the Conservation and Management Advice (CMA) for the Red Rocks & Longay Marine Protected Area (MPA)?

General comments:

It is important to note that the environmental context in which protected areas are being implemented has changed significantly since the adoption of the Marine (Scotland) Act 2010. To help tackle the intertwined climate and biodiversity crises, management of activities within and outside MPAs must enable the recovery of

Scotland's seas through a holistic ecosystem-based approach for the protection and recovery of PMFs as part of the wider ecosystem, including all life history stages and ecological linkages. Furthermore, join up with parallel related processes such as the workstream to improve protection of PMFs beyond the MPA network,the Future Fisheries Management strategy, the Future Catching Policy, the proposed cap on inshore effort and the commitment to protect at least 10% of Scotland's seas as HPMAs is essential. .

Specific comments

Section 5: Conservation objectives

LINK supports the conservation objectives to conserve flapper skate eggs and egg-laying habitat in Red Rocks and Longay pMPA, as the high number of recorded eggs suggests the feature is in favourable condition. However, we note from an ecosystem perspective that this objective is based only on the feature identified within the site and does not acknowledge the wider context that:

a) flapper skate populations in the North East Atlantic are assessed as Critically Endangered (IUCN Red List), and;
b) this is the largest and only significant flapper skate egg-laying area identified in Scottish seas, therefore the frame of reference to suggest that this recorded number of eggs represents a breeding ground in 'favourable' condition is limited.

A precautionary/ecosystem-based approach suggests that an objective of 'recover' would be more appropriate.

Section 7: Management

LINK welcomes the Conservation Management Advice and supports the recommendations for activities to remove/avoid and reduce/limit pressure on flapper skate eggs and egg-laying habitat. While we acknowledge that the conservation objectives for Red Rocks and Longay MPA are for the conservation of flapper skate eggs, we agree that any management advice and measures implemented should extend to the protection of egg-laying females as well as neonate and juvenile skate, without which the population benefit of the MPA and MCO may be limited. We note recommendations on this basis within the CMA.

Scottish Environment LINK members welcome the fisheries management advice to remove/avoid the deployment or use of any form of dredging, demersal gear, rod and line or handline, or use of any passive gear.

While we support the fisheries management advice for Red Rocks and Longay pMPA, we stress that this approach lacks integration with a much-needed wider ecosystem-based spatial management framework for fisheries. Scotland's MPA network must be implemented in an ecologically coherent and well-managed network that is resilient in the face of climate change. The approach to implementing management measures for activities within MPAs must move beyond protecting the status quo in the context of the intertwined climate and nature crises. This includes:

- taking a holistic approach to spatial management of fisheries
- reviewing fleet capacity, as displacement from MPAs without management of effort could lead to further environmental impacts
- implementing management measures in line with IUCN advice, such as excluding bottom-towed fishing gears from MPAs designated for seabed protection as appropriate
- support research and monitoring to improve scientific evidence of the short-, medium- and long-term impact of static and mobile fishing gear on PMFs and prospects for their recovery

Section 8: Research and survey requirement

LINK agrees with the need for further research. Very little is known about the behaviour of juvenile and adult flapper skate and research is needed to better understand the movement of adult flapper skate as well as movement and site-preference of juvenile flapper skate. Further studies are likely to extend the known egg depth range and to reveal further egg records.

LINK members would like to see the results from extended research undertaken in 2021 to identify the presence of other PMFs within the area. PMF records in the proposed site could influence/ change the MPA boundary to encompass records of other PMFs in order to contribute to achieving General Policy 9(b) of the National Marine Plan.

More monitoring is also needed to better understand the impact of static fishing gear in the vicinity of the features. Further survey and monitoring work could inform a more precise spatial management approach to activities such as creel fishing, if it can be demonstrated that there is no impact on the skate and eggs from small-scale operation outwith the critical egg-laying area (e.g. mud habitat deeper than 40m, where no eggs were found during the 2021 surveys).

5. Do you agree with the list of prohibited activities included in the draft Marine Conservation Order (MCO) which may impact flapper skate eggs?

Flapper skate populations are highly sensitive to human activities due to their slow growth rate, long maturation time, long incubation period and low fecundity. Therefore, Scottish Environment LINK members support the list of prohibited activities included in the draft Marine Conservation Order. However, as stated in the previous question, we would support further research to inform a more precise spatial management approach to lower-impact fishing activities such as creeling, if it can be demonstrated that there is no impact on the skate and eggs from small-scale operation outwith the critical egg-laying area (e.g. mud habitat deeper than 40m, where no eggs were found during the 2021 surveys). We support the restrictions on activities that would impact egg-laying females (e.g. static nets) and neonates/juveniles (e.g. bottom-towed mobile fishing gear).

We support a precautionary approach to fishing gear restrictions given the importance of this site for a critically endangered species. Bottom contact fishing activity that risks damage to protected features and/or critical habitat should be restricted, but should be done with an ecosystem-based approach. We have long-sought a zoned approach to inshore fisheries management, with mobile-gear zones, static-gear zones and no-take zones, in addition to measures required in Marine Protected Areas and for Priority Marine Features (though there may be overlap), and this case highlights the importance of integrating conservation measures as part of wider spatial management of fishing.

Scottish Environment LINK is cognisant of differing perspectives among local stakeholders regarding the types of activities restricted and the extent to which they are restricted, and we maintain a view that a wider ecosystem-based spatial management framework for fishing would give greater confidence to different fishing sectors about safe and secure grounds to work on. Currently fisheries are largely managed by stock and in isolation from other conservation measures, such as fisheries restrictions within MPAs. The system needs to work across all these policy areas in a holistic way to ensure that species and habitats can recover, ecosystems can function and more environmentally friendly fishing activities (e.g. lower impact gear) are given preferential access to fishing grounds.

The Red Rocks and Longay pMPA is adjacent to two existing MPAs with varying restrictions on bottom contact fishing gear, as well as the BUTEC military range within which other activities are not permitted. Displacement of fishing activities as a result of further fishing restriction may have both increasing environmental impacts outside these MPAs, such as more intensive fishing activity on seabed habitats in the wider Inner Sound, and socio-economic impacts, such as increasing gear conflict on reduced fishing grounds.

Implementation of the Marine Conservation Order and prohibition of the listed activities require monitoring and enforcement. To ensure the Red Rocks and Longay MPA reaches its conservation goal, regular monitoring, adequate management measures and effective compliance measures are essential.

6. Do you have any comments on the partial Business and Regulatory Impact Assessment (BRIA)?

Scottish Environment LINK members welcome that the partial Business and Regulatory Impact Assessment (BRIA) acknowledges ecosystem services and benefits from the designation of Red Rocks and Longay Bay as an MPA.

An ecologically coherent network of well-managed MPAs can help contribute to the recovery of marine ecosystems as part of a three-pillared approach to marine nature conservation, while providing market and non-market benefits (David et al, 2019). 'Impacts' and 'consequences' include benefits as well as costs and we welcome that both are identified in the BRIA. We agree that effective management of the designated site may bring positive impacts for industries such as tourism and recreational diving provided that they are carried out sensitively.

The BRIA recognises knock-on-effect impacts of management measures in Red Rocks and Longay for fisheries sectors. However, the document emphasises the fact that displacement of fishing effort to other locations will mitigate the potential loss of income to vessels currently operating in Red Rocks and Longay site. We think the BRIA should be clearer about the risk related to potential displacement. Fishing effort displacement can lead to increasing pressure on marine ecosystems outside the area, potentially reducing ecosystem service benefits, including tourism, fishing opportunities and human health/well-being. Temporary mitigation of negative impacts (including displacement of fisheries) could be considered to support affected industries until potential benefits of MPAs can be realised (e.g., Ovando et al. 2016).

7. Do you have any comments on the draft Island Communities Impact Assessment (ICIA) screening?

The Island Communities Impact Assessment (ICIA) focuses on the negative impact the designation of Red Rocks as a permanent MPA would have on island communities. We think the ICIA should also mention the benefits Red Rocks can bring for industries such as eco-friendly tourism and recreational diving. We also think that cumulative impact on island communities should be considered. For instance, the Isle of Skye is surrounded by other MPAs (Sea of Hebrides, Small Isles, Lochs Duich, Long and Alsh, Loch Carron) and closed areas, all potentially affecting the island communities. By cumulative impact we mean potential benefits and pressures on communities.

Similar to the BRIA, the ICIA emphasises the fact that displacement of fishing effort will mitigate the loss of income related to designation of the Red Rocks area as an MPA. We think the ICIA should be clearer about the risk related to potential displacement. Displacement of fishing shouldn't result in environmental or socio-economic impacts in other locations.

References

Ovando, D., Dougherty, D., & Wilson, J. R. (2016). Market and design solutions to the short-term economic impacts of marine reserves. Fish and Fisheries, 17(4), 939-954. https://doi.org/10.1111/faf.12153

This response was compiled on behalf of the Marine Group and is supported by:

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