

Response by Marine Concern to the Scottish Government's Marine Protected Areas Consultation.

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Summary:

This consultation is submitted on behalf of Marine Concern with input and comments from members of the general public as well as input via various media sources.

Marine Concern is fully supportive in the establishment of an ecological network of Marine Protected Areas (MPAs) ; however this network of MPAs MUST be; 1, 'A Network' and 2, 'Afford Protection' to the species, habitats and features.

In addition to MPAs and in order to achieve the goals listed of "conservation" and "recovery" these proposed sites should be seen as the starting point, building upon, not a situation of reduction. These MPAs MUST include areas of 'No-Take', 'No Input' or they will simply become paperwork exercises, costly ones at that.

Historically and the status quo in deliberations with government and its Agencies has been one of reduced and restricted access, to date nothing has changed; an open, transparent process MUST be put in place; urgently.

The listed MPAs at 12% is insufficient, the addition of existing systems purported to give protection is nothing short of miss-direction. The network of MPAs should remain independent when being considered as 'area protected' for theoretical purposes so that the general public is under no illusions as to just how little is actually being achieved.

Marine Concern has inserted an antecedent to each protected area, as this is so important to the very concept of MPAs and Scotland's maritime heritage we have copied it in this summary:

If Marine Protected Areas are to be successful in securing an ecological network, they must be sufficient in size, number and where possible sufficiently distant from similar sites in order to counter adverse effects; both natural and anthropogenic. Marine Protected Areas form a good start in this process towards securing ecosystems but in order for them to be fully sustainable i.e. sustainability that complies with that of; "Meeting the needs of the present without compromising the needs of future" they must be accompanied with a reasonable percentage (30%) of Highly Protected Marine Areas or Marine Reserves, areas that include 'No-Take-Zones'.

The concept of multi aspect sites i.e. those that include multiple species and/or habitats is in keeping with what we now know to be vital in the security of marine ecosystems, although this concept has been improved in this consultation has not been fulfilled to its potential.

Scotland especially the west coast and islands and the northern coast and islands is set in a unique geographical area; a combination of morphology, climate, upwelling and the influence of multiple ocean and continental currents, provides for a nutrient rich base to the food web which in turn gives rise to highly diverse ecosystems. The confluence of boreal and a mix of warmer currents from both the Continental Shelf and offshoots from the North Atlantic Drift Current give rise to species from both more northern and southern latitudes.

The European Commission caters for countries, which are fortunate enough to have more than their fair share of special natural features, species and habitats. Scotland due to its location and other influences is one such example of a county in this situation. Rather than attempting to secure the minimum percentage area for protection, Scotland with its marine expanse should be protecting far more; and receiving international benefits for doing so.

Introduction:

Marine Concern along with numerous respondents from the general public broadly support the concept of Marine Protected Areas;

(Input including; Marine Concern website and Save Scotland's Seals from being Killed Facebook site and are referred to as Marine Concern or 'we' during this submission. (www.marineconcern.com , <https://www.facebook.com/MarineConcern> , <https://twitter.com/marineconcern> , and https://www.facebook.com/SealScotland?notif_t=fbpage_admin).

If MPAs are to be successful in securing an ecological network, they MUST be sufficient in size, number and include additional MPAs sufficiently distant from similar sites in order to counter adverse effects; both natural and anthropogenic. It is vital that any areas afforded protection have legislation in place, which is robust enough to protect and deter any abusers deliberate or inadvertent.

This requires powers and penalties sufficient with dealing with national and multinational companies, which make large profits. Powers of access MUST be in place and penalties MUST include custodial sentences for the more serious offences including corporate charges as well as the actual perpetrators.

Marine Protected Areas form a good start in the process towards securing ecosystems but in order for them to be fully sustainable i.e. sustainability that complies with that of; "Meeting the needs of the present without compromising the needs of future" they must be accompanied with a reasonable percentage (30%) of Highly Protected Marine Areas, Marine Reserves, no matter what they are called, protected areas that include 'No-Take-Zones', here it might be worth adding 'no put' as well i.e. nutrient loading and pollution from commercial industries.

The concept of multi aspect MPAs i.e. those that include multiple species and/or habitats is welcomed and supported it is in keeping with what we now know to be vital

in the security of marine ecosystems, but appears not to be fulfilled to its potential in the consultation.

Consultation:

Marine Concern is dismayed but not surprised by the attitude displayed at the Argyll and Bute MPA Forum, where the group basis was highly in favour of the commercial industries. Little has been learnt by the years since the Loch Sween saga (where the locals were opposed to top down designation with little pre-thought or engagement) and the deliberations during the Marine National Park debates, along with numerous other marine based initiatives, such as the Scottish Seals Forum, Scottish Sustainable Marine Environment Initiative for the Sound of Mull and the Lismore Seal SAC Management Group (now renamed to exclude the word seal, to Fisheries and Aquaculture), where the selection of groups/individuals present has been heavily biased towards the commercial sectors namely fishing and aquaculture, extended more recently to include the renewable industry.

As if the ratio of industry versus environmental groups was not bad enough the direction given by the Marine Scotland representative at the Argyll and Bute seminar was extremely poor and presented a mockery to the MPA ideology. The over emphasis on the socioeconomic processes almost rendered the MPA concept useless. If this attitude is carried forward into, the establishment of an MPA network Scotland will have a costly ineffective paperwork exercise that attempts to appease bureau-crazy and the commercial industries. Furthermore, by introducing the concept that 'negative' proposals can be submitted and that the proposed MPAs could be made smaller was I feel an abuse of position.

So important is this fact that the whole concept of 'protection' appears to have become second place. This has the danger of affording no protection to either areas or species and habitats. Affording no future for our industries nor that of our future generations. The Royal Commission for Environmental Pollution's, 'Turning the Tide' called for an average of suggested areas to be considered for protection; this workable average was 30% no-take. During recent studies just one report concluded 10%, another 65%, the average range and weight of 27 scientific reports were in the 20 to 40 per cent margins; 30% allows for our future industries to flourish; in the now and in the future.

Therefore the Scottish consultation process is already starting at a perilously low area of designation, and judging by the results shown in England and Wales the proposed areas will be whittled down to an unworkable level creating no network at all. To present the case for the total MPA area mixed in with established protected areas such as those under the Habitats Directive was at sneaky and we feel misleading.

We fully understand the difficulties in identifying areas for highly mobile megafauna but with today's technology, this should not be held as a reason to have so few areas listed for cetaceans, basking sharks etc. Hot spots for these animals are well recorded including the Western Isles, the Inner Hebrides (west of Mull and the Small Isles), The Firth of Lorn and the area west of Jura and Islay. On the east coast the Banff and Aberdeenshire coast and the Northern Isles including the Pentland Firth. These known hot-spots/feeding grounds should be given protection thereby ensuring that at least

while these magnificent animals are in our waters in known locations that they are afforded some protection.

Much data, information and scientific reports can be accessed from the universities and academic associations, this combined with SNH, JNCC and Marine Scotland must be utilised to its fullest extent and more areas afforded protection as a matter of urgency; protection that includes areas of 'no-take' and 'no input'.

Few members of the general public will understand, in fact it appears few in important positions understand the importance of an ecosystem approach to marine protection. Nowhere is more important than on our western continental shelf, the Western Frontier and the west coast of Scotland; there are many more morphological features and diverse range of species that need thinking about in order to protect them for future generations.

All of the 33 MPA proposals in the consultation should be implemented; the best examples of each species and habitats should become Highly Protected Marine areas and include 'No-Take-Zones'.

In the brief for this consultation it states: "Nature Conservation Marine Protected Areas have been identified for Scottish waters. Covering some 12% of our seas, these MPAs will play an important role in delivering a healthy, productive and biologically diverse marine environment for Scotland".

Rather, at such a low point which has yet to be reduced it might possibly slow the rate of depletion, or slow the rate of irreversible damage. Very different from the 30% no-take that is required.

Conservation Objectives

Under the section listed, as Conservation objectives will be to "conserve" or "recover", we are of the opinion that in its present form the current proposal will achieve neither conservation or recovery.

Stakeholder Engagement

With regards to 'stakeholders' it is stated that;

"10. STAKEHOLDER ENGAGEMENT

10.1 The development of the MPA network will be undertaken in collaboration with marine stakeholders.

10.2 As well as marine interests and organisations, stakeholders will include local authorities, communities nearby to proposed sites and users from a wider geographic area, such as recreational interests."

To date the start of stakeholder engagement has been more of a mater of the existing status quo, where the commercial industries far outweigh their status.

<http://www.scotland.gov.uk/Topics/marine/marineenvironment/mpanetwork/mpaguidelines>

We would add; Stakeholders are indeed very important and this should not be restricted to the commercial industries. Marine Scotland is well aware of the issues that have arisen from failing to include and engage with groups and individuals. Even worse allowing detrimental comments to remain in published documents. It would be refreshing if this consultation process was open, transparent and fair. Allowing all interested parties access to important meetings and deliberations.

Third party Proposals

"The Marine (Scotland) Act provides for anyone, referred to in this context as a third party, to submit proposals for Demonstration & Research and/or Nature Conservation MPAs within territorial waters".

This is not as easy as it sounds; the morphology of the country and logistics makes this very difficult. Influence from well-funded and connected commercial industries is far above its actual people representation. Small groups, and individuals lack the resources to adequately address either the science aspect of the proposals or the community engagement. Larger NGOs often have their own agenda many of which deal with overseas issues or are wish to be seen as politically correct and not to confront the current direction by this government.

The likes of the proposals seen in both the Fair Isle and Arran are testament to the difficulties in establishing any protection even when local participation is extremely high; actually obtaining any form of real protection is extremely difficult.

Special Areas of Conservation(SAC)

Special Areas of Conservation (SACs) provide protection for a number of habitats and species of European Importance in Scotland's seas under the EU Habitats Directive. SACs should remain separate from MPA designations; the idea of including the total area of SACs into the protected area of MPAs is at best misleading.

The Moray Firth SAC provides protection for our most northerly population of bottlenose dolphin; this SAC is pointless unless the boundaries can cater for the mobile nature of the species protected.

There are 14 SACs for grey and harbour seals for which Scotland is an important stronghold, which have also been designated. A sore point when Marine Scotland licenses the shooting of these seals with no independent scrutiny. Furthermore, under the best scientific definitions the Permitted/Potential Biological Removal should be ZERO when the population status is in decline; Common seals are in decline and with a

few exceptions Grey seals are not doing much better. This fact combined with the industries attitude towards seals and the "miss-identification" of species the shooting of all seals must be stopped, especially as closed containment is a viable alternative.

Proposed Marine Protected Areas:

N.B. Antecedent to each protected area

(If this submission is to be separated into reports by area, please include this antecedent at the top of each area).

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Clyde Sea Sill (N.B. Plus Antecedent above)

An important enrichment area, one that forms the very basis in the ecosystem foodweb; vital for a variety of algae and animals.

East Caithness Cliffs (N.B. Plus Antecedent above)

Important region for; black guillemot, razorbill, black-legged kittiwake, northern fulmar and common guillemot.

Fetlar to Haroldswick (N.B. Plus Antecedent above)

Fetlar to Haroldswick pMPA sits where the North Sea and the Atlantic Ocean meet, creating a turbulent mixing of waters and strong tides. The very basis of an ecosystem approach; vital.

Loch Creran & Loch Etive (N.B. Plus Antecedent above)

This sheltered sea loch consists of two deep basins separated by narrow, shallow sills. The tide entering and leaving the loch creates contrasting conditions, deep dark stillness at the bottom of the stabilises the seabed creating habitat for other plants and animals, increasing overall biodiversity.

Loch Etive Fjordic location is home to Scotland's most brackish sealoch, established habitats for spurdog and much more. Varvic deposits are second to none.

Lochs Duich, Long and Alsh (N.B. Plus Antecedent above)

Burrowed mud, is so important to a host of animals.

Loch Sunart (N.B. Plus Antecedent above)

Loch Sunart is at the upper region of a very special area which is rich in nutrients and all that that produces.

Loch Sunart to the Sound of Jura (N.B. Plus Antecedent above)

The common skate is just the start for this area, one prone to anthropogenic use and abuse. In line with the ideal of multi species/habitat this has the potential to being one of the most important areas lying close to commercial dangers. It should be extended to include both common seal SACs in southeast Islay and the north end of Lismore. The whole region is noted for porpoise along with much more. Lochs Creran and Etive should be included; spurdog, varves and unique water profiles.

Loch Sween (N.B. Plus Antecedent above)

Very special physical conditions, highly diversity habitat. Native oyster beds are of national importance and don't forget the protected otters.

Monach Isles (N.B. Plus Antecedent above)

More than 2% of the British population of black guillemots. Grey Seals and land features which provide for a host of birds.

Mousa to Boddam but go larger vital breeding grounds (N.B. Plus Antecedent above)

Sandeels; the basic food source for seabirds and marine mammals and critical to many food webs; whales and dolphins to be included as a multi MPA.

Machair supports specific and diverse grassland vegetation which flowers in spring creating a beautiful display. It is one of the rarest habitats in Europe.

The northern part of the MPA overlaps and builds on the Mousa Special Area of Conservation (SAC) designated for reefs, sea caves and common seal.

North-west sea lochs and the Summer Isles (N.B. Plus Antecedent above)

An all round must have, protected area for numerous reasons biodiversity to geological features.

Noss Head (N.B. Plus Antecedent above)

The largest known horse mussel bed in Scottish waters.

Papa Westray (N.B. Plus Antecedent above)

A stronghold for the not so common, black guillemot.

Small Isles (N.B. Plus Antecedent above)

Not only renown for its smaller animals, but porpoise, dolphins, whales and sharks.

South Arran (N.B. Plus Antecedent above)

So much here and about time the hard work of COAST was recognised; an example of how hard must a community try to be heard before some real protection is afforded?

Upper Loch Fyne and Loch Goil, and lochgilphead! (N.B. Plus Antecedent above)

Examples of more sheltered waters and associated fauna and algae; close to human population and exploitation.

Wyre and Rousay Sounds (*N.B. Plus Antecedent above*)

Important ecosystems.

Central Fladen (*N.B. Plus Antecedent above*)

Mud flats, vital breeding grounds.

Faroe-Shetland Sponge Belt (*N.B. Plus Antecedent above*)

The sponge habitat; acts like corals for habitat protection.

Firth of Forth Banks Complex (*N.B. Plus Antecedent above*)

The Firth of Forth Banks Complex provides for vital fish breeding grounds.

One of the better examples of offshore subtidal sands and gravels, ocean quahog and shelf banks and mounds in the southern North Sea. Sandeels and seabirds should also be protected.

Geikie Slide and Hebridean Slope (*N.B. Plus Antecedent above*)

One of the first areas learnt about as a Scottish Marine Scientist; the importance of the Western Frontier cannot be overlooked, forms many Global examples of submarine geological forms.

Hatton-Rockall Basin (*N.B. Plus Antecedent above*)

The Western Frontier on the Continental Slope, important for biodiversity and so much more.

North-east Faroe Shetland Channel (*N.B. Plus Antecedent above*)

Part of the Western Frontier; vitally important.

North-west Orkney

Sand eels; a vital part of the ecosystem, important for so many reasons.

Rosemary Bank Seamount (*N.B. Plus Antecedent above*)

We are only just beginning to discovery the importance of our Western Frontier; parts must be protected.

South-east Fladen (*N.B. Plus Antecedent above*)

Mud flats can be the most biologically productive of all seabed types; important nursery grounds.

South-west Sula Sgeir and Hebridean Slope (*N.B. Plus Antecedent above*)

It is so important to protect some of these amazing places on the Western Frontier especially as the oil industry develops. Special for biodiversity and geological features.

The Barra Fan and Hebrides Terrace Seamount (*N.B. Plus Antecedent above*)

An immensely important area, rich diversity supports many fish species, which in turn attract larger marine animals, such as sharks and whales.

Amazing geological features.

Turbot Bank (*N.B. Plus Antecedent above*)

Sandeels are the main-stay of entire ecosystems, extending to birds. They require specific environmental conditions, loosing or disrupting these grounds has the potential to become a disaster.

West Shetland Shelf (*N.B. Plus Antecedent above*)

Cod recovery areas are vital to future stocks.

Western Fladen (*N.B. Plus Antecedent above*)

The Fladen Grounds, contain extensive mud flats in the northern North Sea, important biodiversity for ecosystems.

This consultation response has been compiled by Mark Carter of Marine Concern
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