

Consultation on New Controls in the Scottish King Scallop Fishery – Outcome Report

CONSULTATION ON NEW CONTROLS IN THE SCOTTISH KING SCALLOP FISHERY 2014 – OUTCOME REPORT

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EXECUTIVE SUMMARY

This document provides an analysis of responses to Marine Scotland's 'Consultation on New Controls in the Scottish King Scallop Fishery 2014'. A copy of the consultation can be found at: <http://www.gov.scot/Publications//2014/10/8468>

The consultation sought views on:

- Increasing the minimum landing size of king scallops (*Pecten maximus*)
- Introducing new restrictions associated with the use of dredges
- Changes to licensing arrangements to restrict the upsizing of replacement vessels
- Placing new restrictions on the time that vessels can spend at sea

Summary of responses

When multiple identical responses are excluded, there were 64 substantive responses to the consultation. A broad cross-section of society was represented; from those whose living is dependent on the fishery, to environmental groups and local authorities.

Outcome

Following the consultation, Marine Scotland will introduce legislation to:

- Increase the standard minimum landing size of scallops to 105 mm
- Introduce a standard bar length restriction within 12 nautical miles that limits vessels to 8 dredges per side

Recent changes to the licensing of vessels fishing for scallops will also help to restrict future increases in effort in the fishery:

- The scallop entitlements of those Scottish-registered vessels that have not prosecuted the fishery in the past six years have been suspended
- Changes to licensing rules that restrict the ability of vessel owners to increase the power of replacement vessels

The proposed management measures for Marine Protected Areas will also impact on the activity of scallop dredgers in Scottish waters.

It is not proposed, at this point, to introduce any restrictions on the time that vessels can spend at sea. However, it is recommended that measures to limit effort in the fishery are explored with the other UK Fisheries Administrations to help to minimise displacement and ensure business flexibility is maintained.

Marine Scotland will keep the management of the fishery under review to ensure long-term sustainability.

INTRODUCTION

This report summarises responses to questions posed in the Consultation and provides an analysis of the views received, highlighting areas of consensus and divergence. Next steps are also given.

Background to the Consultation

Marine Scotland issued the Consultation on New Controls in the Scottish King Scallop Fishery 2014 on 9 October 2014. Following a four week extension the consultation closed on 26 January 2015.

The Consultation sought views on four areas. The first two questions requested views as to whether the minimum landing size (MLS) of scallops should be increased:

Q1. Do you support increasing the MLS of scallops?

Q2. On what basis should the MLS be increased?

(a) 105 mm around the Scottish coast

(b) Should be increased in line with IFG requests

The third question requested opinions on whether changes should be made to licensing arrangements in order to restrict the upsizing of replacement scallop vessels:

Q3. Do you support restricting the upsizing of vessels currently involved in the scallop fishery?

The fourth and fifth questions focused on whether restrictions associated with the use of dredges should be introduced:

Q4. Do you support the introduction of a single bar length restriction within 12 nautical miles capable of carrying 8 dredges per side?

Q5. Do you support the lifting of dredge number restrictions outside 12 nautical miles?

Finally, the sixth and seventh questions sought views on restrictions on time at sea in the scallop fishery:

Q6. Do you think that the length of time that scallop vessels spend at sea should be restricted?

Q7. Should any restriction be introduced on the basis of?

(a) An overnight restriction?

(b) A days at sea regime?

The consultation document outlined the rationale for each of the proposals and welcomed views from those with an interest in scallop fishing in Scotland, in order to inform policy decisions.

Consultation responses

A total of 1,738 responses to the consultation were received. Of these, 1,633 were attributable to an online petition and a further 47 responses were submitted by four organisations (three fish catching/processing companies and one fishermen's association) and an individual respondent who replied on multiple occasions.

Marine Conservation Society Response

An online petition run by the Marine Conservation Society (MCS) highlighted the organisation's concerns about the impact that scallop dredging has on the marine environment. They called for greater spatial management for the fishery and a low impact zone out to three nautical miles to be reserved for static gear fishing and recreational users.

In terms of the management measures consulted on, the MCS favoured an increased minimum landing size to 110 mm, a cap on current effort, and the introduction of an overnight curfew within 6 nautical miles of the coast.

The majority of responders used the standard text provided by the MCS, with a minority adapting this text either by changing some of the wording or by adding specific additional comments. The standard text is available in Annex B.

Other Multiple Responses

A further 47 responses were submitted by four organisations (three fish catching/processing companies and one fishermen's association) and an individual respondent who replied on multiple occasions. These consisted of a single substantive response from each organisation, accompanied by identical responses from a number of their members/employees.

Although received from different groups, the substance of these multiple responses was typically very similar, particularly in the emphasis placed on the potential economic impact of the measures. Overall, they tended to:

- Strongly oppose the introduction of an overnight restriction on fishing
- Highlight the potential economic consequences of increasing the MLS of scallops– particularly to 110 mm
- Oppose the introduction of IFG-specific provisions

- Support the introduction of a bar length within 12 nautical miles but one capable of carrying ten dredges per side
- Cautiously support the introduction of a days at sea regime depending on the type of system to be put in place

The remaining 59 responses comprised 31 from individuals and 27 from organisations.

Counting multiple replies once, the respondents break down as follows:

Group Type	Number	Percentage
Private individuals	32	50%
Fishermen's associations	11	17%
Catchers/Processors	6	9%
Environmental organisations	4	6%
IFGs/ Inshore Management Groups	3	5%
Local authorities	3	5%
Animal welfare groups	2	3%
Government Depts/Agencies	2	3%
Scottish Water	1	2%
TOTAL	64	100%

Data Used in the Outcome Report

This outcome report uses data collated by Marine Scotland Compliance from sales notes and EU logbooks that is held in the Fisheries Information Network (FIN) database. It also utilises records from the iFISH database and VMS data from vessels to give additional information on activity. It is important to note that landings data used for 2014 are provisional.

ANALYSIS OF CONSULTATION REPLIES & MARINE SCOTLAND RESPONSE

Proposal 1 – Increasing the minimum landing size

Firstly, views were sought on the principle of increasing the minimum landing size of scallops. When multiple returns are excluded, there were 55 responses to this question, with the clear majority (78%) supporting this proposition. Support was consistent amongst local authorities, environmental organisations and animal welfare groups.

Most fishermen's representative bodies that responded supported increasing the minimum landing size. This group included: Clyde Fishermen's Association, Orkney Fisheries Association, Scottish Scallop Divers Association, Western Isles Fishermen's Association, Scottish Creelers and Divers, Scottish Creel Fishermen's Federation and the Orkney Creel Fishermen's Association).

Given the yes/no nature of the question, the majority who answered did not expand upon their answer. However, the following supportive remarks were received:

- *Yes. There has been widespread industry and scientific support for an increase in the MLS of scallops for many years. [WIFA]*
- *Yes. As we said in our response to the 2012 consultation, we support an immediate increase in minimum landing size to 110 mm. We do not believe that a phased approach is necessary given that such measures have been discussed by industry and scientists for a number of years. [Scottish Environmental Link]*
- *In nearly all of the UK's traditional scallop grounds, increased effort by an ever expanding fleet has resulted in stocks being overfished; an increased MLS would give stocks a fighting chance by leaving more spawning stock on the ground. [Dredged Scallop Fisherman]*
- *Yes, in the Outer Hebrides the industry and the market both support an increase in MLS of scallops. [Comhairle nan Eilean Siar]*
- *The Clyde Fishermen's Association are in favour of increasing the MLS of scallops. [CFA]*

Respondents from outside Scotland also tended to support an increase in the MLS of scallops. This group, which included fishermen's associations, government departments and dredged fishermen, tended to support an increase to 110 mm as it would provide consistency between the Scottish west coast with the Irish Sea (where the minimum landing size is 110 mm). It was felt that having the same MLS would help prevent displacement into Scottish waters.

There were others who called for additional analysis, particularly on the economic impact of the measures. This was the position of the Scottish White Fish Producers Association and the Mallaig and North West Fishermen's Association.

- *The MNWFA would only be able to assess this information if an Economic Impact Assessment was carried out examining such a measure. This would give an insight on the economic difficulties that could be faced by fishing businesses should this measure go through. [MNWFA]*

This position stood in contrast to the view taken by Scottish Environmental Link who requested an analysis on the impact on stocks of not introducing an increased MLS of 110 mm

- *If the Scottish Government does not implement this increase as a matter of urgency, we request that Marine Scotland Science publish an analysis of what impact to the scallop stocks will arise from a) delays to an increase to MLS, and b) increasing to 105mm rather than 110mm. [SELINK]*

The processing sector, in general, was concerned about the potential impact of the measure and warned strongly about the consequences of an increase to 110 mm. Often they called for additional analysis but there was emphasis on a phased approach to any increase.

- *I would be concerned that a move to 110 mls would be detrimental to my business. There are areas around the Scottish coast which scallop do not grow to 110 mm which is not to do with a lack of stock but is a characteristic of that particular area.*

I would support working in partnership with our processing partners to bring about a sampling programme over a suitable period whereby weekly sampling by area would be undertaken with the purpose of identifying geographical variances as well as market and business impacts. [Seafood Ecosse]

A small proportion of respondents, mainly dredge fishermen, objected to the MLS proposal. The main reason given was that in some areas around the coast sections of the sea would be cut off to scallop vessels.

- *No. Scallops tend to grow quickly but if there are a lot of small scallops on the grounds then they do not grow so quickly due to competition from other scallops. Thinning out scallops at 100 mm is the best size for Scottish waters and it should stay that way. [Dredged Scallop Fisherman]*

Increasing the MLS to 105 mm on a national basis

Opinion was sought on whether for those areas with a 100 mm MLS this should be increased to 105 mm in line with the recommendations of the Poseidon Review¹. Where multiple replies are grouped together there were 45 responses with a majority (71%) supporting the proposal. Amongst supportive comments were:

- *Is a very good compromise to help SSB [Scallop Diver]*

¹ <http://www.gov.scot/Resource/0045/00450683.pdf>

- *The increase in MLS for scallops should in the first instance be to 105 mm. This would provide a balanced approach that would guarantee improvement in stock recruitment, increase in prices with increased meat yield coming from larger scallops and allowing the industry to remain viable as the financial loss would be manageable. Increasing to 110 mm in the first instance would result in too great a financial loss for many vessels and would deprive the processing sector from sourcing scallops for which they have a current market. [WIFA]*
- *This option would have the benefit of being consistent around the whole of Scotland, which would simplify compliance. However, it would not provide all the potential stock benefits to the scallop population arising from 110 mm as the MLS. [SNH]*
- *It is our belief that if MS were to increase the MLS, the financial effect to the Scallop dredgers would be minimal and short term. Benefits would follow in subsequent years through increased catch values. [Scottish Creelers and Divers]*

As with the SNH response above, there was considerable support for a move to a 110 mm landing size for the whole of Scotland, particularly from Environmental Organisations (but 115 mm and 120 mm were also advocated).

- *COAST supports spatial management measures for dredging activities. We would support an increase in the MLS to 110 mm within the context of a ban on all scallop dredging within 3 nm of the shore. This should be reviewed every two years and local IFGs or partnerships should have the power to increase this limit but not reduce it [COAST].*
- *115 mm gives 2 years of growth and that is 4 times more spat (reproduction). [Seachange]*
- *Our preference would be for 110 mm so that there was a consistent MLS within Area VII, aiding enforcement and avoiding displacement to areas with a smaller MLS. [DEFA]*

Increasing the MLS based on IFG management proposals

The alternative proposition of increasing MLS in line with IFG requests was opposed by a small majority of respondents (54%). One of the recurring points raised by opponents was that a series of regional MLSs would make enforcement difficult, add complexity to business and a higher MLS in some areas was undesirable due to changing growth rates between different areas.

- *SWFPA believes that any future increases must be handled without contradiction or bias in all territorial waters. Introducing a variable MLS depending on IFG boundary would create confusion given the nomadic nature of Scottish scallop vessels. [SWFPA]*

- *...from an administration perspective having ever changing MLS may be difficult both for the catching sector as well as from a compliance perspective and we have no desire to further complicate the system. [Dredged Scallop Fisher]*
- *We applaud the IFGs which have proposed an increase to 110 mm, and support them in working towards implementation. However, we must not have a situation where forward-thinking IFGs take action and other IFGs are allowed to lag behind. [Scottish Environmental Link]*

Other respondents strongly supported regional MLSs set by IFGs

- *Given the 2012 stock advice, it is considered that an increase in MLS of Scallops is appropriate for the West Kintyre and Clyde Areas. [Argyll and Bute Council]*
- *Yes. SIFT supports locally-led management regimes, through the IFGs as well as through the Regulating Order currently in place for the Shetland shellfish fishery (and the Clyde Regulating Order we are currently working to develop). [SIFT]*

The Shetland Shellfish Management Organisation was opposed to a national increase but supported regional MLSs set by IFGs.

- *What is appropriate for one area might not be appropriate for another. [SSMO]*

Analysis on Short-Term Impact of Increasing Minimum Landing Size

Some responses to the consultation highlighted the potential impact on businesses in the short-term, as a result of an initial reduction in landings. The Review of the Scottish Scallop Fishery, identified the West of Kintyre and Clyde assessment areas as those most likely to be impacted by the proposed increase. Additional analysis has been carried out in order to help quantify the potential short-term reduction in landings for these areas.

West of Kintyre Assessment Area

- Contains some of the most important scallop grounds in Scotland and covers ICES statistical rectangles 39E2-E4; 40E2, 40E3, part of 40E4 and 41E4.
- Fished by 102 different dredged scallop vessels in the period 2010-2014.
- Individual vessel earnings from king scallop landings ranged from a few hundred pounds up to hundreds of thousands.
- Most of the vessels that record landings from the West of Kintyre Assessment Area:
 - Are over 15 metres in length
 - Carry out the majority of their fishing activity outside of the area

- The majority of vessels that took more than 50% of their catch in the West of Kintyre assessment area tended to be less than 15 metres in length. Fleet economic performance estimates by Seafish show that the under 15 metre Scottish scallop dredge sector has had weak profitability in recent years and struggled to break even (averaging 1% net profit from 2011-13).
- Responses from vessels in the under 15 metre category (or their representative associations) which currently take the majority of their catch in the West of Kintyre assessment area tended to support an increase in minimum landing size.

Clyde Assessment Area

- Value of catch from the Clyde assessment area is significantly lower than the West of Kintyre. The area covers the ICES rectangles 39-40 E5; and the eastern half of 40 E4.
- It was fished by 50 different dredged scallop vessels in the period 2010-2014. These were split almost 50/50 between under and over 15 metre vessels, and all but three carried out the majority of their fishing activity outside of the area.
- As with the West of Kintyre, smaller vessels (under 15 metres length) that are most dependent on the Clyde area and who responded to the consultation tended to support an increased MLS, even though Seafish estimates that this sector suffers from poorer profitability.

Short-term impacts on landings

- Survey and market sampling length frequency data collected by Marine Scotland Science were used to estimate the initial loss of meat yield following an increase in the minimum landing size to 105 mm.
- These figures are based on sampling over a limited number of years (2012 – 2014) but give an indication of the likely reduction in meat yield.

West of Kintyre Assessment Area

- Assuming similar exploitation patterns to 2012-2014, an increase in the MLS to 105 mm would correspond to a decrease in yield of somewhere between 4 and 12% in the West of Kintyre in the short term.
- Provided exploitation rates remain stable in the longer term, the recruitment potential (SSB) would on average be expected to increase.
- It takes on average six months for scallops in the assessment area to grow from 100 to 105 mm. So we would expect the majority of these animals to be harvestable within one year.

- An increase in the MLS to 110 mm could result in an initial loss of yield of over 20%.

Clyde Assessment Area

- Assuming similar exploitation patterns to 2012-2014, an increase in the MLS to 105 mm would correspond to an initial decrease in yield of somewhere between 6 and 10 % in the Clyde in the short term assuming meat and gonad mean weights are similar to those in the West of Kintyre².
- Provided exploitation rates remain stable in the longer term, the recruitment potential (SSB) would on average be expected to increase.
- An increase in the MLS to 110 mm could result in an initial loss of yield of over 20%.
- It takes on average six months for scallops in the assessment area to grow from 100 to 105 mm. So we would expect the majority of these animals to be harvestable within one year.

Marine Scotland Response

The majority of respondents supported the introduction of a higher MLS for king scallops and the consensus was that any introduction should be on a Scottish wide level.

Following consideration of:

- Scientific advice which recommends that action is taken to improve spawning stock biomass
- Responses submitted to the consultation
- The impact that an increase in MLS could have on catches from those areas that would be most impacted

Marine Scotland will move to increase the MLS of scallops to 105 mm around the Scottish coast, apart from Area VII (where a MLS of 110 mm already operates) and Shetland which has its distinct management arrangements under the Shetland Regulating Order.

This increase in MLS will be reviewed two years after its introduction to analyse its impact and establish whether a further increase, in line with the proposals set out by some of the IFGs, should be introduced. An immediate increase to 110 mm has been ruled out because of the possible economic consequences on vessels and secondary businesses.

² Based on West of Kintyre meat weights as recent data for the Clyde are unavailable

Proposal 2 – Changes to licensing arrangements which restrict the upsizing of replacement vessels

Views were sought on restricting the upsizing of replacement vessels. There were 58 responses to this question and the majority (71%) were supportive of the proposition. Many, particularly those in the industry, linked restricting upsizing with the removal of latent entitlements (vessels which do not currently fish for scallops but have a licence to do so).

- *Most definitely, there is currently an over-capacity fleet in the UK, in both the under 15 M class of vessel and the over 15's, records show that the number of over 15 M vessels has been fairly stable in recent years, but this is misleading – the size of boats and horsepower has increased significantly, hence the on-going Western Waters Effort regime debacle.*

The removal of latent effort and capping of the current fleet should be a matter of priority. It will be difficult to make any new management measures effective if more vessels were to join the fleet – let alone resolve issues such as WWE.[Dredge Scallop Fisherman]

- *Yes the case for a cap on the upsizing of vessels and the removal of latent capacity is clear, and both measures should be implemented without delay. [Scottish Wildlife Trust]*

Others were more cautious and raised questions over the practical implications of such a measure.

- *This proposal seems a little too simple in an environment where vessels are becoming more advanced and therefore potentially more efficient. In the West Coast of Scotland we already have an ageing fleet where many of the vessels are between 35 – 55 years old....I cannot stress strongly enough the desire of the Scottish industry to see latent capacity removed from the system as a matter of urgency. [Seafood Ecosse]*

There were others such as the MNWFA who opposed this proposition stating that there were more significant factors than the power of the vessel in catching scallops.

Marine Scotland Response

There was clear support for restrictions on the upsizing of scallop vessels and this was linked strongly with the removal of latent entitlements in the fishery.

Both the removal of latent entitlements and restricting the upsizing of replacement vessels were addressed in the Outcome Report of the Consultation on the Recommendations from the Scottish Licensing Review Working Group³ which was published during the consultation period.

³ <http://www.gov.scot/Resource/0046/00461636.pdf>

Scottish Ministers have already taken a decision with regard to latent entitlements. The scallop entitlements of those vessels that have not prosecuted the fishery in the past six years have been 'frozen' or suspended.

Changes introduced to regulations on aggregating licences have restricted the ability of vessels to introduce additional effort. Under the new arrangement, when more than one licence is being amalgamated all parts need to have a history of being associated with a scallop entitlement.

As a result of these changes, Marine Scotland therefore considers that the ability of vessel owners to upsize their vessels has been addressed and no further changes will be introduced at this time.

Proposal 3 – Introducing new restrictions associated with the use of dredges

The consultation sought views on amending the current legislation applying to dredge limit restrictions. The Poseidon Review recommended that within 12 nautical miles a bar length restriction be introduced which would limit the number of dredges that can be towed. It also recommended lifting dredge number restrictions outside 12 nautical miles to align with other parts of the UK and to offset some of the other management measures which would impact on the inshore zone.

Do you support the introduction of a single bar length restriction within 12 nautical miles capable of carrying 8 dredges per side?

There were 61 responses to the question and a majority (79%) supported the proposal. There was overwhelming support from environmental groups, local authorities and most fishing associations. Supportive remarks included:

- *Yes Clyde Fishermen's Association are supportive of a single bar length restriction within 12 nautical miles capable of carrying 8 dredges per side. [Clyde]*
- *Yes. This should make enforcement easier within 12nm and help manage fishing effort, as long as it is part of other control measures. [Argyll and Bute Council]*
- *Yes as a minimum but would prefer a max bar length of 8.80 meters or max of 10 dredges within the Orkney IFG area thus bringing Orkney into line with Shetland and Isle of Man. IFG's should have power to implement dredge or bar restrictions. [OFA]*
- *Yes I support this, as is the inshore dredge limits are currently being made an impossible to police mockery of. [Dredged Fisher]*
- *Yes. This is line with ensuring a sustainable and well-managed scallop fishery for the future. [OHIFG]*
- *Restrictions of bar width/number of dredges per side will result in the reduction in the weight of gear on the seabed and the swept area. This*

has the potential to be beneficial in mitigating benthic habitat impacts as well as for the target stock. A single limit within 12 miles would simplify compliance also. [SNH]

There was also support for the proposal from fishermen who felt the limit would contribute to a reduction in gear conflict. Particularly from representatives of static gear vessels that responded.

- *Yes because it would go a long way to solving gear conflict/vandalism and would put us in line with the rest of the UK. [North East Creel and Line Association]*

Others, favoured the introduction of a bar length restriction that limited vessels to ten dredges per side in the 0-12 nautical mile zone. This would mean no changes to the current dredge numbers in either the 0 to 6 zone or 6 to 12 zone but ensure that it would be more difficult for vessels to breach current dredge limits. This was the position taken by the SWFPA, individual processors that responded and some scallop fishers. The main reason given was the impact that any restriction could have on larger vessels and processors.

- *SWFPA consider it sensible to use a bar length measurement as the gauge for effort. However, we do not support reducing the bar length to one which can carry only eight dredges per side. We believe that it would be sensible to have one bar length within 12 nm which allows 10 dredges per side. [SWFPA]*
- *Having a bar rule in place is a good thing but I would not, at the moment, want to see the banning of 10 aside vessels. So a bar rule for 8 aside, 10 aside and 12 aside should be put in place. [Dredged Fisher]*

Some environmental groups were opposed, not because they wished to maintain the status quo, but because they felt scallop dredging should be prohibited in inshore waters.

- *All scallop dredging and other bottom active gear should be banned from inshore waters out to 3nm as is the case in many Scandinavian countries (the activity is often banned out to 6nm in these countries) and in Wales (out to 1nm). Eight dredges per side will mean that Scotland still has one of the most lax regimes in the UK. [COAST]*

Lifting of dredge number restrictions outside 12 nautical miles?

There were 53 responses and a majority (85%) opposed the proposal. This was the area over which there was greatest consensus from respondents. It was overwhelmingly opposed by most groups, including all fishing associations and environmental organisations.

The potential for the lifting of restrictions to increase effort in the zone was the reason highlighted by opponents. Many commented that this proposal ran counter to the overall aim of better controlling effort. Quotes from opponents included:

- *We urge the Scottish Government to make representations to raise UK standards to our own for these offshore waters, therefore aiming to deliver high environmental standards rather than encouraging a ‘race to the bottom’ in terms of regulation. This type of collaboration is essential for the necessary regional approach to achieving Good Environmental Status for UK seas in compliance with the EU Marine Strategy Framework Directive. [SELINK]*
- *Bearing in mind that this consultation was instigated because of the very real need to safeguard stocks from increased fishing pressure, it is quite remarkable that the Scottish Government is even considering the removal of dredge number restrictions outside the 12 mile limit.*

It has been stated on occasion that the dredge limitations outside the Scottish 12 mile limit has caused the displacement of the larger Scottish scallopers to elsewhere in the UK, this is a myth, these vessels were originally purchased to fish primarily in the English Channel. [Dredged Fisher]

- *It is frankly outrageous to consider lifting restrictions on areas outside 12nm to ‘compensate’ vessel operators. When are scallop dredger owners going to compensate local communities for the massive damage they have done to our marine environment? [COAST]*
- *The Clyde Fishermen’s Association would not support the lifting of dredge number restrictions outside 12 nautical miles. CFA would recommend to keep the current level of 14 dredges per side. [Clyde FA]*

Opposition to the proposal was not total. Some, including fishermen from other parts of the British Isles, supported the proposition on the basis that it would be consistent with other parts of the UK.

Additional Analysis of Introducing an 8-Per Side Restriction

Some respondents highlighted the potential impact on larger vessels of having to adjust to a flat-rate 8 per side restriction inside 12 nautical miles. To help establish the potential impact Marine Scotland has analysed the activity of vessels known fish with more than 8 dredges per side.

Data held by Marine Scotland shows that 38 vessels⁴ operate with more than 8 dredges per side in Scottish waters. Using VMS and landings data from the period 2011-14 it is possible to estimate which vessels would be most impacted.

Of these 38 vessels, only 29 recorded catches of king scallops from the 6-12 nautical mile zone which made up 5.7% of the total value of their landings.

There were ten vessels for which the 6-12 nautical mile zone accounted for more than 10% of their catch by value during the period 2011-14. For these vessels the following statements apply:

⁴ Marine Scotland database, data set may be incomplete

- These vessels also caught king scallops inside the Scottish 0-6 nautical mile zone (where a current 8 per side restriction applies) and outside the Scottish 12 nautical mile zone
- For these ten vessels, combined the value of catches from the 0-6 nm zone (29.6% of total catch) was greater than the 6-12 nm zone (18.3%)
- For five vessels, catches from the 6-12 nm zone makes up over 20% of their catch
- These vessels most dependent on the zone towed 10 dredges per side

Reducing the maximum permitted number of dredges in the 6-12 nm zone from 10 to 8 per side would effectively reduce effort in this zone by 20%. Based on an average of total landings for the period 2011-14, a bar length restriction could have resulted in a reduction in income of up to £230,000 for those ten vessels most dependent on the zone. This assumes a proportionate reduction in effort and that vessels did not increase their fishing time to compensate.

Marine Scotland Response

There was clear support for the introduction of a bar length restriction within 12 nautical miles that limited vessels to 8 dredges per side. This had the backing of the majority of fishing associations, environmental organisations and individual responses. However, there was some opposition, particularly from larger vessel owners and some processors who favoured the adoption of a 10 per side bar length. This was chiefly on the grounds of the economic impact an 8 dredge per side limit could have on vessels.

Marine Scotland will introduce a standard bar length restriction within 12 nautical miles that limits vessels to 8 dredges per side.

However, Marine Scotland is willing to offer a derogation on these arrangements that would limit vessels to current dredge number restrictions **provided vessels are prepared to install electronic monitoring equipment at their own expense which will allow Marine Scotland to monitor where fishing activity is taking place and the number of dredges being used.** This flexibility will help to ensure compliance but allows for consideration of the different sectors of the fleet and the mechanics of operating with different bar lengths at sea.

The current arrangements on dredge restrictions outside 12 nautical miles will remain in place. No change will be brought about due to concerns this could have on effort and the health of stocks.

Proposal 4 – Placing Restrictions on the Time that Vessels can Spend at Sea

This section sought views on the introduction of limits to the length of time that scallop vessels can spend at sea. As noted in the Poseidon Review, in recent years there has been an increase in effort in Scottish waters that has placed an additional burden on scallop stocks.

Although there was widespread support for limits to the time that vessels can spend at sea, analysing responses revealed strong disagreement about the basis of any such limits and their implications for different areas/sectors of the fleet. This is reflected in the analysis and views expressed below.

Do you think that the length of time that scallop vessels spend at sea should be restricted?

Eighty per cent of those who responded supported the proposition that the length of time that vessels can spend at sea should be limited. The following supportive comments were received:

- *Newer vessels and gear designs allow almost continuous fishing which has damaged inshore and offshore stocks. [Scallop Diver]*
- *Based on Marine Scotland Science advice the increase in overall fishing effort needs to be managed. [Argyll and Bute Council]*
- *Too many of the bigger boats fish the grounds too heavily and for too long and some sort of time restriction would help to ensure that grounds and stocks were protected. [Dredged Scallop Fisherman]*

There were others who gave support in principle to restrictions on the time that vessels can spend at sea.

- *If stock assessments studies suggest that it would be prudent to do so but it should be for all scallop (*pecten maximus*) vessels including under 10 metre vessels. It should be remembered that a significant amount of this consultation is examining the reduction in effort and there is a huge amount of latent fire power in the under 10 metre fishery especially as there is no scallop entitlement attached to this class of vessel. [MNWFA]*

A small minority were strongly opposed to any limits on the time that vessels can spend at sea. The primary reason given was that other factors like the weather or the Western Waters Effort Regime in Area VII, had the effect of limiting time at sea.

Should any restriction be introduced on the basis of an overnight restriction?

The majority of respondents supported the introduction of an overnight restriction on the activity of scallop vessels. It was the preferred option of the Western Isles FA; the Clyde FA; the Scallop Divers Association; SNH, the Shetland Shellfish Management Organisation and the majority of individual respondents who replied.

- *The OHIFG considered that an overnight restriction was the best approach to restricting effort, as it was easy to enforce, applied equally to all vessels and had been proven to be a good conservation measure in other parts of the UK and Shetland. [OHIFG]*
- *Broadly, an overnight restriction is attractive due to relative simplicity and has an additional benefit in relation to compliance and the enforcement of restrictions, which in our case would be in relation to protected sites. However, in the event that an appropriate electronic vessel monitoring system for inshore fishing is introduced, then the value of an overnight restriction becomes less. [SNH]*
- *The Irish Sea technical conservation seems to work well and I would like something similar replicated in Scottish waters. A working period of 6am until 9pm would be sufficient. This should be for the 0-6NM. [Dredged Scallop Fisherman]*
- *Clyde Fishermen's Association agrees with option 7A. As outlined in Question 7.1 the CFA would recommend a curfew from 9pm to 7am (14 hours). [CFA]*

Non-scallop fishermen supported the introduction of an overnight curfew as they felt that it would help reduce gear conflict.

However, there were many who opposed an overnight curfew. This group included: scallop processors; SWFPA, MNWFA; Orkney FA and some scallop fishermen.

Scallop processors, were particularly strongly opposed to an overnight restriction. The main reason given by this group was the impact it could have on supply in terms of both quality and quantity. There was a general feeling that such a measure could have significant consequences for their on-going viability and many who responded pointed out the important contribution their companies made to coastal communities and the jobs that could be endangered by an overnight restriction. Some also raised the uncertainty that processors were facing as a result of the landing obligation.

- *We strongly oppose this proposal... Scallop vessels will often land in to processors in the early hours of the morning after day and night at sea. This allows the processing businesses to process the scallops and have them sent on to their customers that same day. [SWFPA]*
- *I do not support the introduction of a night-time curfew under any circumstances, this is a blunt instrument which will not achieve the desired aims but which will have a serious business impact. The West Coast fishery in particular is one where vessels work a specific pattern which is aligned to landing requirements in order to make delivery to processors for the start of their working day. This in turn ensures a fresh quality product which is essential to the processors business. In order to maximize profit on a fresh product freshness and quality are key and imposing a nighttime curfew would seriously compromise both. [Seafood Ecosse]*

The potential impact on vessels was also highlighted by opponents particularly in relation to other factors that limit the activity of vessels such as weather and the Western Waters Effort Regime

- *Long hours of light in the north mean weather can often be favourable at night when day time winds die down. [Orkney FA]*
- *This would waste valuable time at sea for over 15 metre vessels who are currently within the western waters effort regime that is based on a twenty-four hour day. [MNWFA]*
- *Central to our opposition of this proposal is the fact that an overnight curfew would lead to reduced business flexibility for scallop vessels and processors, something which is key for a fleet that is at times extremely weather dependent. An overnight curfew removes the required element of flexibility and has serious practical implications for accessing onshore support services which operate during daytime hours...*

...Under this proposal, longer trips would be essential to land the required catch for businesses to remain viable; this is the reality of a fleet that is nomadic and doesn't have the option to return home at the end of each day. In real terms this results in crew members being out at sea longer but for the same amount of money. Inevitably this will lead to crewing issues. [SWFPA]

The SWFPA also opposed the suggestion that an overnight curfew would lead to a reduction in gear conflict.

- *SWFPA believes that gear conflict will not automatically be reduced by the introduction of an overnight curfew. Based on anecdotal evidence, it's our impression that a substantial element of gear conflict currently occurs in areas that are subject to low levels of overnight fishing. [SWFPA]*

Should any restriction be introduced on the basis of a Days at Sea regime?

The alternative basis for restricting vessel time at sea was a days at sea regime. Again this had the effect of polarising support or opposition. The proposition was not developed in the Consultation which sought only to establish the extent of support for the principle of a limit to days at sea. Fifty three per cent of respondents supported the proposal. Amongst that number, however, were many qualified responses which were supportive subject to the type of system that was put in place. There were also many, particularly environmental groups, who supported a days at sea restriction not as an alternative but in addition to an overnight restriction.

- *A days at sea regime has more flexibility than an overnight restriction, with days allocated to vessels able to be amended as conditions dictate. [Argyll and Bute Council]*
- *Scottish Waters have come under increased pressure in recent years partly due to displacement caused by the Western Waters Effort Quota regime, this is especially so on the East coast and SW Approaches (south of Jura). As*

new initiatives to resolve the WWE deadlock have yet to be put forward by either Fisheries Administrations or Industry, chances are the extra pressure on Scottish Waters is set to continue. This could be addressed by bringing in a days at sea regime that would match WWE days in the Scottish Waters that are most affected by WWE, this would ease displacement and make for a more balanced fishery. [Dredged Scallop Fisherman]

- *Similarly, subject to the science and local conditions, a regional day at sea regime could be adopted as appropriate for local conditions. We do not regard it as sensible to rule out either of these potentially useful tools, although the use of either (or both together) would need to be flexible over time to ensure the industry sees the benefit of increased scallop stocks, and that any such increase can be protected for the longer term. [SIFT]*
- *SWFPA would support a carefully managed days at sea regime and believe that this would be a productive way to underpin good management and promote the sustainability of the Scottish King Scallop sector. [SWFPA]*

There was, however, strong opposition from many who responded. A number of reasons were given and these can be summarised as follows:

- A days at sea regime could incentivise vessels to go to sea
- Area VII was already controlled by a days at sea regime
- A days at sea regime could reward those who had fished most heavily
- The role that the weather can play in limiting time at sea
- The potential threat of displacement

Specific comments received included:

- *A days at sea regime would increase effort with all vessels ensuring that they would fish the maximum number of hours in a day. This would result in increased gear conflict as days would become a target for vessels to fish more to reach their allocation. This would result in higher landings and possibly reduced prices and there would be no overall benefit to the fishery during a period when scientific advice is not to increase effort. [WIFA]*
- *I saw the effect a days at sea regime had on the whitefish fleet. It rewarded those who spent the most time at sea. Ludicrous. [Dredged Scallop Fisherman]*
- *SSMO do not agree with a restricted day at sea regime - this would create a huge administrative burden. [SSMO]*
- *No as that means that you would be forced to go to sea in bad weather putting lives at risk [Dredged Scallop Fisher]*

Marine Scotland Response

The general proposition that the length of time that scallop vessels can spend at sea needs to be controlled was recognised by respondents. However, the two alternative for limiting time at sea suggested in the Consultation polarised support and opposition.

The implementation of an overnight restriction got majority support but was strongly opposed by processors and some Fishermen's Associations and vessels operators. Processing companies that responded were clear that such a measure would have significant impacts on businesses in terms of quantity, quality of supply and day-to-day business planning. Given the potential implications for business viability, the risk of displacement and the cumulative effect of the other measures to be introduced on the scallop sector, Marine Scotland will not be proceeding with a national overnight restriction at this time.

However, recognising the need to have mechanisms to control and reduce effort in this fishery and taking on board the points made by those opposed, Marine Scotland's aim in the longer term will be to engage with the other UK fisheries administrations to establish whether a joint approach can be introduced to controlling effort. This would help with the aim of cutting effort in the fishery but avoid displacement and help maintain business flexibility.

ANNEX A – ADDITIONAL ANALYSIS OF THE KING SCALLOP FISHING FLEET

In discussions and responses to the Consultation, some stakeholders cited recent declining returns and a growth in the number of vessels prosecuting the fishery which Marine Scotland wished to investigate further. In this section an analysis of effort and catch data across the fleet is carried out. Due to the nomadic nature of some parts of the industry we have carried out analysis on a Scotland and UK-wide basis to place the Scottish sector in the context of the United Kingdom.

A summary of the key points are:

- Data shows a gradual decline in the number of Scottish scallop vessels (reporting landings between 2000 and 2014), driven primarily by a reduction in the under 15m fleet
- A gradual increase in the number of dredged scallop vessels in the rest of the UK, chiefly as a result of a growth in the under 15m sector
- The number of days at sea (DAS) for the Scottish sector has remained broadly consistent since 2000 while it has increased for the rest of the UK, mainly in the last 4 years (2010-14)
- The catch per unit effort (tonnes landed per DAS) for the UK scallop fleet as a whole has declined since 2012, after a year-on-year increase since 2000

Comparison of Scottish/UK Scallop Fleet and Activity

Scottish dredgers totalled 171 in 2000, compared with a non-Scottish vessels total of 164. The majority of the Scottish fleet consisted of over 15 m vessels – 80 in 2000 – whilst for the remainder of the UK (hereafter: rUK) it was more medium size vessels – 80 vessels between 10-15 m in length in 2000 (Fig. 1).

Throughout the 2000s, Scottish vessels have decreased to a total of 112, with larger vessels (over 15m) declining to 65 in 2014. The under 15 m Scottish fleet has halved from 91 vessels in 2000 to 47 in 2014.

For the rUK, the number of larger vessels (over 15 m) has also decreased – from 66 in 2000 to 53 in 2014. This has been countered by a significant increase in under 15 m vessels – from 98 vessels in 2000 to 173 in 2014. This is most significant in the under 10m rUK fleet, which has increased from 18 in 2000 to 87 in 2014.

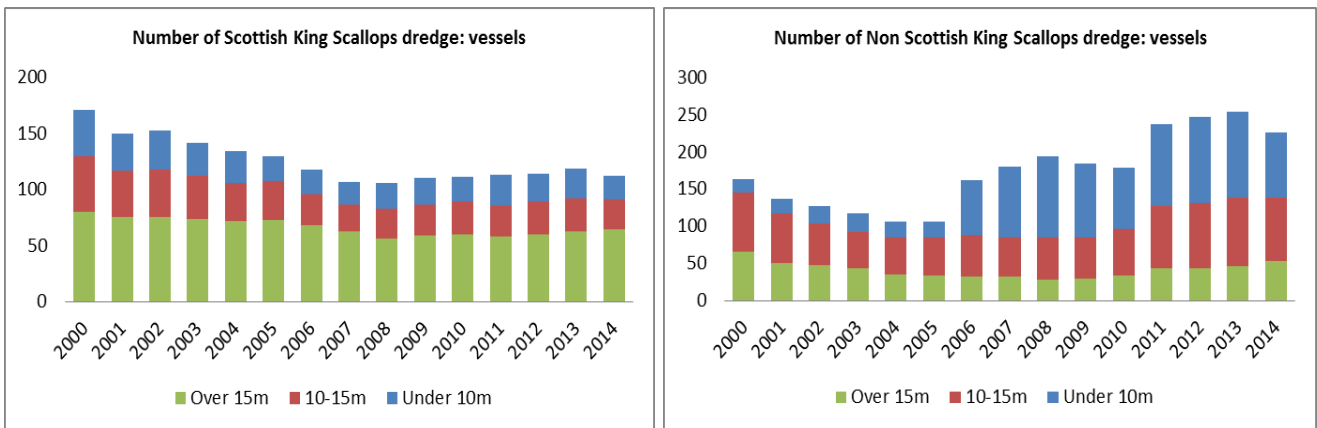


Figure 1: Number of vessels by length in Scottish and the rUK dredging fleet from 2000 to 2014.

When comparing Days at Sea (DAS), however, all of the length classes of the Scottish fleet have remained consistent throughout the period – fluctuating between 12,000 and 17,000 DAS (Fig. 2). These fluctuations appear to have taken place in three phases, with a decrease every 5-6 years and then a recovery to previous levels.

For the broader UK fleet, DAS have remained steady for the over 15m fleet, but have increased for the 10-15m fleet from around 5,000 DAS in 2000 to 7,300 days in 2014. This coincides with the observed increase in vessel numbers. In the rest of the UK, under 10m sector DAS have not changed (around 2,000) even though the number of vessel in this length class have increased substantially.

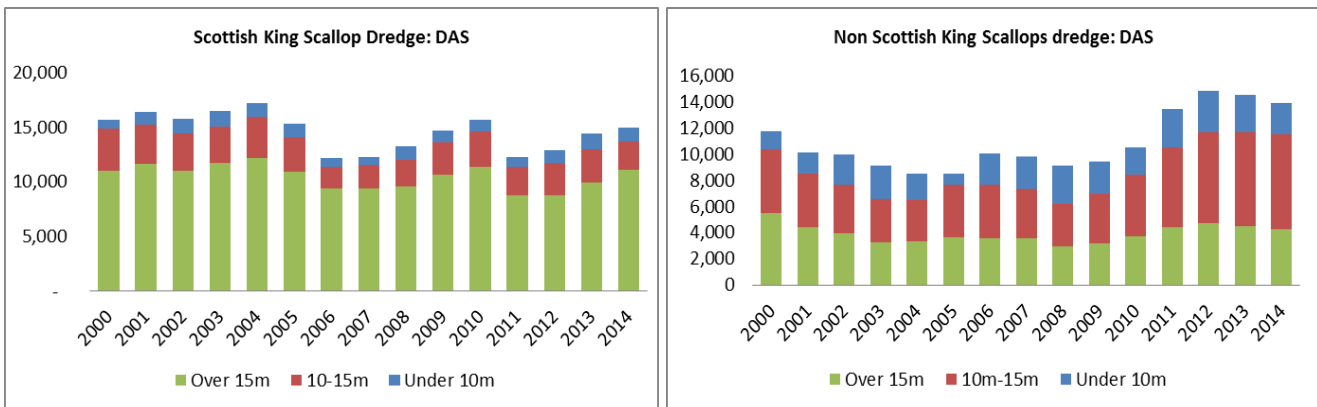


Figure 2: DAS by length of vessels in Scottish and the rUK dredging fleet from 2000 to 2014.

The above pattern of improved efficiency of the Scottish fleet is confirmed by landings where a decreasing number of Scottish vessels have landed a higher volume of scallops year-on-year (Fig. 3). Whilst apparent in all vessel size classes, this is most evident for the over 15m fleet, given their steeper decline in number of vessels yet overall increase in volume of landings.

For the remainder of the UK, the volume of landings have increased for all length classes, except for the under 10m vessels, which is not to the level expected given the significant increase in the number of vessels (Fig. 1).

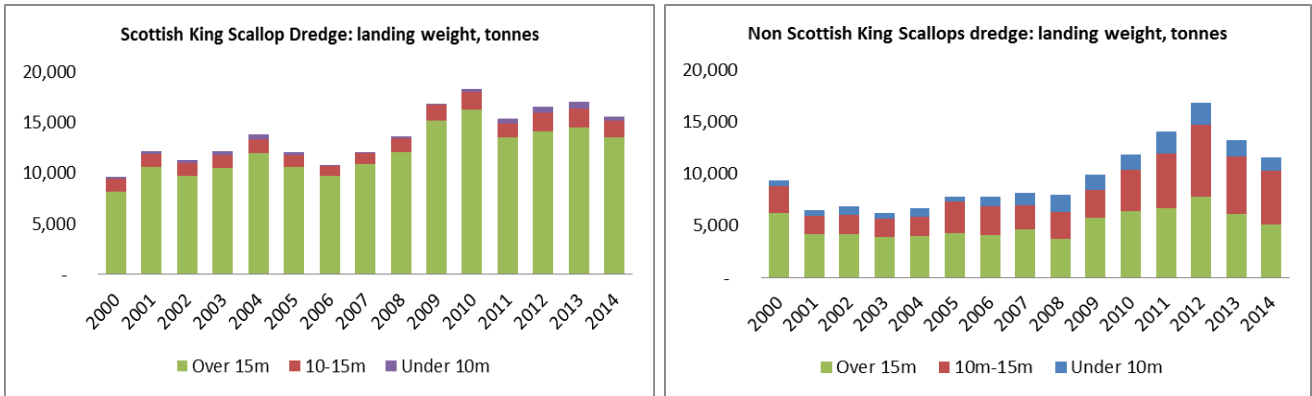


Figure 3: Volume of landings by length of vessels in Scottish and the rUK dredging fleet from 2000 to 2014

The overall value of landings in real terms (Fig. 4) has largely tracked changes in landing weight (Fig. 3). Amongst Scottish vessels, growth in the value of landings has been largely driven by over 15m vessels whereas in rest of the UK the 10-15m element has also been significant.

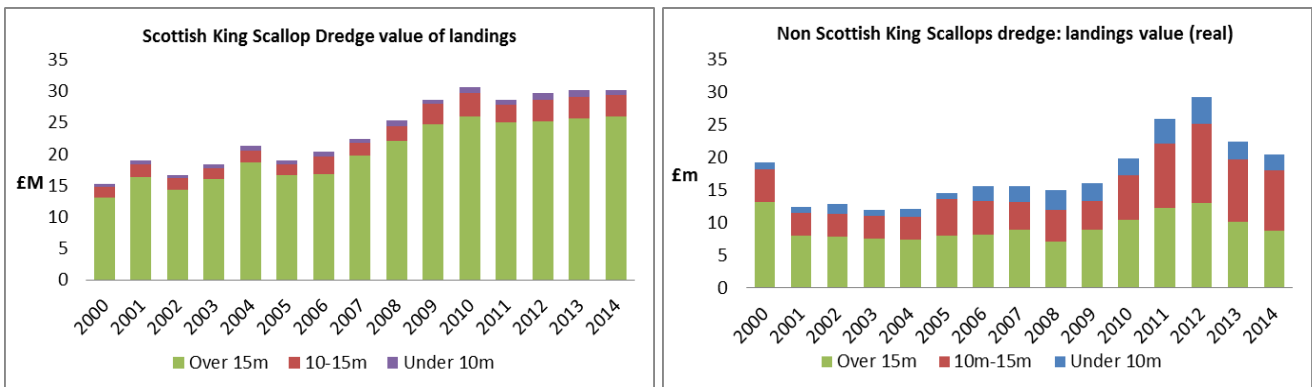


Figure 4: Value of landings by length of vessels in Scottish and the rUK dredging fleet from 2000 to 2014

Catch per unit effort (CPUE) summarises total catch over the effort required to take that catch. Changes in CPUE may be due to a combination of progress in technical efficiency and/or a change in stocks. In terms of volume of landings per day at sea, CPUE of the Scottish under 15m fleet has remained relatively stable (a very slight increase), whilst it has increased for the over 15m fleet with a peak of 1.6 tonnes per DAS in 2012 as Scottish vessels increased their presence in English waters over the period (see below). There has, however, been a decline since then down to 1.22 tonnes per DAS in 2014. Similar trends have been experienced by the rUK scalloping fleet but with a decrease across all length classes from 2012.

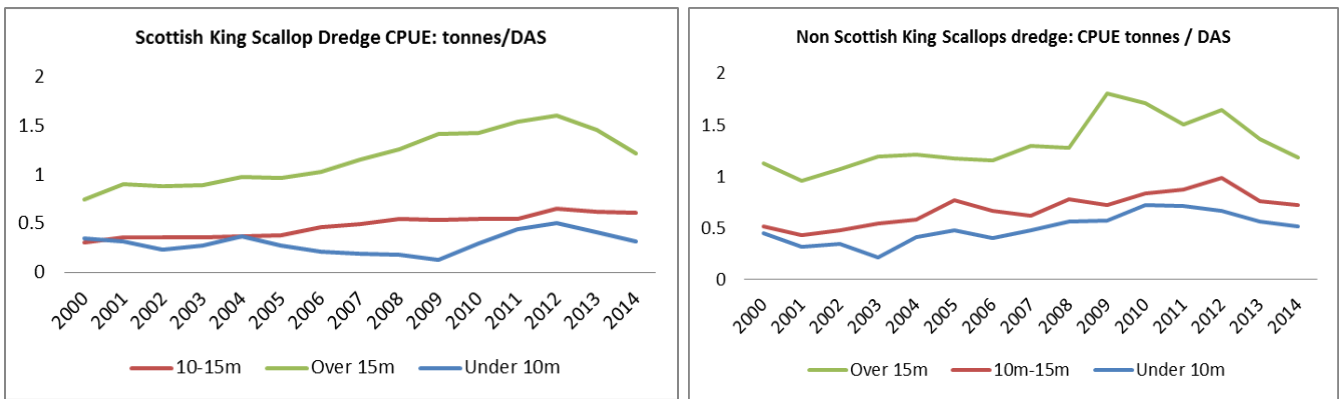


Figure 5: CPUE by volume by length of vessels in Scottish and the rUK dredging fleet from 2000 to 2014

An alternative measure of productivity is assessing the value per unit effort (VPUE), which takes into account the change in prices in addition to the CPUE. In this case the decline is also documented by the VPUE (revenue per day at sea) with the Scottish under 15m fleet being the only fleet which has maintained VPUE throughout the period. Interestingly, the Scottish over 15m fleet have seen a much steeper climb in VPUE than their counterparts in rUK, which is due to the price paid per tonne as displayed in Figure 7. This graph plots a slight decrease in value per tonne received by the rUK vessels over the 14 year period yet a slight increase in price per tonne for the Scottish fleet.

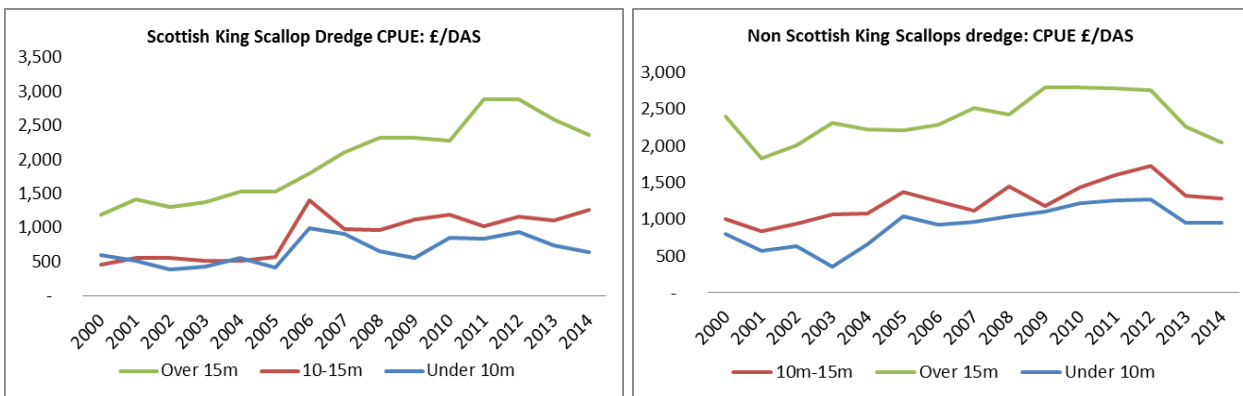


Figure 6: CPUE by value by length of vessels in Scottish and the rUK dredging fleet from 2000 to 2014

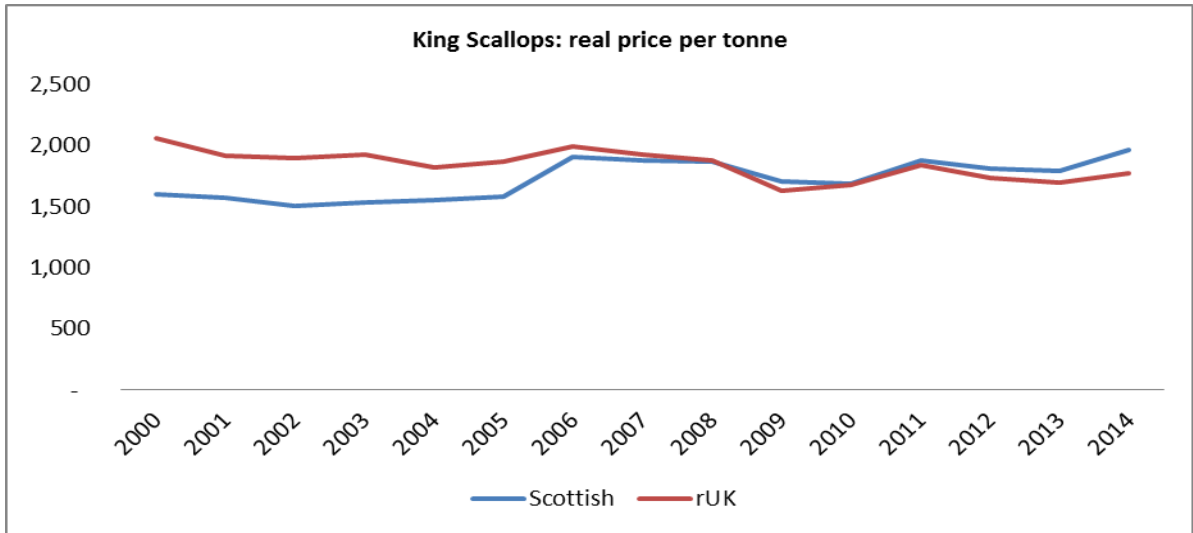


Figure 7: Average price per tonne for the Scottish and rUK fleet.

ANNEX B – EXAMPLE REPLY FROM MARINE CONSERVATION SOCIETY

According to the Scottish Government's own Marine Atlas, the health of virtually every broadscale habitat type is a matter of concern and/or decline throughout Scotland's waters, and fishing is identified as one of the two widespread drivers for this. With metal teeth ploughing up to 10cm into the seabed, in the wrong place scallop dredging is amongst the most damaging of fishing activities, particularly to living reefs, maerl beds, fish and shellfish nursery grounds and other stable, ecologically complex habitats. It is therefore deeply disappointing that following the 2012 scallop dredging review and subsequent 2013 Poseidon report 'A Review of the Scottish Scallop Fishery', the Scottish Government has singularly failed to take this opportunity to consult on a strategic management plan for scallop fisheries in Scottish waters, including spatial measures, to ensure the fishery plays its full role in halting and reversing the declining trend. The scope of the consultation and measures proposed within it fall far short of what is required.

The Scottish MPA process identified sites for designation based on the presence of priority marine features (PMFs), including maerl beds, horsemussel reefs, flameshell reefs, fan coral communities and kelp habitats on sediment. Whilst we recognise the parallel consultation on fisheries management measures for at-risk inshore Special Areas of Conservation (SACs) and nature conservation MPAs (ncMPAs) to deliver their nature conservation objectives, even the most ambitious protection plans will not nearly be enough to help secure a sustainable Scottish scallop fishery. Both within and outside of designated sites, priority marine features, nursery grounds and other complex, biodiverse habitat remain exposed to damage from scallop dredging and other heavy bottom-towed fishing gear. Evidence is growing that closing areas to dredging and trawling increases the extent of complex seabed, encourages settlement of scallop spat, significantly increases the age, size and biomass of adults and contributes positively to sustainable fisheries.

Just as in 2012, the proposals in this consultation remain woefully inadequate for developing a management framework for sustainable scallop fisheries and will not contribute to Scotland meeting its many obligations to conserve and recover marine species and habitats. An important opportunity is being missed to fully consider the measures urgently required to address the wider environmental impacts of the king and queen scallop fisheries to support a truly sustainable industry. To contribute to delivering a three-pillar approach to marine nature conservation, the legal requirement to protect and enhance the health of our seas, the objective of securing a sustainable king scallop fishery and the need to address the queen scallop fishery, I ask the Scottish Government as a matter of urgency to:

1. Deliver strategic management - map king and queen scallop dredge and dive effort in Scottish waters and develop a strategic management plan to include spatial and effort measures.
2. Introduce a low impact zone from shore to 3 nautical miles to include fully protected areas, areas just for static gear fisheries and scallop divers and areas for other low impact uses such as recreation. Shetland, Wales and the Isle of Man provide approaches to be learnt from;

3. Introduce closed areas, additional to those needed within SACs and ncMPAs, to protect living reefs, priority marine features and other sensitive, complex seabed habitats from scallop dredging wherever they are found
4. Introduce spatial reserves, or scallop regeneration areas, permanently closed to all types of fishing to protect important scallop and nursery grounds
5. Increase the minimum landing size of king scallops to 110mm
6. As a minimum cap current effort, remove latent capacity and freeze the footprint to prevent fishery expansion and apply further effort management as required
7. Introduce an inshore curfew to prohibit scallop fishing within 6 nautical miles of shore during agreed hours at night

ANNEX C – RESPONDENTS TO THE CONSULTATION

Group/Organisation

Animal Concern
Argyll and Bute Council
Clyde Fishermen's Association
Comhairle nan Eilean Siar
Community of Arran Seabed Trust
DEFA, Isle of Man Government
John MacAlister (Oban) Ltd
Mallaig & North West Fishermen's Association Ltd
Marine Conservation Society
North East Creel and Line Association
Orkney Creel Fishermen's Organisation
Orkney Dived Scallops Ltd
Orkney Fisheries Association
Orkney Islands Council
Orkney Sustainable Fisheries Ltd
Outer Hebrides IFG
Scottish Creel Fishermen's Federation
Scottish Creelers and Divers
Scottish Environment Link
Scottish Natural Heritage
Scottish Water
Scottish White Fish Producers Association
Scottish Wildlife Trust
Sea Change (Wester Ross)
Seafood Ecosse
Shetland Shellfish Management Organisation
Sustainable Inshore Fisheries Trust
West Coast Sea Products
Western Isles Fishermen's Association

Individual Responses

Albert Ritchie	Michael Morrison
Anthony Kenning	Nikki Murphy
Bill Simmonds	Philip Comber
Derek Wood	Philip Grant
Ewan Kennedy	Sally Campbell
George West	Stephen Barlow
Iain MacAlister	Tony Finlay
Ian Balgowan	
Ian Fletcher	
Ian McCuaig	
James MacKelvie	
John Cameron	
Mark Roberts	
Michael Boyle	



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