



Consultation analysis and the Scottish Government response to the consultation:

Electrofishing for razor clams in Scotland

Consultation Analysis:

Pages 2-6

The Scottish Government Response:

Pages 7-9

Consultation analysis: electrofishing for razor clams in Scotland

Profile of respondents

1. A total of 104 responses were received; **74% from individuals and 26% from organisations**. There were no campaign responses; however a few duplicate responses were received.

2. Counting duplicate replies once, respondents were divided into one of five categories based on information provided on their Respondent Information Form.

Respondent category	Number	Percentage
Individual	75	74%
Commercial business	5	5%
Non-profit organisation (fishing industry)	6	6%
Non-profit organisation (non-fishing industry)	11	11%
Public sector	4	4%
Total	101	100%

3. Two non-profit organisation (non-fishing industry) respondents endorsed the response from Scottish Environment LINK – as well as providing their own organisational response (which was worded differently, but tended to express the same points). River Ayr District Salmon Fishery Board endorsed the response from Ayrshire Rivers Trust but did not provide further comment.

4. Of the 104 responses received, 92 gave permission for their response to be published by the Scottish Government. These responses can be viewed at https://consult.scotland.gov.uk/marine-scotland/electrofishing-for-razor-clams/consultation/published_select_respondent

Analysis of responses

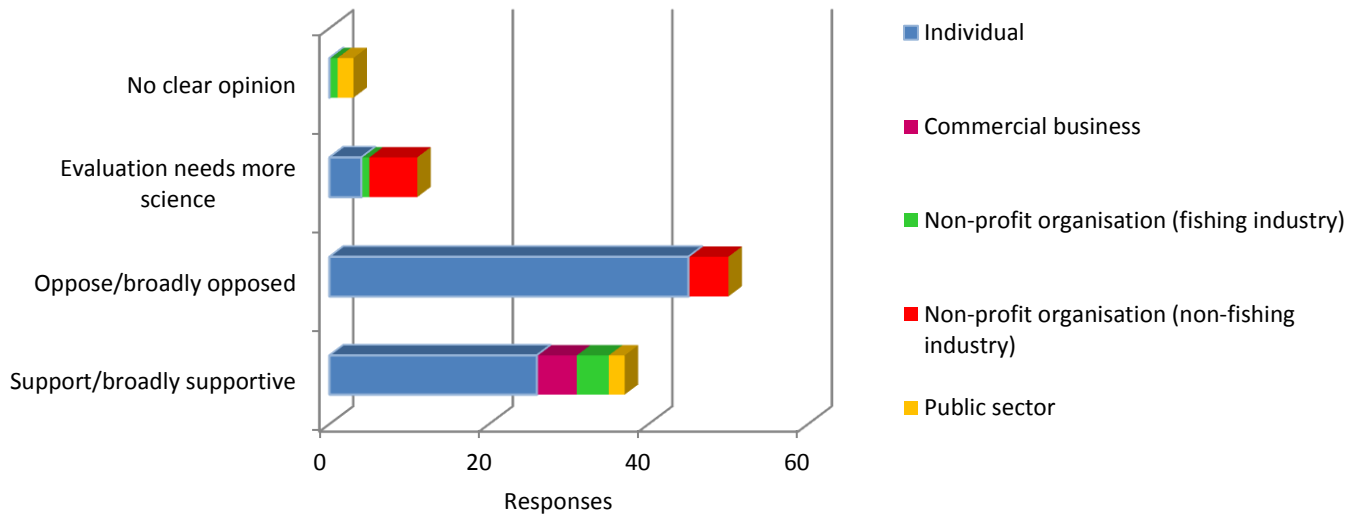
5. The consultation sought comments on a single question - whether electrofishing should in future be a permitted method for catching razor clams?

6. Responses were analysed by manually coding the themes identified by each respondent. This allowed trends among respondent groups to be highlighted. Four broad categories were identified:

- respondents opposed/broadly opposed to permitting electrofishing;
- respondents supportive/broadly supportive of permitting electrofishing;
- respondents who felt further scientific investigation is required before the electrofishing method can be properly evaluated; and,
- respondents who did not express a clear opinion.

7. The majority of individual respondents were not in favour of permitting electrofishing. Commercial businesses and non-profit organisations (fishing industry) tended to be supportive of electrofishing, whilst the majority of non-profit organisations (non-fishing industry) welcomed further research (see graph below).

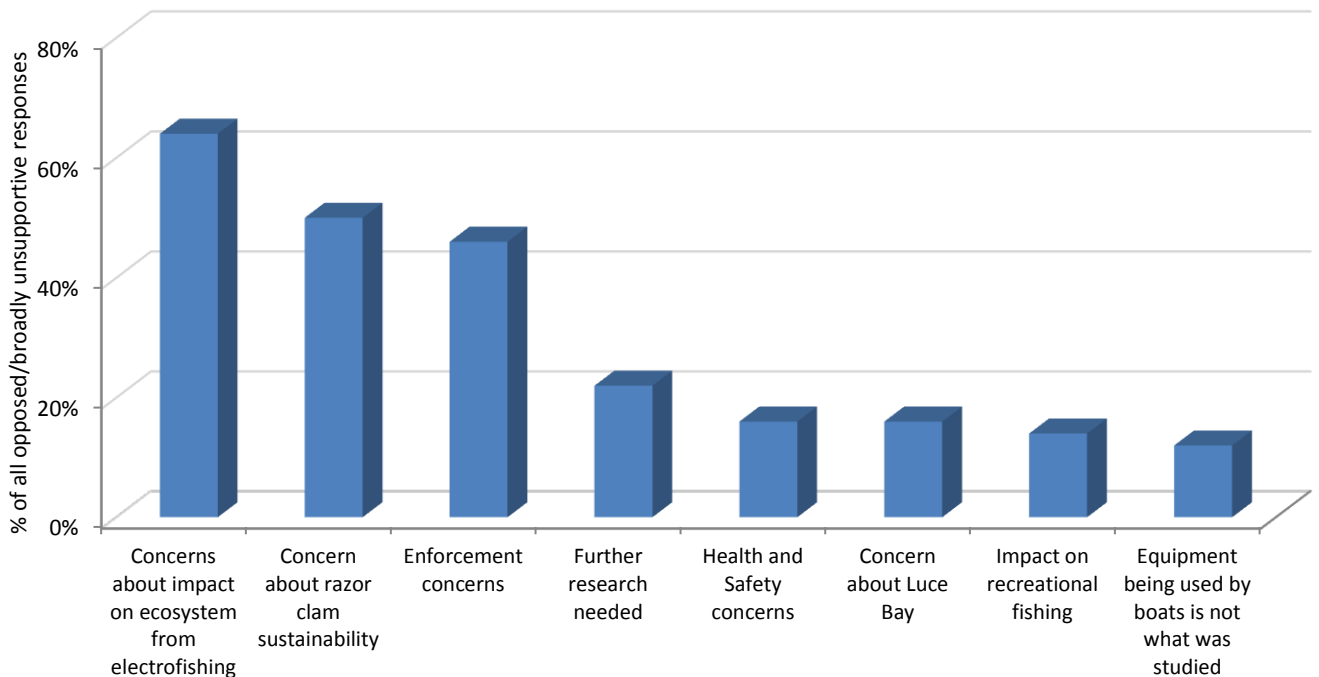
Responses by group: Should electrofishing be a permitted method of catching razor clams?



Respondents opposed/broadly unresponsive of permitting electrofishing

8. With duplicate responses excluded, 50% of total responses were opposed/broadly unresponsive of catching razor clams by electrofishing. 90% of responses in this group were from individuals with the remaining 10% from non-profit organisations (non-fishing industry).

Key themes from responses opposed/broadly unresponsive of permitting electrofishing for razor clams



9. The majority (64%) of respondents in this group said they have concerns that electrofishing has a detrimental impact on the ecosystem, in particular on the benthic community or at different life stages of species. Anglers cited concerns about the effect of electrofishing on species such as tope and bass. Respondents felt that the 2014 study by Marine Scotland Science¹ was light on parameters considered.

10. Half of all respondents in this group expressed concern about the efficiency of the electrofishing method and the sustainability of local razor clam beds. Respondents said that they did not think current razor clam harvesting rates are sustainable. Many felt the efficiency of the method warranted its continued prohibition.

“There are too many that look at these as a way of making large and quick profit, with no thought about what the sustained impact is on the health of our ocean”

11. 46% of respondents in this group expressed concern about the current and/or future enforcement of the razor clam fishery. Many questioned how electrofishing would be monitored and controlled if it were legalised.

“If enforcing a ban on electrofishing of razor clams is difficult to enforce, will regulation of razor clam fishing be improved by legalising electrofishing?”

12. 16% of respondents in this group documented concerns with current illegal electrofishing practices in Luce Bay. A few other responses cited concerns in other areas including the Clyde, Orkney, Western Isles and Arran.

Respondents supportive/broadly supportive of permitting electrofishing

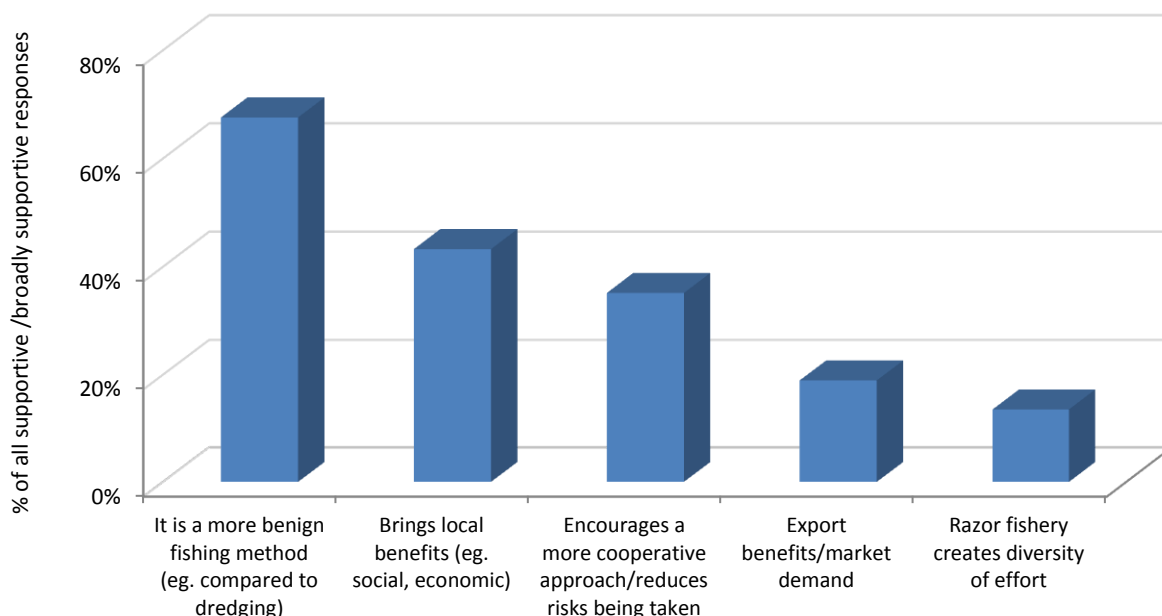
13. With duplicate responses removed, 37% of total responses received were supportive/broadly supportive of permitting electrofishing for razor clams. The group comprised individuals 70%, commercial business 14%, non-profit organisations (fishing industry) 11%, public sector 5%.

14. All commercial businesses (5) that responded to the consultation were in favour of permitting electrofishing for razor clams.

15. At least 58% of the individuals in this group referred to first-hand experience of electrofishing for razor clams.

¹ Electrofishing for Razor Clams: Effects on Survival and Recovery of Target and Non-target Species <http://www.gov.scot/Resource/0046/00460976.pdf>

Key themes from responses supportive/broadly supportive of permitting electrofishing



16. 68% of respondents in this group stated that they thought electrofishing should be permitted because it is a more benign fishing method compared to other legal methods e.g. dredging. Respondents highlighted the selectivity of the electrofishing method and improved quality of the catch due to reduced physical damage during harvesting.

“It would seem particularly perverse to apply legal and costly sanctions against people trying to earn a living by the most environmentally friendly means while, permitting and promoting more environmentally intrusive forms of fishing because the most damaging method is less effective at catching.”

17. 43% of all respondents in this group highlighted the benefits they thought a razor clam fishery could bring, in particular economic and employment benefits to rural, fragile communities and the inshore fleet.

“With good domestic and export markets for razor clams the development of a small scale, well controlled, licensed fishery would be beneficial to fishing communities through the islands”

18. 35% of respondents in this group felt that if electrofishing were to be permitted it could encourage a more cooperative approach from the sector by bringing operators in from the dark. This in turn could reduce the ‘cowboys’ currently involved in the fishery and improve issues such as health and safety.

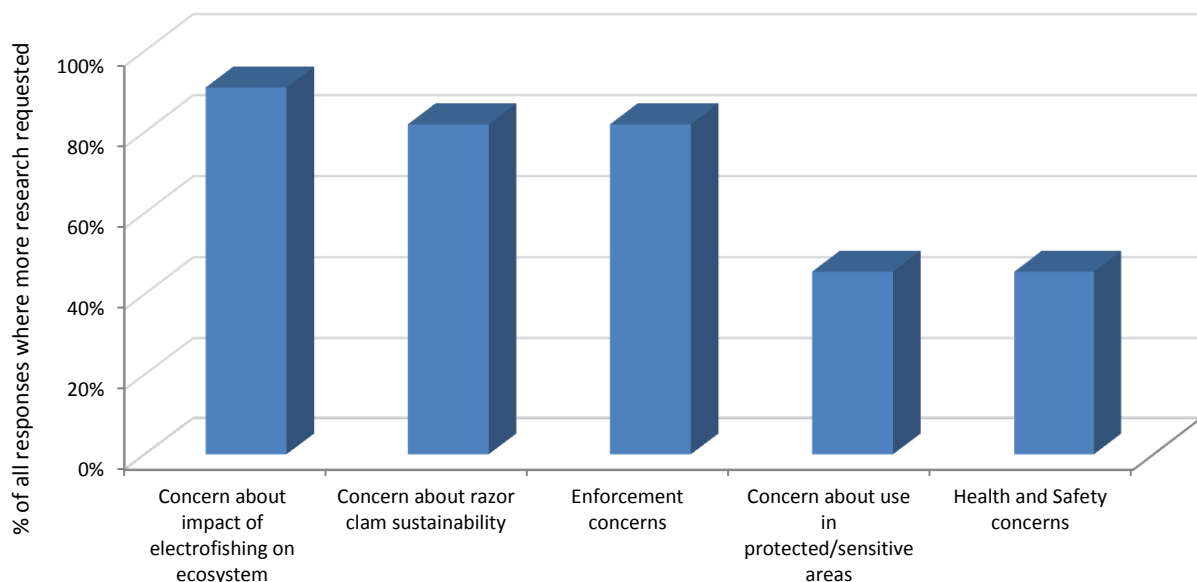
19. Although the consultation was not about how a razor clam electrofishery might be managed, many of these responses acknowledged that any such fishery would need to be well regulated to ensure it is sustainable, safe and well-managed.

20. A couple of responses referred to the minimum landing size for razor clams, implying that it should be >100mm. There was a suggestion that Inshore Fishery Groups might be best placed to develop and oversee Management Plans of the razor clam fishery.

Respondents who consider further research is required in order to evaluate electrofishing

21. With duplicate responses removed, 11% of total responses received concluded that more extensive scientific research was required before electrofishing could be properly evaluated, including 36% individuals, 9% non-profit organisation (fishing industry) and 55% non-profit organisation (non-fishing industry).

Key themes from responses that requested further scientific research



22. There is considerable overlap between the key themes from this group and the key themes that emerged from the group of responses opposed to permitting electrofishing (page 3). However, respondents in this group accept that there is credible evidence for considering a new approach to electrofishing because scientific research¹ suggests that electrofishing for razor clams causes fewer negative environmental impacts, when compared to other methods that are legal.

23. Whilst acknowledging the research findings, these responses encouraged a cautious approach and made recommendations on future scientific requirements i.e.:

- assessments of razor clam stock size and distribution;
- research on longer term effects of electrofishing on target and non-target species;
- evidence gathering on suitable minimum landing sizes;
- establish small-scale pilot studies where electrofishing as a commercial fishery is monitored; and,
- Appropriate Assessment as part of the Habitats Regulations Appraisal process.

Scottish Government response to consultation about electrofishing for razor clams in Scotland.

Introduction

1. In August 2016 the Scottish Government launched a consultation on whether electrofishing should be a permitted method of fishing for razor clams². The consultation ran for 6 weeks and concluded on 30 September 2016, with 104 responses received. Individual responses were published, subject to permission, in October 2016³. An analysis of the consultation is being published alongside this paper.
2. This paper provides a summary of the Scottish Government's response to the key points made by respondents to the consultation, and describes Ministers' decisions with regard to the future of Scotland's razor clam fishery. It also draws together advice received from the European Commission's primary scientific advisor; the Scientific, Technical and Economic Committee for Fisheries.
3. The Scottish Government is grateful for the time that individuals and organisations took to respond to the consultation. Stakeholder expertise and experience is vital to informing policy direction.

Should electrofishing be a permitted method of catching razor clams?

4. The consultation explained that the Government, in light of scientific evidence⁴ which suggests electrofishing could be a low impact method of harvesting razor clams, was considering whether it might be appropriate to adopt a new approach to electrofishing, and whether, in particular, it might be appropriate to propose that the fishing method be permitted within a regulated and sustainable fishery. Comments were welcomed on whether electrofishing should in future be a permitted *method* for catching razor clams?

What we heard:

5. The consultation generated a diversity of views, with opinions spanning the spectrum from positive to impartial to negative.
6. The key concerns in regards to permitting electrofishing were clear and consistent. In particular, it was felt that not enough is currently known about the potential implications of electrofishing on the wider marine ecosystem and the ability of local razor clam populations to support the electrofishing method.

² <https://consult.scotland.gov.uk/marine-scotland/electrofishing-for-razor-clams/>

³ https://consult.scotland.gov.uk/marine-scotland/electrofishing-for-razor-clams/consultation/published_select_respondent

⁴ <http://www.gov.scot/Publications/2014/10/8462/downloads>

7. Support for the legalisation of electrofishing tended to be on the grounds that it is a very selective method of capture, producing high quality product with little impact on the sea bed. Many respondents felt that a legalised electrofishery could deliver social and economic benefits to rural, fragile communities.

The Scottish Government response

8. We recognise that electrofishing is a matter that divides opinion and generates considerable debate. We agree that current illegal electrofishing practices in Scottish waters are unacceptable; deterring and combatting illegal electrofishing remains an operational priority for Marine Scotland. We appreciate the concerns of respondents living in close proximity to inshore fishing areas who report personal observations of the current illegal fishery.
9. We recognise that whilst scientific research has demonstrated that electrofishing for razor clams causes less physical habitat damage than methods such as dredging and has limited short term impact on target and non-target species, the research also notes the need for stock assessments and further research.
10. We consider that many of the concerns raised in the consultation can be attributed to the novelty of the electrofishing method and we regard many of these as fundamental questions to be addressed in the process of developing any new, safe and sustainable fishery. We agree that surveys would be required to assess the size and magnitude of razor clam populations along with further research on longer-term impacts of the gear.
11. We are committed to promoting the use of environmentally friendly fishing methods and reducing waste (by-catch). Having considered the consultation responses, we remain of the view that the viability of a commercial electrofishery for razor clams in Scotland should be further examined.

Scientific, Technical and Economic Committee for Fisheries (STECF)

12. Following a request to the European Commission, STECF recently provided advice on the findings of the scientific evidence⁴ that suggests electrofishing is likely to be more environmentally benign than some other traditional methods, such as dredging. STECF's general response was that a careful and staged development of any fishery was desirable, building up information and developing a management plan over time to ensure that the fishery could be operated sustainably. The Committee suggested that future work should be tailored to the specific conditions in the areas where razor clams are found.

Conclusion and next steps

13. Based on the above, **it is our intention to seek to develop a limited trial razor clam electrofishery**. The temporally and spatially limited trial will be a scientific investigation designed to gather further information about electrofishing. The Scottish Government will ensure that protected areas continue to be appropriately managed.
14. Preparatory work is under way, with vital input from other public sector stakeholders, to develop the trial and the conditions in which it will operate. In due course, the Government will confirm one or possibly two trial areas where, following initial stock assessments, a limited number of fishing vessels will be permitted to harvest razor clams by electrofishing. Catches reported by these vessels will provide local, real time information about razor clam catch rates and population structure, allowing the potential of the fishery to be investigated. All fishing boats not participating in the scientific trial will be prohibited from landing commercial levels of razor clams.
15. The Government reiterates its gratitude to those who responded to the consultation, and will continue to engage with stakeholders on its approach to Scotland's razor clam fishery.



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