

Scottish Sea Fisheries National Discussion Paper – COAST response 12 July 2019

Chapter 1: Achieving our vision for environmentally conscious and sustainable fishing

In Chapter 1 the Scottish Government identified a range of areas around achieving our vision for environmentally conscious and sustainable fishing. Therefore, in relation to these discussion points to you have any views or ideas in regarding the areas identified in Chapter 1?

The Community of Arran Seabed Trust (COAST) is based in Lamlash Bay, on the Isle of Arran, North Ayrshire. We are a 23 year old, community-led charity with the aim of restoring an abundant and productive marine environment around the Isle of Arran, and the wider Clyde region, for the socio-economic benefit of all. COAST have been successful in establishing the first marine No Take Zone (NTZ) in Scotland (which is the first community-led NTZ in the UK) and achieving the statutory designation of the South Arran Marine Protected Area (MPA). We are members of the Clyde Marine Planning Partnership and the Coastal Communities Network.

We welcome the aspiration of the Discussion Paper for Scotland to be a world leader in responsible and sustainable fisheries management, and support the intention that any future fisheries management strategy reflects the over-arching objectives of the National Marine Plan (NMP) and the UK Marine Strategy.

Whilst there are some positive proposals in the Discussion Paper, it falls well short of realising this aspiration and these objectives in a number of areas.

- We are failing to meet environmental targets and address past damage to our land and seas, as identified in recent international and national assessments (for example, UN Intergovernmental Panel on Climate Change (IPCC) Special Report on Global Warming of 1.5° degrees (2018); the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IP-BES) Global Assessment on Biodiversity and Ecosystem Services (2019); the Marine strategy part one: UK updated assessment and Good Environmental Status Consultation showing that the UK as a whole is failing to meet many of the indicators of Good Environmental Status (GES) under the Marine Strategy Framework Directive). This must be a wake-up call that things need to change.
- The National Marine Plan promotes an ecosystem-based approach to managing Scotland's seas, putting the health of the marine environment at the heart of marine planning and decision making. This is not the reality of current marine and fisheries management which continues to fail to make progress to address serious environmental problems such as loss of fish stocks and damage to marine habitats and wildlife.
- A healthy, resilient and biodiverse marine environment can bring significant social and economic benefits to Scotland at a local and national level. But these benefits can only be realised if past

and present impacts on the state of the sea are properly addressed and ecological functioning of marine ecosystems is restored.

- Current patterns of fishing are not sustainable. There has been historic decline in key fin fish stocks and overfishing of specific shellfish populations (such as documented in the Clyde Marine Region Assessment). Fisheries management must reverse such environmental degradation and set targets and management measures to restore ecosystem health as a cornerstone to support local fisheries into the future.
- We need to move away from unsustainable fishing practices that degrade the seabed to a situation where fisheries policies, objectives and management action preferentially support sustainable fishing methods.
- The critical importance of a healthy, productive and biodiverse marine environment to underpin fisheries aspirations must be a key theme in any future fisheries management strategy.
- There are significant knowledge gaps about the state of our marine environment including for fish and shellfish stocks and their essential habitat for breeding, feeding, nursery areas etc. These need to be urgently addressed to ensure that future fisheries management is based on a sound evidence base.
- We welcome the inclusion of key principles set out on page 3 of the Discussion Paper. These should be set out within the context of existing international and national frameworks and include a clear definition of “sustainable use” (i.e. in accordance with the definition in the NMP which adopts the 1987 UN Brundtland Commission definition of sustainability as “meeting the needs of the present without compromising the ability of future generations to meet their own needs”).
- A precautionary approach to expansion or diversification of fisheries must be taken where stock data is poor or lacking or where fish and shellfish stocks and/or the essential habitats that they rely on are known to be degraded. The precautionary principle should be established as a key principle in the fisheries management strategy.
- With appropriate and effective management Marine Protected Areas (MPAs) help protect and enhance marine biodiversity. The fishery benefits of conservation measures need to be the subject of fisheries research. A future fisheries management strategy must have clear objectives for the protection and enhancement of MPAs, and there needs to be action to complete the MPA network and critically, to manage it properly.
- Marine litter: a behavioral change is required to stop the discard of litter from the fisheries sector into the sea. Whilst the KIMO’s fishing for Litter scheme has contributed to removal of some litter in the sea it is not dealing with the source of litter from the fisheries sector. All littering should be considered an offence. We support the proposal to introduce more effective mechanisms and deterrents to tackle this problem which must apply to work in ports, harbours and

marinas as well as at sea. But we also want to see effective enforcement of existing regulations such as MARPOL.

Chapter 2: Governance, engagement and accountability

Chapter 2 explores a range of discussion points around future governance, engagement and accountability. With regards to the areas discussed, what are your opinions of the discussion points raised and any related views on the themes identified in Chapter 2?

- The current system of decision making has favoured a small part of the fishing industry. We welcome the aspiration to improve co-management of fisheries and think that this is long overdue.
- Fisheries are a public resource and all interests should have an equal say in its future. Shared decision-making can lead to more sustainable outcomes for coastal communities and the marine environment.
- Current governance structures need significant change if co-management is to be at the heart of policy development and decision making. We have to move away from treating fisheries as if it existed in isolation from other marine users, to a situation where fisheries are managed as a public resource with a joined-up and properly resourced approach.
- Local fisheries governance structures must involve the full spectrum of relevant stakeholders (including community groups, environmental interests, consumer groups and local authorities). They need to provide a locally-focused delivery structure with a remit and responsibilities that include marine environmental and biodiversity protection and enhancement as well as fisheries management. Such bodies need to be formally constituted and adequately resourced with stakeholder representation that reflects the wider interest and responsibility of the group.
- The structure and function of the Inshore Fisheries and Conservation Authorities (IFCAs) in England provides a good example that could be used as a model in Scotland. This would streamline governance arrangements and achieve greater stakeholder input to decision making.
- Principles underpinning future governance structures must include:
 - equity amongst all stakeholders (thereby helping meeting the requirements of the UK's High Level Marine Objective 6 that "the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities").
 - transparency in decision making and accessibility to information. This includes information about fishing location and effort, landings, discards, stock and environmental

assessments, licence allocation and transfer and quota. Relevant information needs to be easily available and specific in detail.

- devolution of decision making in Scottish fisheries management to support adaptive management at the local level. This could be achieved by setting up formally constituted bodies following the model of IFCA's in England.
- Governance structures must be properly funded. We can't have modern fisheries management that benefits all without investing in it.
- The size of, and geographical area covered by reconstituted local governance structures needs to be relevant to smaller regional areas and support integration of fisheries management with regional marine planning. The areas currently covered by RIGs are unmanageable.
- Greater integration with marine planning will help ensure that high level principles and strategic goals are reflected at an operational level and help deliver requirements in the National Marine Plan; for example, National Marine Plan Fisheries Objective 5: "Inshore Fisheries Groups (IFGs) should work with all local stakeholders with an interest to agree joint fisheries management measures. These measures should inform and reflect the objectives of regional marine plans".
- Locally-based approaches to fisheries management for the Inshore fisheries fleet should be supported through the regional marine plans. A clear objective of inshore fisheries policy should be to ensure the well-being of coastal communities, with local fisheries developed in the context of a diverse, abundant and healthily functioning marine ecosystem.
- We strongly support the statement in the Discussion Paper that advocates against the use of a veto by a single stakeholder interest. Where single interest groups have forced a veto on decision making, as has occurred in the past, it has prevented cooperation between different stakeholder interests.
- It is essential that future governance arrangements must ensure that all interested marine stakeholders can continue to be engaged and input openly to discussions without fear of intimidation or reprisals.
- There is a further issue of marginalisation of some stakeholder groups who are unable to attend meetings due to locality and/or cost. Future governance arrangements must develop realistic funding and/or tele-conferencing mechanisms to enable less well-resourced stakeholder groups to attend meetings.
- There are significant differences between the inshore and offshore fishing sectors. The requirements of the inshore and offshore fleets should be dealt with separately both by a future fisheries management strategy and in relation to governance arrangements. This would mean that objectives, targets and management measures and approaches can be developed to address the specific requirements of the differing fisheries and the target stocks of the inshore and offshore fleets.
- Regulating Orders, currently the principle existing local fisheries management method, could usefully be reformed to make them more effective and adaptable for local fisheries

management. This would need to address issues such as: range of species that can be covered by an Order, duration of an Order, enable Orders to be grantable to public sector organisations, enable governance mechanisms that ensure fisheries under an Order are managed in the best interests of the public, establish a review mechanism to support adaptability.

- There needs to be installation of effective vessel tracking systems on all vessels for the inshore and offshore fleets. The Scottish Government has already made a commit for this. Vessel tracking is essential to monitor compliance with spatial management measures and improve the evidence base for fishing activity within inshore and offshore waters.
- The remit of reconstituted governance structures should include compliance monitoring and enforcement within the context of a national enforcement framework.
- Compliance monitoring and enforcement needs to improve. Measures that need to be addressed include: the degree and nature of evidence required to support prosecution (this is currently restrictively stringent), the penalty structure and penalties for offences including options to address cumulative offences. Current penalties are not a deterrent; more punitive measures, particularly for persistent offenders need to be established and enforced.
- Clarification is required on how vessel size is determined, with the agreed method set out in the legislation, to avoid potential loopholes in vessel size limitations in the legislation.

Chapter 3: International

Chapter 3 explores areas for discussion around access to our waters and the role of Scotland in future fisheries negotiations as part of the UK. Do you have any views or ideas in relation to the discussion points raised in Chapter 3?

- As noted elsewhere in our response, the requirements for inshore and offshore fisheries should be dealt with separately.

Chapter 4: Establishing fishing opportunities

Chapter 4 identifies the Scottish Governments aim to establish fishing opportunities for long term future sustainability and accessibility. Accordingly, in relation to these discussion points do you have any views or ideas to the areas identified in Chapter 4

- Lack of data is seriously undermining decisions about fisheries management. Data is seriously lacking in particular for:
 - Fish and shellfish stocks (in particular non-quota species) and key population metrics
 - Essential fish habitat (such as spawning and nursery grounds, e.g. what, where and current condition)
 - Location, frequency and intensity of fishing in Scottish inshore waters
- Data gaps have to be addressed if the commitment in the Scottish National Marine Plan to “An evidence-based approach to fisheries management” is to be achieved.
- Fisheries management strategies must set out the existing evidence base and highlight key areas where data is lacking. This includes clearly identifying where marine ecosystems, habitats and

species are known to be modified or degraded due to historic and more recent activities. This should inform when a precautionary approach should be taken and help prioritise collection of new data and future monitoring requirements.

- Specific and measurable targets for fisheries and environmental protection must be set and strategy policies and objectives and management action aligned to deliver these.
- Sufficient resources need to be directed towards addressing the evidence gaps.
- Lack of evidence hampers effective fisheries management and leads to a high degree of uncertainty and risk and potential adverse impact on marine habitats, species and ecosystems. A precautionary approach to fisheries management must be taken where data is lacking. This includes a presumption against the opening of new fisheries or expansion of existing fisheries where there is insufficient evidence about target stocks or the impacts of the fishery on marine habitats and species.
- A reformed governance structure (following the IFCA model in England) would give local management bodies responsibilities for surveys and monitoring to address data gaps.

Maximum Sustainable Yield and Quota

- Maximum Sustainable Yield should be established for all commercial fishing stocks, based upon best scientific advice; MSY ranges should not replace the core principle of MSY.
- New legislation should explicitly commit Scottish fisheries managers to establish and abide by criteria for biomass and fishing mortality consistent with Maximum Sustainable Yield for all commercial fish stocks by a specific date.
- Total allowable catches for shellfish species are welcomed, particularly where there are clear management recommendations such as west coast lobsters and crabs.
- The current Fixed Quota system (FQA) needs to change to reflect that fisheries are recognised as a natural public asset. Quota ownership should be retained by the Scottish Government and allocation managed that favours fishing interests that provide the greatest environmental, social and economic outcomes. A leasing system for quota would mean that fisheries managers can

retain greater control over fishing allocation and activity, ensuring that the fisheries resource is better managed in the public interest.

Chapter 5: Access to fishing

In Chapter 5 the Scottish Government discusses possible options for access to fishing in distant waters and new entrants. With regards to the areas discussed, what are your opinions of the discussion points raised and any related views on the themes identified in Chapter 5?

Any expansion of capacity needs to be supported by a robust evidence base of the state of the target species stocks and assessment of environmental impact of the fishing activity.

Chapter 6: Inshore

Chapter 6 identifies a broad range of themes and points around the future management of the inshore fishing industry. As a stakeholder, what are your opinions of the discussion points raised and any related views on the themes identified in Chapter 6?

- The Scottish Government needs to embrace the concept of spatial management in inshore waters.
- COAST strongly supports establishing a no mobile gear zone up to at least 3 miles offshore from the coast. There is evidence that this would provide economic and environmental benefits including to fisheries.
- The impact of mobile fishing gear on seabed habitats is well documented. Spatial management prohibiting use of mobile gear will undoubtedly provide a significant opportunity for recovery of a wide expanse of inshore marine habitat and associated ecosystem function that can provide the basis for more buoyant and economically viable inshore fisheries in the future. This would be a bold and positive step for the Scottish Government and one that would bring significant benefits.
- In addition to a wide-scale no mobile gear zone for the whole of Scotland, spatial management measures for inshore fisheries within this should also be considered on a regional basis within the context of regional marine planning where such 'ocean zoning' could also be looked at in the context of other activities as well.
- Any spatial management measure must be supported by an effective programme of ecological monitoring. Only by doing this can Scotland learn what the benefits of such measures are on ecosystem health and productivity, and stocks of target fisheries species.
- COAST supports the proposal to consider more adaptive regulatory mechanisms to manage inshore fisheries, such as use of licences and permits with greater flexibility to apply and modify conditions. These have been shown to have been beneficial in other parts of the UK and can

provide a more responsive mechanism to manage local fisheries without resort to primary legislative measures.

- Any legislative framework for such an approach needs to ensure that any such licence or permit system can respond promptly to changing requirements on the ground. Reformed inshore fishery management structures (as commented on elsewhere in our response) could take on responsibility for implementing new regulatory mechanisms and help improve local responsiveness.

Chapter 7: Funding

Possible options for the future funding of the fishing in industry are identified in Chapter 7 for discussion. What are your views on the discussion points raised and do you have any other ideas with regards to future funding options or opportunities going forward?

- Essential aspects of fisheries management are currently seriously under-funded.
- The fishing industry exploits a public resource and is subsidised by public monies in many aspects. There are precedents of levies on industries the profit from public natural assets and a similar approach needs to apply to the fishing industry. Given the vastly differing scales of commercial fishing activities in Scotland (from single operator, small-scale fisheries to much larger industrial operations), a levy system must be proportionate so that it does not disadvantage small-scale local fisheries.
- Monies obtained from enforcement penalties should be able to be put back into fisheries management.

Chapter 8: Labour

The Scottish Government understands that access to labour is a considerable concern for the industry. In Chapter 8 we identify a range of discussion points connected to access to labour and working in the fishing industry – what are your views on this area?

- Workers in the fishing industry should be paid at least the Scottish Living Wage. For self-employed small-scale local fishermen, they need to be able to realise the equivalent of this if fisheries are to be viable. Measures to protect and support inshore fisheries commented on elsewhere in this document are essential to support this.

Chapter 9: Innovation, Science and Technology

To ensure long term sustainability of the fishing industry, the Scottish Government believe it is right for the fishing industry to contribute to costs associated with science, research and development in

the future. Chapter 9 considers options for this but what are your views and thoughts on the discussion points raised in this chapter?

- As with our comments on Chapter 7, we think that there should be a levy applied to the fishing industry and this can contribute to the public costs of improving the scientific evidence base for fisheries, with levies proportional to the scale of the business.
- Monies obtained from enforcement penalties should contribute to improvement of the scientific evidence base.

Chapter 10: General comments

Finally, thinking about ensuring the long term sustainability of the Scottish fishing industry for future generations, do you have any other ideas or proposals that you would like to be considered that are not covered elsewhere in the discussion paper?

- Lack of knowledge about many aspects of functioning and condition of marine environment is a constraint on current, let alone future fisheries; for example, knowledge of toxicity and persistence of substances from other industries that affect target fisheries species. These knowledge gaps need to be addressed as a matter of urgency and the precautionary principle applied where there is lack of evidence.