

Consultation Questions to be complete online

1. Do you agree that the mandatory fishing controls set out below should be introduced for wild wrasse harvesting? (Answer Y / N to each)

Question	COAST response
Season closing dates, 1 December to 1 May	No
Minimum and Maximum landing sizes.	Yes
Only traps specifically designed to target and catch live wrasse and ensure their welfare will be used	Yes
Otter exclusion devices, such as a fixed-eye aperture, will be used at the entrance to the trap and traps must feature escape hatches	Yes
Traps to be lifted at a maximum rate of 6 metres per minute	Yes
Traps should not be deployed / lifted when the water temperature is >17°C.	Yes
A maximum of 250 traps per vessel may be deployed	Yes
Requirement to accept observers if requested	Yes
Requirement to have REM or other appropriate inshore vessel monitoring if requested	Yes

2. Do you agree the eligibility criteria for permit applications as set out above?

To obtain a permit, fishermen will need to be able to demonstrate:

- Proven track record of wrasse harvesting and submitting returns over the last 2 years
- Evidence of having an appropriate contract with a salmon farm operator to supply wrasse. (All fishermen currently supplying wrasse must be under contract with a farm and the contract binds them to the voluntary measures).

Marine Scotland may also consider additional permits for new entrants to the fishery.

Answer: **No**

Please explain your answer:

The following text pasted into this section:

The text below provides additional comments from COAST including to the specific questions asked.

Requirement for mandatory measures to control the harvesting of live wrasse

- It is essential that the Scottish Government urgently introduces effective, mandatory measures to control the harvesting of live wrasse.
- Until such time that appropriate regulation and effective, mandatory mechanisms are in place to enforce and monitor a wild wrasse fishery, COAST calls for a moratorium on the wild wrasse fishery in Scotland for all wrasse species.
- The unregulated commercial wild wrasse fishery taking place in Scotland is unsustainable and contrary to Scottish Government policy and relevant environmental legislation.
- The voluntary measures that are currently in place do not provide a means to manage the fishery; all they do is set a minimum voluntary standard for some aspects of wild wrasse harvesting. The voluntary measures do not in any way ensure sustainable harvesting of wild wrasse species; they do not provide effective control or monitoring of fishing effort, there is no

quota on the numbers caught, there is no stock assessment of the wild wrasse stocks and no associated monitoring of the ecological impact of removing these keystone species.

Sustainability

- Any wild wrasse fishery in Scotland has to be able to demonstrate that it is truly sustainable and well-managed. As things stand at the moment the wrasse fishery - a fishery for highly territorial, long-lived fish which have an important ecological role and particular life-histories that make them vulnerable to exploitation - has been allowed to take place with no understanding of the size of the population and its ability to withstand fishing pressure, nor the ecological implications of removing large numbers of these species. This is an example of extremely poor fisheries management. Current levels of fishing are unsustainable and damaging to the marine habitats and ecosystems where these species have a critical ecological role.
- Wrasse as cleaner fish are, in general, only kept for one production cycle in an open cage salmon farm. Indeed, the Scottish finfish aquaculture's Code of Good Practice states that cleaner fish should be reused no more than once. Such use of long-lived wild fish which are capable of living over 20 years, coupled with the lack of effective management, is an incredibly negligent and wasteful use of a wild resource.

Failures to implement environmental policy and legislation and meet environmental targets

- The current unregulated wild wrasse fishery in Scotland is contrary to the requirements of the National Marine Plan - both the plan's stated role to ensure that any individual activity is carried out within environmental limits, as well as specific strategic objectives and policies. Formal regulation of a wild wrasse fishery in Scotland must ensure the long-term wellbeing of wrasse populations and their essential habitats in Scottish waters.
- The Common Fisheries Policy sets Scottish Ministers the objective of managing all wild fisheries in line with the principles of Maximum Sustainable Yield (MSY) by this year, 2020. As no wrasse stock assessment has yet been undertaken it is impossible to determine whether the current rate of catch (or indeed any catch at all) is consistent with MSY. That objective also remains Scottish Government policy, irrespective of Brexit. The March 2019 discussion paper- *"Future of fisheries management in Scotland"*, published by Marine Scotland, committed Ministers to: *"Set fishing limits in line with the best available scientific advice, using the precautionary principle, and aligned with the delivery of Maximum Sustainable Yield within an ecosystem context, in line with International obligations"*.
- COAST considers that the lack of regulation means that Marine Scotland and Scottish Government are failing in their duties under environmental legislation:
 - Section 1 of the Nature Conservation (Scotland) Act 2000 that states: "It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions", and
 - the Habitats Regulations (and Article 6 of the Habitats Directive), and Section 82 of the Marine (Scotland) Act 2010 for marine protected areas where wrasse are a typical or associated species of protected habitats.
- Scotland is failing to meet environmental targets and address past damage to our land and seas, as reflected in recent international and national assessments, such as: the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global Assessment on Biodiversity and Ecosystem Services (2019) and, 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.

- Any proposed management measures for fishing for wild wrasse in Scotland need to address the requirements of the National Marine Plan, other Scottish Government policy, relevant legislation and international agreements, and reverse the trend of permitting damaging activities to continue unabated. Anything short of this just continues the current smash and grab pattern of unsustainability and ineffective management to the detriment of the marine environment and the people of Scotland.

Protection of Marine Protected Areas and Priority Marine Features

- Wrasse fishing should not be permitted in protected areas (Nature Conservation MPAs, Special Areas of Conservation and other protected sites) where seabed habitats provide essential habitat for wrasse species (such as for territory, breeding and feeding).
- Research shows that wrasse fishing can easily overexploit wrasse stocks within a couple of years (Deady *et al.*, 1993) and we strongly suspect that this is what has occurred as a result of intensive, unregulated wrasse fishing within the South Arran Marine Protected Area in the past couple of years.
- By failing to properly protect seabed habitats Marine Scotland and the Scottish Government are failing to meet requirements under the Habitats Regulations and the Marine (Scotland) Act 2010 in relation to protected sites and achievement of conservation objectives.
- There are no spatial management measures proposed in the current consultation. Wrasse fishery management in England has incorporated closed areas within the overall management approach. Prohibiting wrasse fishing in protected areas would have the added benefit of establishing a series of closed areas to sustain wrasse populations.

Use of best available information

- Regulatory measures for the wrasse fishery need to be based on the best available science and an understanding of what level of harvesting can be sustained by wrasse populations in Scotland, not driven by the requirements of the salmon farming industry.
- The National Marine Plan requires decision making to be based on a sound evidence base. We have identified in our response where we do not think this has been the case for the proposed management measures. Where there is uncertainty, a precautionary approach must be applied to avoid environmental damage, but this does not appear to be the case with the current proposed measures.
- The consultation document lacks a clear rationale as to how each proposed measure has been determined and what information has been used to inform this. As a result, it is unclear how proposed data gathering will address information gaps and improve understanding at local, regional and national scales.
- Why has this consultation pre-empted the imminent publication of relevant research by SNH into interactions between the wrasse fishery and protected sites/species? The findings from this research would have been valuable to respondents to this consultation. How will Marine Scotland incorporate findings from this research into the management proposals?
- Wrasse are highly territorial, occupying small spatial areas and wrasse populations may be genetically isolated. It is essential that a relevant programme of data collection is put in place in conjunction with mandatory management measures, as has been the case with the wrasse fishery under the jurisdiction of the Devon and Severn IFCA in England.
- The consultation document proposes that new conditions about data reporting will be part of the proposed fisheries management measures but there is no detail about what exactly is proposed. We ask Marine Scotland to provide more detail about what data is being collected and how, how it is going to be used to manage the wrasse fishery (regionally and nationally) and when and how that data will be reported on.

Animal welfare

Wrasse are highly territorial species which, in the wild, occupy small spatial areas. In the environment of an open cage salmon farm they are in a foreign environment and can suffer many of the same problems as farmed salmon including disease, sea lice and aggression. The Scottish finfish aquaculture's Code of Good Practice provides little detail about the handling of cleaner fish. What specific guidance is being used by fishermen and individual open cage salmon farm operations to address welfare requirements of wrasse?

The Code of Good Practice does state that where salmon pens contain cleaner fish, they should have adequate provision of hides for cleaner fish that are stocked. How is this measure being implemented in Scottish open cage salmon farms?

Development of the proposed measures and Scottish Government Consultation Guidelines

Why are Marine Scotland not managing our seas as a public asset? Fish are a public resource and, as such, should be managed in the public interest as a whole, not just the interests of a specific sector.

Why has the development of the proposed measures (and the voluntary measures before this) only been between Marine Scotland, the Scottish Salmon Producers Organisation and salmon farm operators? This means that the measures are geared primarily to the requirements of those exploiting the resource rather than addressing the national and international requirements on Scottish Government to take an ecosystem-based approach to fisheries management, ensure sustainable, resilient stocks and avoid biodiversity loss and damage to fragile habitats.

The Scottish Government's consultation guidelines state that: "each closed question should also have an 'other' box." Question 1 of the consultation which has multiple sections fails to do this. COAST would like Scottish Government to respond as to why this consultation fails to conform to Scottish Government Consultation Guidelines? We ask that this matter is reviewed and that all future consultations comply with the guidelines.

COAST detailed comments in relation to the consultation questions are as follows:

Season closing dates, 1 December to 1 May

COAST do not agree with the proposal for a closed season from 1 December to 1 May because this will allow fishing during the period when wrasse are spawning. Removal of breeding individuals from the population will reduce the reproductive potential of wrasse populations and is contrary to good fisheries management.

Research indicates that the summer months (April – September) constitute the spawning season with some variation with species. For example, Darwell *et al.* (1992) identifies the following spawning seasons:

- Ballan wrasse: April to August
- Goldsinny and Corkwing wrasse: April – September
- Cuckoo wrasse May to July
- Rock cook: May to August

Skiftesvik *et al.*, 2015 recorded spawning wrasse in June – September.

References cited on Fishbase identify the period May – August for ballan wrasse in areas north of the English Channel

(<https://www.fishbase.de/Reproduction/SpawningList.php?ID=572&GenusName=Labrus&SpeciesName=bergylta&fc=362&StockCode=588>).

It is essential that there is a closed fishing season so that wrasse are given sufficient opportunity to breed before being subject to fishing pressure. In all species other than goldsinny wrasse, eggs are laid on the seabed and guarded by male fish (possibly for up to 2-3 weeks (Potts, 1974)). Removal of nest guarding male wrasse during this time will reduce the chances of egg survival, again negatively

affecting the reproductive potential of the population. The closed fishing season needs to allow sufficient time for fish to spawn and eggs to mature and hatch. In other parts of the UK and Northern Europe, wrasse fishing is prohibited until after mid-July to allow some of the fish to breed at least once and a proportion of eggs to hatch.

It should also be noted that research in Norway (Skiftesvik *et al.*, 2014) recorded much lower survival rates of wrasse that were caught during the spawning season, further highlighting the importance of not fishing wrasse during their spawning period.

In the winter months when the water temperature is colder, wrasse go into a state of hibernation. This makes them far less likely to be caught and unlikely to be of significant use to the salmon farming industry during this time. It makes practical sense to prohibit fishing during the winter months.

Based on the above information, it is clear that a fishing season starting from 1st August and closing on 1st December is more appropriate and necessary to protect breeding adults. Given the information that is available about spawning periods, the option of fishing to only be permitted from 1st September to 1st December needs to be investigated.

Minimum and maximum landing sizes

COAST agrees that there should be minimum and maximum landing sizes for all species of wrasse, **but**, the size limits need to be determined based on available information about size at sexual maturity of the different species, as well as information about survival rates for different species within salmon cages (some salmon farmers report extremely high mortality within salmon cages of Ballan wrasse at lengths below 15cm).

How has such information been taken into account when proposing the minimum and maximum landing sizes proposed in the consultation document?

Wrasse are extremely vulnerable to size related exploitation because of their life history where smaller individuals are female then become male when at a sufficiently large size. Size-based exploitation poses a risk to the sex ratio and presents a further risk to reproductive success.

On the basis of the observations from salmon farmers alone COAST considers that the minimum landing size for Ballan wrasse should be increased to 15cm.

Given the lack of data on the life histories and ecology of wrasse in Scottish waters, it is essential that more specific investigations into these species and the effect of the proposed management measures, including the effect of minimum and maximum size limits, on wrasse populations and are undertaken as a priority. What are Marine Scotland's proposals to undertake such work?

Only traps specifically designed to target and catch live wrasse and ensure their welfare will be used

COAST agrees with the proposal that only traps specifically designed to target and catch live wrasse and ensure their welfare should be used, but further information needs to be provided on:

- What the design of the traps is and how this has been decided? Does it include any sort of escape hatch to allow undersized fish to escape?
- How will usage of these traps be enforced?
- What sanctions will there be if inappropriate traps are used?

Otter exclusion devices, such as a fixed-eye aperture, will be used at the entrance to the trap and traps must feature escape hatches

COAST agrees with the proposal that traps must include otter exclusion / escape hatches, but we ask Marine Scotland to provide more information about:

- How the design of such exclusion / escape hatches has been decided and their known effectiveness?
- How will usage of these traps be enforced?
- What sanctions will there be if inappropriate traps are used?

Traps to be lifted at a maximum rate of 6 metres per minute

COAST agrees with the proposal for a maximum lift rate of 6 metres per minute, but we ask Marine Scotland to provide more information about:

- How such a requirement will be enforced?
- What sanctions will there be if the maximum lift rate is exceeded?

Traps should not be deployed / lifted when the water temperature is >17°C

COAST agrees that traps should not be deployed when the water temperature is above 17°C but, we ask Marine Scotland to provide more information as to:

- How such a requirement will be regulated and enforced?
- What sanctions will there be if the maximum lift rate is exceeded?

A maximum of 250 traps per vessel may be deployed

COAST agrees that there should be mandatory effort control measures in place as an essential element of fishery management, **but this basic proposal of 250 traps per vessel is totally inadequate**. How has this number been decided and why are there no other effort limitation measures proposed?

- A limit is also needed on the number of vessels participating in the fishery.
- It is understood that traps can be lifted on more than one occasion per day, which undermines the value of the trap number limit as a means to regulate fishing effort. The mandatory measures should also cover the frequency that traps are lifted.
- COAST ask Marine Scotland for more information on how this will be enforced and what sanctions there will be on fishers who do not meet this requirement?

Requirement to accept observers if requested

COAST agrees that there should be increased monitoring of the fishery through the use of observers, but we ask Marine Scotland to provide more information as to how this will be implemented and run as part of the overall programme for monitoring the fishery.

Requirement to have REM or other appropriate inshore vessel monitoring if requested

COAST considers that REM should be a mandatory requirement on all fishing vessels.

- Currently there is no adequate baseline data for the wrasse fishery and fishing effort. REM would help the fishery to become evidence-based, in line with best practice.
- The Scottish Government announced in February 2020 that the inshore scallop dredge fleet will be equipped with REM systems. The wrasse fishery should also be required to install REM and we ask the Scottish Government to set a timescale for this.

Eligibility criteria for permit applications

COAST do not agree with the eligibility criteria for permit applications because they do not provide an effective approach to managing fishing effort.

Effective fishing effort management is essential if the Scottish Government is to meet a stated aim of the proposals, i.e. that wild caught wrasse are being fished sustainably, with effective management in place.

Fishing effort management also needs to be addressed spatially.

Proven track record of wrasse harvesting and submitting returns over the last 2 years

Under the current voluntary arrangements, Marine Scotland cannot accurately determine the number of fishers with a proven track record.

In order to limit fishing effort and manage the fishery, it is essential that Marine Scotland implements tight control over the number of wrasse fishing permits that it issues by setting a maximum number of permits for each fishing season.

Given the already exploited state of wrasse populations in Scottish waters and the lack of information about how seriously these populations have already been impacted, the maximum number of permits set must be precautionary.

Marine Scotland may also consider additional permits for new entrants to the fishery

New entrants should only be admitted when existing permit holders forfeit entitlement.

Given the lack of baseline data on wrasse stocks and the sustainability of the wild wrasse fishery, fishing effort needs to be strictly regulated.

References cited

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