



Outer Hebrides Inshore Fisheries Group

Consultation on inshore fishing prohibitions
in the Outer Hebrides

Outcome Report

INTRODUCTION

This report provides an analysis of responses to the *Consultation on inshore fishing prohibitions in the Outer Hebrides*, which sought views on proposed changes to closed areas around the Outer Hebrides.

The measures consulted on were as follows:

- Changing the prohibition period for static gear fishing in the Bragar to Dell area
- Removing the prohibition on mobile gear fishing in the Sound of Harris area
- Expanding the seasonal prohibition that restricts scallop dredging in the Loch Maddy to Stuley Island area to include all methods of fishing for scallops
- Extending southwards the prohibition on static gear fishing in the Northern Barra, South Uist, Benbecula, North Uist and Harris area
- Introducing a seasonal prohibition on static gear fishing for shellfish in the Loch Roag area

These proposals were developed by the Outer Hebrides Inshore Fisheries Group (OHIFG) in order to update the prohibitions in effect in their area and to improve the protection of local shellfish stocks.

The proposals underwent a considerable period of consultation prior to their being formally submitted to Marine Scotland, as they were initially developed as part of the OHIFG's Management Plan.

The consultation was launched on 4 December 2015 and ran for a 12-week period, closing to responses on 26 February 2016. A total of 10 responses were received, which consisted of three individual responses and those from the following organisations:

- Comhairle nan Eilean Siar (CnES)
- Mallaig and North West Fishermen's Association (MNWFA)
- Outer Hebrides IFG (OHIFG)
- Scottish Environmental LINK (SE LINK)
- Scottish Natural Heritage (SNH)
- Scottish Scallop Divers Association (SSDA)
- Western Isles Fishermen's Association (WIFA)

As a result of the consultation exercise Marine Scotland will proceed to introduce all of the measures consulted upon.

A copy of the consultation document, along with published responses, are available at: <http://consult.scotland.gov.uk/marine-scotland/inshore-fishing-prohibitions-in-the-outer-hebrides>.

SUMMARY OF RESPONSES

Question 1: Do you support changing the prohibition period for static gear fishing in the Bragar to Dell area?

There were five responses in total to this question, with four respondents supporting the proposal and one opposing.

Those in support were: the OHIFG, WIFA, CnES and an individual respondent.

Supportive comments included:

Amending the seasonal closure in line with closures at the Flannans and from Scrap south to Barra will enable local vessels to find shelter in the Minches during the new closures period. They will be able to fish in the Bragar to Dell area in the summer which will be much safer than having to fish further offshore with small vessels. (WIFA)

The original prohibition introduced in 1989 reflected fishing vessels and patterns at that time. Subsequently with decommissioning and a move to smaller inshore vessels the change in the prohibition will allow access to seasonal grounds at an appropriate time of year whilst making it consistent with other static gear area closures. (CnES)

Circumstances have changed since the prohibition was introduced and it's clear that the proposed seasonal amendment reflects the needs of the smaller inshore vessels that now fish in that area. (OH IFG)

The closure period should be as long as is sufficient to allow breeding fish to breed. (Individual Respondent)

The one opponent to the proposal did not provide any additional comments to clarify their position.

Marine Scotland Response

Marine Scotland will amend the existing closure in line with the proposals put forward by the IFG.

Question 2: Do you support removing the prohibition on mobile gear fishing in the Sound of Harris area?

There were eight responses to this question and a majority (five) were in support of the change.

Supportive comments were received from the OHIFG, CnES, WIFA, MNWFA and an individual respondent.

The only mobile method of fishing in the Sound of Harris area is scallop dredging, which is already excluded from the prohibition. This measure was introduced by error and should be removed to avoid any further confusion amongst the local industry. (WIFA)

The prohibition doesn't achieve any added purpose and for administrative reasons it should be removed. (CnES)

The removal of this prohibition will ensure that the confusion that currently exists will be removed...The removal will tidy up unnecessary legislation. (OH IFG)

The legislation is not clear in the SSI 2004 number 276...we would not want fishermen prosecuted just because a lack of clarity. (MNWFA)

The opponents to the alteration were Scottish Environmental LINK and two individual respondents. Comments included:

No mobile gear should be allowed in this area, as the disruption to the sea bed is damaging to the maintenance of the fish stocks and other marine sea life. (Individual respondent)

We do not support removing what is effectively a seasonal prohibition on mobile gear fishing in the Sound of Harris area. We note the presence of Maerl records within SSI 276/2004 in the area inside Loch an Siar, in waters near Duigeir and Sodhaigh Mor, and within the Sound of Harris, in waters near Killegray...

...We acknowledge these areas may already be impacted by scallop dredging activity and other mobile gear outside of March-September. However, we recommend that the potential of damage to these features from additional scallop dredging pressure risks their deterioration. (SE LINK)

Static fishing is the most sustainable fishing practice in the area. (Individual Respondent)

Marine Scotland Response

The existing prohibition will be amended in line with the requests of the IFG.

Marine Scotland notes the opposition to the closure from three responses, particularly, Scottish Environmental Link. However, it is important to note that in developing management measures the Outer Hebrides IFG had the benefit of regular dialogue with SNH who are members of the IFG's advisory group.

SNH have advised that the management measures contained in this consultation document do not raise issues of national significance. It is also worthy of note that the MPA process identified the significant occurrences of biogenic reefs in the area.

Some of the responses highlighted the confusion caused by the wording of the current order. It is worth clarifying that the current prohibition does not restrict scallop dredging, as this is explicitly exempted in the Statutory Instrument. The order currently prohibits mobile gear fishing between 1 March and 30 September but not dredging for scallops. The current restriction on mobile gear fishing will be lifted however the restriction on suction dredging will remain in place.

Question 3: Do you support expanding the seasonal prohibition that restricts scallop dredging in the Loch Maddy to Stuley Island area to include all methods of fishing for scallops?

There were eight responses to this question, with five supporting the change and three opposing. The five supporting the change were the OHIFG, Comhairle nan Eilean Siar, the Western Isle Fishermen's Association and two individual response. Supportive comments included:

The reason for the existing prohibition is to promote fisheries management conservation and sustainability and expanding the prohibition to include all methods of fishing for scallops makes the objectives of the prohibition consistent across all sectors. (CnES)

The clear conservation benefits of the seasonal closure can only be fully utilised if there is a ban on all methods of fishing for scallops. (WIFA)

Including restricting all methods of fishing for scallops in this area will achieve the conservation objectives to give additional long term protection to the local scallop stocks in the area. (OH IFG).

Those opposing any change included the Scottish Scallop Divers Association, Scottish Environmental LINK and an individual respondent. Opposing comments included:

We do not agree that the current or proposed measures provide or will provide any meaningful benefit to the preservation or enhancement of Scallop stocks within the OHIFG area. The closure period is too short and does not run in a consecutive period. (SSDA)

The area which is proposed to be closed is too large and will impact upon our members ability to earn a living and keep their businesses viable. Our members are full time residents of the Outer Hebrides community and, for a number of reasons, do not have the ability to become Nomadic in the search for stock to keep them in business. In the past our members did not need to travel to the area in question as there was sufficient stock on their doorsteps in other parts of the Western Isles to sustain them. This is no longer the case. (SSDA)

We do not consider the environmental consequences of expanding this prohibition to be significant. (SE LINK)

Marine Scotland response

The existing prohibition will be amended in line with the requests of the IFG.

It is worth highlighting that all of the management measures contained in this document have been decided upon by groups and individuals concerned with commercial fishing in the Outer Hebrides and submitted to Marine Scotland after consideration and consultation in the area.

However, Marine Scotland was concerned to hear of the potential impact on earnings to scallop divers by extending the existing closure to include all forms of fishing for scallops and carried out additional analysis.

Calculating the potential impact of the change to the existing closure is complicated, as determining exactly where fish have been caught is not straightforward. Up until July 2016, fishing vessels under 10 metres in length were only obligated to submit the ICES rectangle from which their catch related in landing declaration forms.

The area of sea covered by the Loch Maddy to Stuley Island closure lies across ICES rectangles 43E2 and 44E2. The diagram in Annex A shows how only a small proportion of the relevant ICES rectangles is covered by the closure (with the majority in 43E2 and a small proportion in 44E2).

Landings data for these ICES rectangles show that only 6 vessels recorded any landings of king scallops by hand in the years 2010-2015 during the proposed closure period (see Table 1 below). It can be seen that landings values fluctuate throughout the period.

Year	2010	2011	2012	2013	2014	2015
Tonnage	4.934	0.725	0.175	0.9865	1.972	2.889

Table 1: Total tonnage of landings from ICES rectangles 43E2 AND 44E2 during proposed closed period (2010-2015)

One response to the consultation made it clear that the proposed closed area would have a significant impact on hand-dived scallop businesses in the area. To get a greater understanding of the views of other operators, Marine Scotland contacted

other vessels that had fished the ICES rectangles during the proposed closure period.

As a result of this exercise Marine Scotland established that there was little broader opposition to the proposal from other scallop divers. Points worth noting in this section are:

- For some, commercial scallop diving supplemented other income and some were not targeting the fishery at this time
- Some of the vessels did not operate in the closed area (though did operate in the broader ICES rectangles).
- Vessels had moved out of the area
- Concerns over scallop stocks in the area
- Support for the principle of closed areas

Marine Scotland notes the opposition to the proposals on the basis of business impact, however other scallop divers who had recorded landings from the associated ICES rectangles during the proposed closed period did not object to it and did not feel the closure would have the same impact on businesses. Marine Scotland will therefore move to amend the closure in line with the recommendation of the IFG.

Question 4: Do you support extending southwards the prohibition on static gear fishing in the Northern Barra, South Uist, Benbecula, North Uist and Harris area?

There were six responses to this question with four respondents supporting the proposal and two objecting. The four supporters were: the Outer Hebrides IFG, Comhairle nan Eilean Siar, the Western Isles Fishermen's Association and one individual. Two individual respondents opposed the amendments.

Supportive comments included:

The current seasonal static gear closure from Scarp south to West of Barra has been beneficial to the vessels targeting shellfish in the area and to achieve maximum benefit at local level then the additional extension to the closed area is required to cover the area South to Barra Head. (WIFA)

The prohibition promotes fisheries management conservation and sustainability and the area to the south of the prohibition should be included in it. (CnES)

The benefits of the existing closure has been of clear benefit to the local static gear fleet and the shellfish stocks. Extending the prohibition to the South will be of additional benefit to the local Barra inshore fleet that will now be able to re-structure their fishing operations during the winter months to reflect the demands of the market for brown and velvet crab. (OH IFG)

The more protected the better for the fishery as a whole. (Individual Respondent)

Opposing comments included:

Absolutely not - static gear fishermen should be encouraged in comparison to mobile fishing this is a far more sustainable fishery. We have to have diversity in employment of people who live along the shores of these areas, as well as in species development...Conservation is not a new phenomena in the Hebrides – that would be apparent if the government bodies actually spoke to the indigenous population, instead of alienating fishing communities who should be at the heart of any discussions. (Individual Respondent)

Marine Scotland Response

The management measures will be introduced in line with the recommendations of the IFG.

Question 5: Do you support introducing a seasonal prohibition on static gear fishing for shellfish in the Loch Roag area?

This proposal would see the area closed to fishing for shellfish during the period 1 May to 31 July of each year in order to protect the stocks when they are known to be soft shelled. It would not impact on the current wrasse fishery which takes place during the summer months.

There were six responses to this consultation with five supporting the amendment and one opposed. The five supporters were the Outer Hebrides IFG, Comhairle nan Eilean Siar, the Western Isles Fishermen's Association and two individual respondents. One individual opposed the proposal but did not expand upon that answer to state the basis for opposition.

Supportive comments included:

Introducing the closure will allow vessels to fish in more offshore areas where the condition of shellfish is much better at that time of year. Furthermore, when the Loch Roag area re-opens the condition of the shellfish will have improved and cooler weather conditions will result in less mortality and higher prices being achieved for the catch. Vessels fishing for wrasse in the area will still have access to that fishery as the targeted fishery will not have any by-catch of shellfish. In addition, wrasse is a seasonal fishery and is caught in most abundance in the summer months. (WIFA)

Poor quality shellfish caught in the Loch Roag area has had a high mortality rate during the summer months. A new targeted wrasse fishery has been developed in that area during the summer months and provides alternative fishing opportunities for vessels in that area. The Loch Roag area will open to local vessels at a time when shellfish quality has improved, mortality has reduced and prices have increased and will result in improved returns to vessels and better management of local shellfish stocks. (OH IFG)

The prohibition will promote fisheries management conservation and sustainability at a time of reduced shellfish quality. (CnES)

Marine Scotland Response

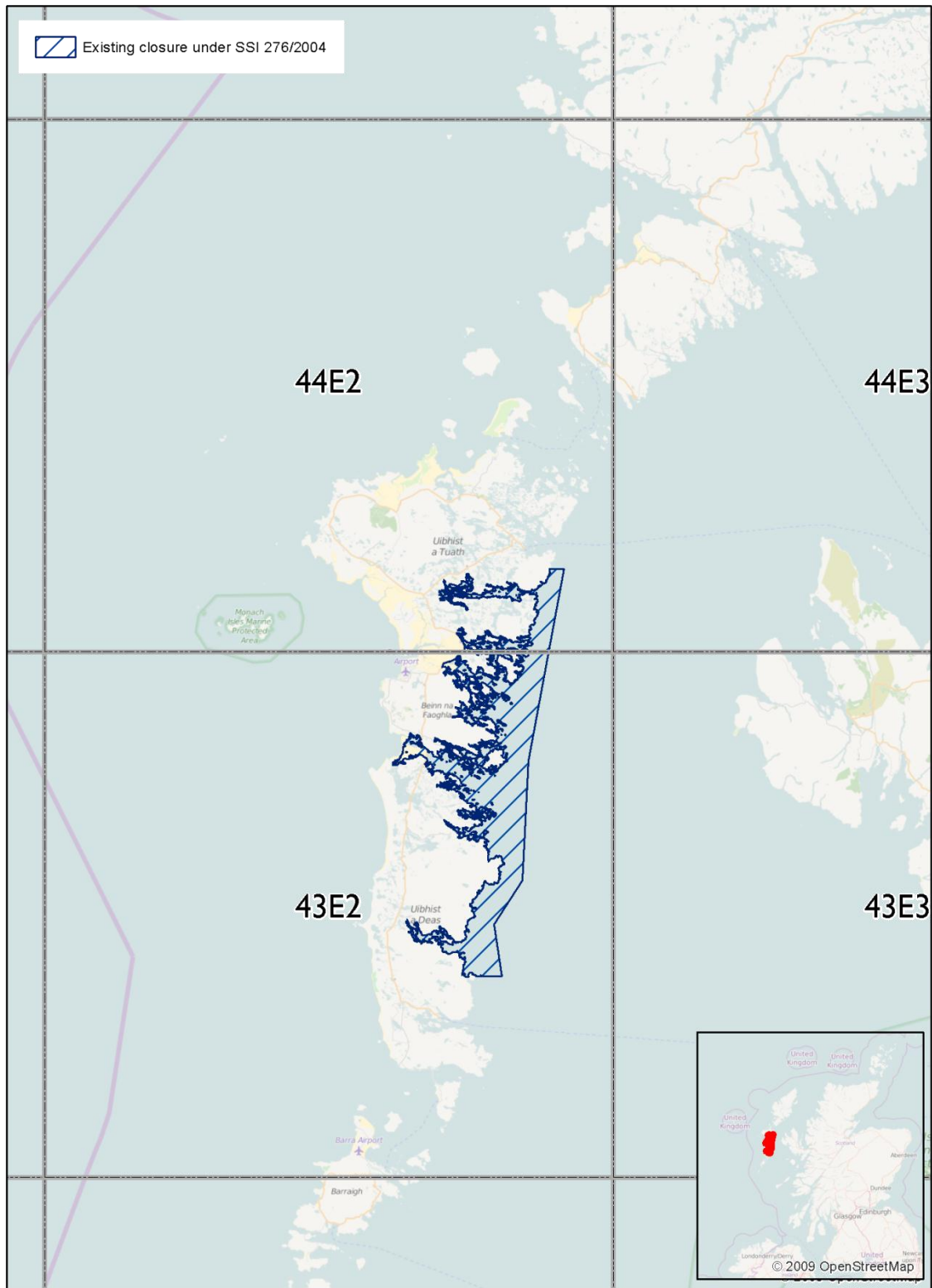
The management measure will be introduced in line with the recommendations of the IFG

CONCLUSION

Marine Scotland will now move to introduce the amendments to the closed area through changes to the existing prohibitions introduced through the Inshore Fishing (Scotland) Act 1984.

ANNEX A: LOCH MADDY TO STULEY ISLAND CLOSED AREA

Loch Maddy to Stuley Island



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