

**Flapper skate conservation – Interim protection measures
Meeting with recreational divers**

**MS Teams online meeting
03 February 2021**

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Attendees

- Marine Scotland
- Chris Rickard, recreational diver
- David Ainsley, recreational diver, Coastal Communities Network
- Lauren Smith, recreational diver

General notes

- CR, DA and LS object to the interim management boundary proposal on the grounds that the area suggested is inadequate to protect the nursery area. They suggest a larger area would be more precautionary (see figures 1, 2 and 3 at end of document). SG note the proposed area is based on NatureScot advice using known egg locations and most likely suitable habitat for eggs.
- CR, DA and LS welcomed the urgency of protection but expressed frustration at the lack of stakeholder engagement and public consultation. They do not think they have been given sufficient opportunity to feed into the development of management proposals since they first contacted Scottish Government (SG) and NatureScot to make them aware of eggs in the area in 2019. SG note they were formally made aware of the need for site protection by NatureScot in October 2020.
- CR, DA and LS queried how soon official advice would be sent to Ministers. SG officials confirmed that we aim to send advice to Scottish Ministers by the end of the week regarding interim protection, and confirmed that, if Ministers choose to designate an urgent MPA, that further survey, impact assessment, stakeholder engagement and public consultation would inform advice to ministers regarding permanent protection.
- CR, DA and LS suggested a larger boundary area to capture a broader extent of unsurveyed habitat that they believe could contain flapper skate eggs, and also to encompass a number of deep channels to support movement of adult flapper skate into the nursery area.
- CR, DA and LS questioned how the area will be managed. SG stated that management is being considered for all activities during the drafting of interim management proposals.
- CR, DA and LS queried how the measures would be enforced, expressing concern as they do not believe that Marine Scotland Compliance effectively enforces existing MPA management. SG stated that the site would be

enforced by MS Compliance, and highlighted the ongoing work to modernise the fishing fleet, including vessel monitoring work, to support enforcement efforts.

- CR, DA and LS expressed concern that wilful damage may arise from vessels using mobile gear, as they believe that some fishers may intentionally cause damage to the nursery area in order to reduce the extent of any permanent proposals.
- CR, DA and LS also felt that the proposed management area effectively reveals the location of the eggs (as they feel the area is too small), and so believe that wilful damage is likely to have a great impact on the site.
- CR, DA and LS suggested zoning of management should be considered by SG, e.g. a large management area prohibiting only mobile gear, which encompasses a smaller management area with stricter protection. They have spoken to Scottish Creel Fishermen's Federation (SCFF) themselves and agree with their proposal for a smaller 'no take zone' directly around the eggs which would alleviate possible damage from creeling, but would question the use of a blanket ban (which would include creels) beyond this area.
- CR, DA and LS do not believe that due process had been correctly carried out, stating that the lack of consultation breaches the Aarhus Convention on public participation.
- SG stated that the urgent designation process permits the designation of an MPA without the normal consultation process, in order to provide protection for features quickly. The full public consultation process would be undertaken before permanent measures are implemented.
- CR, DA and LS believe that it is important to protect the area as a precautionary measure to minimise the risk of damage during the period over which additional data is collected.
- CR, DA and LS questioned the size of buffer areas for mobile fishing, citing a scientific study which demonstrates that finer sediment particles from dredging (e.g. silt, mud) remain suspended in the water column for a long period after it is disturbed than larger particles. They believe that significantly larger buffers should be used to account for this.
- CR, DA and LS suggested the boundary should be increased to incorporate nearby Priority Marine Features (PMFs) for which management is being considered in a separate project; SG stated that the objective of this work is to consider protection for the flapper skate eggs in the area, and that there was already a separate process in place for developing protection for PMFs.
- CR, DA and LS think that that dredging and trawling, aquaculture and marine construction should be banned within the area. However they do not agree to prohibitions on creeling, scallop diving or recreational diving, as their experience suggests that these activities do not have a great impact.

Actions

Action 1 [complete] – Marine Scotland to send link to document outlining buffer areas to CR, DA and LS.

Annex A – Boundary proposals from CR, DA and LS

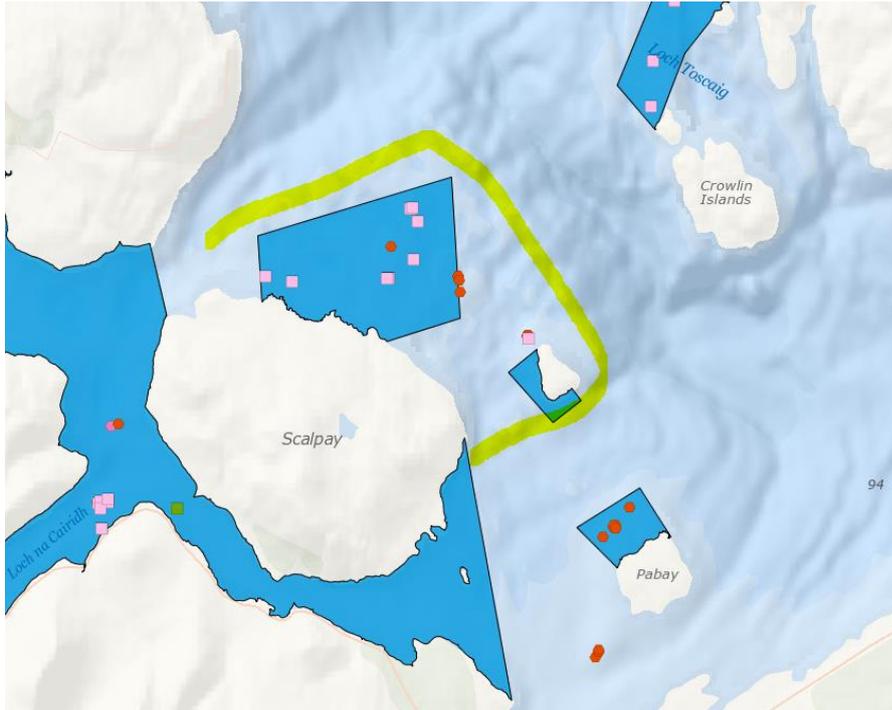


Figure 1. CR, DA and LS's proposed management area for the flapper skate nursery area (yellow line), within which they wish to see prohibition on dredging, trawling, aquaculture and marine construction (not including creeling, commercial diving and recreational diving).

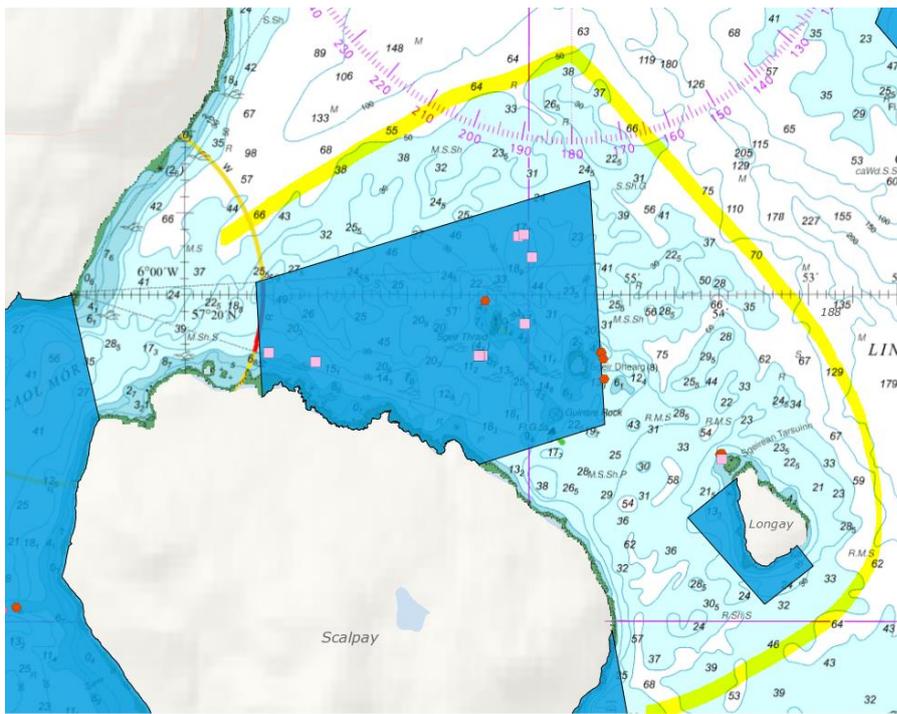


Figure 2. CR, DA and LS's proposed management area for the flapper skate nursery area (yellow line), within which they wish to see prohibition on dredging, trawling, aquaculture and marine construction (not including creeling, commercial diving and recreational diving). This image is zoomed to show bathymetry contours.

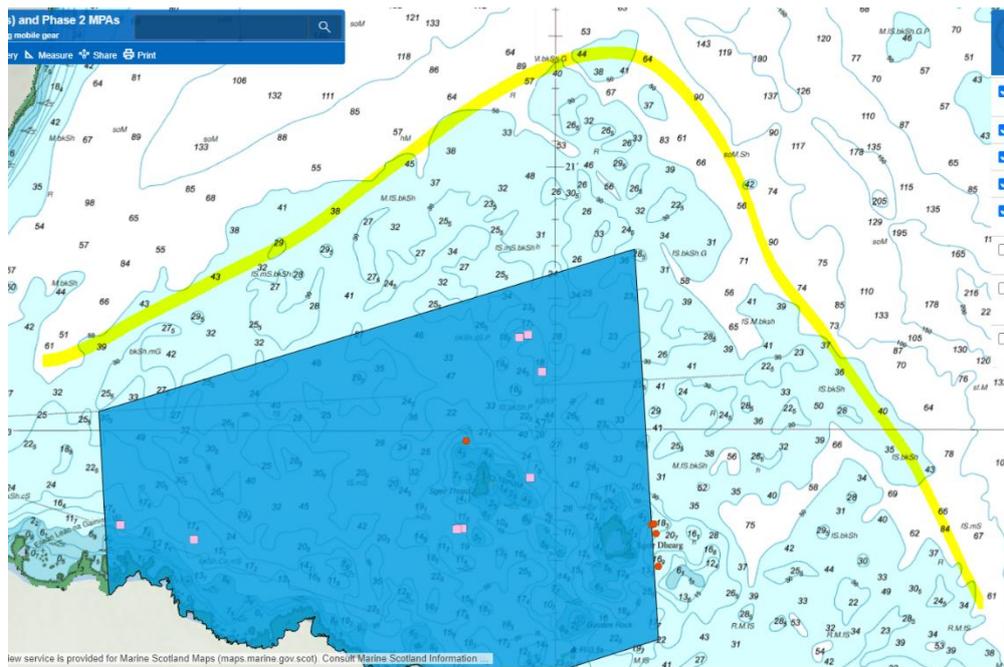


Figure 2. CR, DA and LS's proposed management area for the flapper skate nurse area (yellow line), within which they wish to see prohibition on dredging, trawling, aquaculture and marine construction (not including creeling, commercial diving and recreational diving). This image is zoomed further to show greater detail.