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**To: Inshore Fisheries Groups
IFMAC
Consultation respondents**



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Today Richard Lochhead, the Cabinet Secretary for Rural Affairs, Food and the Environment, announced recommendations on a new policy for gear conflict. Marine Scotland has published "*Promoting Best Practice for inshore fisheries: a consultation on measures to tackle gear conflict in Scottish inshore waters – outcome report*" which can be viewed at this link <http://www.gov.scot/Publications/2015/12/4724>. This letter will explain the recommendations and way forward. This is the first time that government has consulted on measures to tackle this issue and Marine Scotland is certain that introducing a policy on gear conflict is necessary. However, it is not an easy issue and one that cannot be looked at in isolation.

Marine Scotland is keen to progress the modernisation of inshore waters. The 2015 Inshore Fisheries Strategy aims to tackle long standing management challenges that act as barriers to good governance. Gear conflict should be viewed within a wider context affecting inshore fisheries, including:

- calls by some in the static sector (particularly on the west coast) for a reintroduction of a 3 mile limit within which mobile gear would be restricted: Marine Scotland currently has no plans to introduce a national one or three mile limit; in our view using such a limit as a way of dealing with gear conflict would not be proportionate.
- a lack of information on creel fishing effort and a growing concern that steadily increasing creel fishing pressure now needs to be actively managed.
- accusations that unlicensed fishermen are placing an excessive number of creels in the water, selling their catch illegally, and undermining the viability of licensed operators. This issue is subject to another public consultation and the outcome report will be published in the coming weeks.
- a refresh of the mainland Inshore Fisheries Groups (IFGs) to form two mainland groups (East and West), which will contribute to Marine Planning Partnerships, and enable



fishermen to improve management – including developing proposals to help prevent and deter gear conflict in hot spot areas.

Summary of responses and proposed way forward

The public consultation received 52 responses, fairly evenly spread between mobile and static sectors. Responses from the West Coast creel sector pushed for the reintroduction of the 3 mile limit and in general the static sector wished to see spatial separation applied as a way of providing protection for their gear.

The mobile sector were concerned that there would be additional reporting requirements placed upon them and flagged a need for static fisherman to mark their gear better. They were also worried that restrictions could be placed on their access to fishing grounds and that the static sector had been allowed to significantly increase both the number of creels they fish and the grounds they utilise. Marine Scotland has been clear that no one sector should have primacy over another.

Neither sector felt that there was any value in voluntary codes of conduct (even though there are several successful voluntary codes - Solway, Western Isles and Burghhead – they were felt to be too vulnerable to the misbehaviour of one vessel) and there was no support for putting codes of conduct on a statutory footing. However, Marine Scotland continues to support local agreements where they exist and will continue to support industry led voluntary initiatives.

The full details of our considered conclusions following the consultation are contained in the attached outcome report.

As a result of these conclusions, Marine Scotland will implement the following suite of measures to tackle gear conflict:

- A working group with industry to be established to look at good practice and possible legislative changes to the marking of gear inside 12 miles;
- An EMFF-supported programme to apply monitoring technology to inshore vessels to improve the deterrence and prevention of gear conflict;
- EMFF-supported trials on technology to monitor vessel and creel locations to improve the evidence base for preventing and deterring gear conflict;
- In partnership with industry to establish spatial separation pilots between mobile and static operators in known **hot spot areas**; and
- Further consideration to be given to how Marine Scotland Compliance may be able to play a formal role in assisting Police Scotland where possible in the future.

Marking of gear

A working group on the marking of gear will be established early in the New Year. Nominations from industry representatives will be sought from IFMAC and IFGs. We will also invite the Maritime and Coastguard Agency to be part of the working group. The aim of the short life working group will be to examine current rules, consider whether legislative changes are worth pursuing and trial any proposals to see if there is a reduction in gear conflict incidents or reporting.

Expanding the use of technology

Marine Scotland has a range of control tools available and has recently undertaken trialling AIS as a potential tool for providing the baseline data to better understand the fishing footprint of inshore vessels. At the very heart of the inshore strategy is the implementation of measures for improving the foundations of sound management through enhanced data collection, reporting and evidence of activity. Any reporting requirements placed on fishermen should be proportionate and provide added value.

Technological solutions and their deployment to the inshore under 12 metre fleet needs to benefit the whole marine environment. The intention is to utilise funds under EMFF for this programme and our aim is to minimise the financial impact and to make reporting as unobtrusive as possible. Specific technological trials can be expected as well as reconfiguration of VMS reporting in selected areas, and the use of gear sensors. Details on this programme will be coming out in 2016.

Introduction of spatial separation pilots

Marine Scotland is keen to explore whether spatial separation is a credible solution for reducing, or removing, gear conflict. In the first instance Marine Scotland prefer that different fishing sectors work together to share the sea and compete for stocks without compromising or infringing the fishing activity of other operators. However, it has to be recognised that there are certain gear conflict hot spots and that these areas should be prioritised for the pilots.

- Marine Scotland will welcome proposals from Inshore Fisheries Groups on proposed areas for pilots and will provide support for developing the proposals.
- The nominated pilot areas will be assessed with Marine Scotland Compliance to ascertain the monitoring and control requirements taking into consideration historical issues with reported gear conflict and the current activity.
- Marine Scotland will consider how to apply statutory controls (either by licence condition or SSI) to ensure that there is enforcement applied to the pilots.
- Pilot separation will be underpinned by technology and will be deployed to ensure compliance with the scheme and condition of access to the fishing grounds designated for the trials.

Legislative reform

Although the measures outlined above will help prevent and deter gear conflict, there remains significant challenges detecting gear conflict and gathering sufficient evidence to prosecute. In the medium to longer term we will assess the effectiveness of existing legislation to support a robust policy on gear conflict and will seek to modernise legislation if that is deemed appropriate.

Yours sincerely



Jim Watson
Head of Inshore Fisheries and Coastal Communities