



PUBLIC PETITION NO.

PE01386

Name of petitioner

Richard Munday on behalf of Torridon Nephrops Management Group

Petition title

Establishment of further static gear only inshore fisheries

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review and pilot the establishment of further spatially separated static gear only inshore fisheries to improve fisheries management.

Action taken to resolve issues of concern before submitting the petition

Significant progress towards improved inshore fisheries management was made in 2001 with the closure of Loch Torridon and the Inner Sound of Raasay to trawling and the introduction of a voluntary management regime by the local creel fishermen in 2003. However, it quickly became clear that more needed to be done if this initial progress was to be maintained over the longer term.

The Torridon Nephrops Management Group (TNMG) therefore started a sustained process to try to persuade the Scottish Government of the need for further action, but so far without success. The following dates of letters and meetings are examples of the efforts of the TNMG to take on board the development of the Torridon model and its extension to other areas in Scotland. (Correspondence, for example with Gabby Pieraccini of SEERAD) began before these dates by email, however, copies of the emails have been lost with a change of computer). Correspondence and discussions with the SG have focussed on tackling the two key issues:-

1. the closure of more areas to trawling
2. the introduction of effective mandatory controls on effort and stocks.

8 January 2006: response to Marine National Park Consultation explaining the issues.

10 May 2006: TNMG meeting with SEERAD officials. The proposed Inshore Fisheries Groups were raised as the appropriate venue for these discussions despite the fact that they did not exist at that stage.

20 March 2007: Letter to Ross Finnie, MSP inviting him to visit the fishery to discuss the issues arising. The invitation was politely declined.

September 2007: Briefing note sent to Mary MacAllan, Marine Directorate (Management), Frank Strang, Marine Directorate (Conservation), Rob Roberts, Marine Directorate (Inshore).

12 October 2007: Letter to Richard Lochhead, MSP inviting him to visit the fishery to discuss the issues arising. The invitation was politely declined.

Further detailed actions since re-certification of the fishery by Marine Stewardship

Council in 2008.

- a. TNMG meeting with members of Marine Directorate (Rob Roberts and Katriona Gillespie) held at the Torridon Fishery base in Ardheslaig, Wester Ross. No result other than for government staff to explain that the new Inshore Fisheries Groups would be well placed to deal with such issues. The TNMG felt this was wholly inadequate as there was still no realistic timescale for the IFG to be in existence, let alone taking an active role. (June 08)
- b. Personal communication with Richard Lochhead MSP (Cabinet Secretary) in Inverness (SG Cabinet meeting as part of the “National Conversation” at which he requested TNMG send background information to his department (August 08)
- c. Briefing note sent to inshore fishing department at the Marine Directorate explaining the position and asking for action to address the issues impacting on the fishery (September 08)
- d. Email response from department confirming receipt of our email (September 08)
- e. Email from department asking for information to be resent due to failure in original email (October 08)
- f. Email from department apologising for lateness of full response, and expressing intent to fully respond in due course (November 08)
- g. Personal communication with members of Marine Scotland (previously marine directorate) at the Fishing 2009 exhibition in Glasgow during May 09 following public comments by a TNMG representative during a seminar about MSC certification for Scottish Fisheries. Again, the TNMG were encouraged to wait for the IFG, which was still not ready to function.
- h. Intervention by Rhoda Grant MSP on behalf of the TNMG. We are grateful for the letter written by Rhoda Grant to the Cabinet Secretary, asking for details of how the issues affecting the Torridon fishery may be addressed. (29 April 09).
- i. Response from the Cabinet Secretary to Rhoda Grant providing details of Scottish Government policy towards MSC certification and the ways in which certification will be encouraged for Scottish fisheries. The letter also suggested that some short term measures might be possible to help alleviate the problems being experienced by the fishery while waiting for the IFG to get fully up and running. (15 July 2009)
- j. Invitation extended to Marine Scotland (inshore fishing dept) representatives to attend TNMG meeting to discuss the future for the fishery and the role of the MSC certification in August 2009. (July 09)
- k. Attendance by Rob Roberts at TNMG meeting at which he suggested that the TNMG embark on the process of requesting a Regulating Order (RO) for the fishery – the fishermen felt that this would not be an appropriate tool, and it has since come to light that an RO would not legally be an applicable tool in any case. (August 2009)
- l. Further correspondence and a meeting with Rhoda Grant, MSP, who has been making a number of enquiries on behalf of the TNMG. (2009 – 2010)
- m. Attendance at prawn summit, spatial management and IFG meetings since summer 2010 by Kenny Livingstone (member of TNMG). Further draft reports and papers are being produced by the North West IFG and the Spatial Management Group, however, neither group has the power to implement the measures needed.

Despite these efforts, no progress has been made on the two key issues noted above.

Petition background information

We believe that significant national benefits would follow the extension of inshore creel fisheries for nephrops, which occur mainly, but not exclusively, on the Scottish West Coast. There are three main benefits:

1. A larger economic return from each tonne of nephrops landed to Scottish ports. For

each additional 1,000T of creel caught nephrops, an extra £6.21m could be generated for the Scottish economy. (According to the Scottish Sea Fisheries Statistics 2009, creel caught nephrops generated £8.39 first sale value per kg, while trawl caught nephrops generated just £2.18 first sale value per kg.)

2. The substitution of creel fishing with its benign impact on the sea bed and other marine life for much more damaging trawling would offer very considerable and much needed protection to the marine environment in all the areas which would be closed to trawling on the Torridon model. The size and locality of every further static gear only fishery would need to be agreed on a local basis following national policy guidelines. The Scottish Government's current national policy on Marine Protected Areas clearly fits well with this objective.

3. Giving local communities considerably more control over the management of local sustainable fisheries resources, would—

a. provide a much greater incentive for long term sustainable management of fisheries stocks than present arrangements, meeting national and international policy criteria as well as MSC certification standards – the Scottish Government has clearly stated its support for Scottish fisheries to seek certification under the MSC Marine Stewardship Scheme.

b. result in a larger proportion of the economic benefits of local fisheries accruing locally, thereby meeting national policies for strengthening the economic and social backgrounds of these often very fragile rural communities.

The new Inshore Fisheries Groups (IFGs) would be the obvious administrative route for giving effect to such changes in that local fishermen in all Scottish inshore waters could decide whether creating a fishery on the Torridon model was the most appropriate solution in their circumstances. From the soundings we have made, we believe that significant numbers would choose to do so. Crucially, in order to do this, the Scottish Government would need to give the IFGs the powers to implement/enact local fishing regulations – power they do not currently have – i.e. to close further inshore fishery grounds to trawling and to introduce mandatory arrangements for linking catches and effort to long term sustainable levels.

In a far-sighted and brave decision, the Loch Torridon Nephrops Creel Fishery was created by Statutory Instrument in 2001. This established a static gear only (no trawl) zone in Loch Torridon and the Inner Sound of Raasay on the north west coast of Scotland. At a stroke it seemed that local concerns over the long-term sustainability of the fishery their community relies upon, and the gear conflict that had existed between the nomadic trawl and local creel sectors were both over.

The local creel fishermen were proactive in looking for the best way to manage the fishery and independently to verify its sustainability. They established a voluntary code of practice for fishermen using the area, sought to achieve Marine Stewardship Council (MSC) certification and welcomed scientists from the University of Glasgow in association with the University Marine Biological Station Millport (University of London) and Scottish Natural Heritage who carried out research into the fishery.

MSC certification was achieved in 2003. Torridon became the first MSC accredited fishery in Scotland, and the seventh in the world. Now, in excess of 90 fisheries across the world are certified to the MSC's standard selling over 5000 MSC labelled products (www.msc.org).

Ever since the creation of the no trawl zone and MSC certification, the Scottish Government has lauded Torridon as an example of Scotland's care and stewardship of its coastal commercial fishery resources. However, it soon became clear to the local fishermen that Torridon had become a very attractive place to fish for creel fishermen both locally and from further afield, and that fundamental loopholes in the voluntary management system created here would need to be addressed in order to ensure a sustainable fishery and a useful model for further static gear only areas in the future.

Both the environmental and economic arguments for creel fishing are compelling. A SNH report [ref.1] and University of Glasgow PhD research [ref.2] have indicated that

creel fishing is environmentally benign relative to trawling. Creels have far less impact on the sea bed than bottom trawls, ghost fishing by lost creels has been shown to be negligible, and the high specificity of creels ensures a reasonable catch rate of the target species – Nephrops – combined with an exceptionally low by-catch of fish and other non-target species. This is in sharp contrast to the situation with trawling.

In the first few years following 2001, the catches improved and both local fishermen and those from outside the area invested in new boats. However, as the number of boats using the area rose, it became clear that landings per boat were declining. The message was clear, there needed to be a cap on total effort, and the voluntary code needed to be made binding and applied to everybody, including new entrants.

In 2009, the MSC certificate was subjected to its annual audit. Having raised concerns in its re-certification report the previous year, the auditor (Moody Marine International) stated that, “The main problem to the sustainable management of this fishery is the inability to control the level of fishing effort within the closed area. As long as the area is open to all-comers, with over half the fleet not having signed up to the Management Plan Code of Conduct, it is not possible to respond, via the Torridon Nephrops Management Group (TNMG), to the need to reduce fishing effort to maintain or re-build stock levels.” [ref.3]. The fishery was asked to continue its attempts to achieve practical effort control and management of the fishery with the relevant management bodies. The fishery has tried to do this since it realised the problem via letters, emails and meetings with SEERAD, the Inshore Fisheries Dept., Marine Scotland, and now the North West IFG. Nothing has been achieved.

In 2010, the MSC certificate was audited again and the auditor has raised the same concerns regarding management - “Effective management of the entire fishing effort within the closed area is still not in place and risks compromising the sustainable harvest of the stock.” [ref.4]. The auditor has decided that it can no longer certify the fishery as sustainable if the issues are not addressed by 90 days from 10 September 2010. If no plan is in place to address the concerns of the auditor by then, the certificate will be withdrawn.

This is a situation those involved in the fishery have worked tirelessly to avoid over the years, and yet lack of action by the Scottish Government has allowed the position to worsen to the point where a healthy, environmentally sound and economically strong fishery is at risk.

There are three key actions we would urge the Scottish Government to take:

1. More static gear only areas need to be created, where trawling is not permitted, in order to spread the obvious demand for fishing areas which are not subject to the kinds of gear conflict issues often seen up and down the west coast.
2. The voluntary code of practice for each area needs to be developed into a legal regulation applicable to all who use the fishery.
3. Even though the voluntary code of practice limits some individual boats' effort (numbers of creels/days fished), it cannot control the total effort in the fishery. A control system needs to be introduced for each fishery in order to ensure total effort is kept within long-term sustainable limits as defined by well-founded and prudent scientific advice.

In this way, we believe that by adapting the Torridon approach to other inshore areas in Scotland it will be possible to raise significantly the value of Scottish landings of Nephrops. This would benefit the Scottish economy nationally as well as helping to sustain fragile communities on the west coast which rely much more than other parts of Scotland on employment in fishing. The Loch Torridon Nephrops Creel Fishery could indeed become a blueprint for locally managed inshore fisheries.

References:

Ref.1: Torridon and Inner Sound Nephrops Fishery – Seabed survey of the Inner Sound February 2006. Report from University Marine Biological Station Millport to Scottish Natural Heritage. Atkinson, R. J. A., Stevenson, T. D. I., & Foster-Smith, R. L.

Ref.2: Aspects of the sustainability of creel fishing for Norway lobster, Nephrops

norvegicus (L.) on the west coast of Scotland. J. M. Adey, PhD thesis. Faculty of Biomedical and Life Sciences, University of Glasgow. March 2007.

Ref. 3: Surveillance Report 2009 - Loch Torridon Nephrops creel Fishery – Moody International - www.msc.org/track-a-fishery/certified/north-east-atlantic/loch-torridon-nephrops-creel/reassessment-downloads-1/2009.09.15-Loch-Torridon-Nephrops-Surveillance-Report.pdf

Ref.4: Surveillance Report 2010 – Loch Torridon Nephrops Creel Fishery – Moody International - www.msc.org/track-a-fishery/certified/north-east-atlantic/loch-torridon-nephrops-creel/reassessment-downloads-1/09.10.2010-torridon_nephrops_surv2.pdf

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<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01386>

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