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Marine Scotland Response to the Consultation on Draft Proposals for Requirements for Static Gear Deployed within 12 Nautical Miles of Scottish Baselines.

marinescotland

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Background

In December 2015, the Cabinet Secretary announced recommendations on dealing with gear conflict (<http://www.gov.scot/Publications/2015/12/4724>). These included looking at good practice and possible legislative changes to the marking of static gear inside 12 nautical miles.

Marine Scotland held discussions with 3 industry working groups, formed specifically to consider options on this topic – one east coast, one west and one for the Western Isles, Orkney & Shetland. Although the majority of the organisations, associations and individuals who attended the group meetings did support the proposals some parties did express concerns.

These proposals were therefore consulted on from November 2016 to February 2017 to give all fishermen the opportunity to consider and comment on them.

Marine Scotland Proposals and Responses

The consultation ran from 18/11/2016 to 03/02/2017. 84 responses were received and a summary of responses is provided below.

Draft Proposal 1:

For a fleet of static gear, fishing for Nephrops, deployed within 12 nautical miles from Scottish Baselines, by either licensed or unlicensed vessels, each end of the fleet must be marked with at least 1 brightly coloured inflatable buoy with a minimum diameter of 15" (38 cm) or circumference of 48" (122 cm) - (A2 size). The optional deployment of dhans with flags at either or both ends would meet this minimum requirement.

The intention of the new minimum sized marker buoys and floats is that they reduce accidental gear conflict and entanglement of propeller shafts, as deployed static gear which meets the new minimum standards would be more visible. The use of 'non-fishing markers' such as netted footballs, 5 gallon drums and milk cartons would become illegal.

Response

Respondent Status	Yes	%	No	%
Individual	46	75	15	25
Fishing Org.	10	67	5	33
Environmental Org	0	-	1	100
Other Org	2	100		-
Total	58	73	21	27

Comments include:

As a fisherman who fishes no more than a mile out the use of A2 buoys would be of no use to me as in the case of bad weather my gear would probably get into a mess, I totally agree with the use of bottles and other drums being made illegal.

Yes, all gear should be marked as detailed in draft proposal 1.

I do not support the use of inflatable buoys at all, due to the size and floatation of these, during storms and strong tides they would cause my gear to move considerably. I currently use dhan poles with large flags attached with my boat registration number displayed, these can be seen from a considerable distance and are more than adequate.

Draft Proposal 2:

For static gear, fishing for species other than Nephrops, deployed at depths of 15 fathoms and greater, at mean low water springs, within 12 nautical miles from Scottish Baselines, by either licensed or unlicensed vessels, each end of the fleet must be marked with at least 1 brightly coloured inflatable buoy with a minimum diameter of 11” (29 cm) or circumference of 36” (92 cm) - (A1 size). The optional deployment of dhans with flags at either or both ends would meet this minimum requirement.

Response:

Respondent Status	Yes	%	No	%
Individual	50	83	10	17
Fishing Org.	14	93	1	7
Environmental Org	0	-	1	100
Other Org	1	50	1	50
Total	65	83	13	17

Comments include:

The A1 buoy should be the smallest one to be used in our area, the reason for this is the amount of boats making passage along the coast and going into the harbours.

The A1 size has been tried by myself over the years and found to be a problem when working in strong tide areas as the gear is dragged by a buoy of this size. I would say size A0 is as big as I would want to use. If you are using heavy gear and large end weights A1 would be ok but not when using lighter gear as I us myself. When using the larger A1 size in the strong tide you my loose the gear as it is dragged by the tide. The gear when lost will ghost fish and also cost £££££££ to replace.

Draft Proposal 3:

For static gear, fishing for species other than *Nephrops*, deployed at depths of less than 15 fathoms, at mean low water springs, within 12 nautical miles from Scottish Baselines, by either licensed or unlicensed vessels, each end of the fleet must be marked with at least 1 purse seine or trawl float with a minimum diameter of 3" (7 cm) or circumference of 9" (22 cm). The optional deployment of dhans with flags at either or both ends would meet this minimum requirement.

Response:

Respondent Status	Yes	%	No	%
Individual	37	59	26	41
Fishing Org.	13	87	2	13
Environmental Org		-	1	100
Other Org	1	50	1	50
Total	51	63	30	37

Comments include:

The requirements should be the same in all draft proposals. A 3inch purse float is very hard to see in all conditions and for obvious safety reasons, should be made illegal. If single creels are being used then it should be a minimum of 2 purse floats on a single creel end.

The 3inch floats are a danger to other boats I think as they could be seen as maybe rubbish on top of the water and foul ups will definitely happen as I have personally experienced

I feel the minimum safe size for a float/buoy should be 40" (A1 size) in any depth of water.

I work single end creels. I work 2 floats per end measuring 9" circ – 12" long and are well maintained by painting red.

Draft Proposal 4:

Where the static gear belongs to an unlicensed fishing vessel, each of the A2 or A1 buoy(s) or the purse seine/trawl float(s) in use (depending on the depth of the gear) must have a unique reference number, issued by a Fishery Office, painted legibly on them.

Response:

Respondent Status	Yes	%	No	%
Individual	56	90	6	10
Fishing Org.	14	93	1	7
Environmental Org		-	1	100
Other Org	1	100		-
Total	71	90	8	10

Comments include:

I agree with this suggestion. A list should also be on the Marine Scotland website with all hobby fishermen's unique reference number for the public to identify.

All unlicensed gear to be marked and tags issued by fisheries office.

Ban all unlicensed fishermen working more than six pots. Marked with its own colour.

Draft Proposal 5:

Where the static gear belongs to a licensed fishing vessel, each of the A2 or A1 buoy(s) or the purse seine/trawl float(s) in use (depending on the depth of the gear) must have the vessel's port letter number (PLN) painted legibly on them.

Marine Scotland believes that the requirement to paint port letter number (PLN) or equivalent, legibly on all marker buoys and floats is useful across the fishing industry, as it enables fishermen to return gear that is towed away, alert owners to its location and/or to compensate the owner for damage and/or loss. The PLN marking or equivalent would also help Marine Scotland Compliance to identify who has deployed their gear in an unauthorised area and/or to remove unmarked gear.

Response:

Respondent Status	Yes	%	No	%
Individual	58	92	5	8
Fishing Org.	12	80	3	20
Environmental Org		-	1	100
Other Org	1	100		-
Total	71	89	9	11

Comments include:

Its standard practice with our boats to have PLN plus boats name.

This is common practice in my area and has been for a few years now. Not viable as I work 6 fathoms and less because some or most of my floats are changed weekly due to rock damage.

Draft Proposal 6:

Do you support the implementation of EID tag trials over 2017?

Response:

Respondent Status	Yes	%	No	%
Individual	30	49	31	51
Fishing Org.	9	64	5	36
Environmental Org		-	1	100
Other Org		-		-
Total	39	51	37	49

Comments include:**For:**

"EID Tag sounds fine but how would it be effectively implemented. Suggestion:- Tag could have info of boat and number of pots on string."

"I have answered yes but have some concerns. As a small boat that makes limited profit any extra costs passed onto the fisherman setting up scheme like could put people out of business. Do Marine Scotland have the resources to enforce this? We see the rib off Methil once a month during the summer period but we still continually have the problem of the unlicensed boat fishing.

Against:

Again there seems to be a heavy handed approach to "control" the static gear sector. One would think it was our fault for getting gear towed away. Some onus should be put on trawler men who tow gear away. Tagging bouts is totally impractical as I lose an estimated 5/10 bouts per annum. Multiple that by the fleet using static gear and you would need a whole dept set up to issue tags.

I think this would an adverse effect on the objectives set out by Marine Scotland for EID tags after initially distributing EID tags to fishermen. It does have some benefits such as time saving at sea if a scanning method was used to identify the vessel, port, number of creels etc. However after a few months the system of EID tags could

be a very costly and an accurate way to record data. For example, if there was a period of bad weather and gear is lost, floats parted or washed ashore the recording of which tags are actually fishing opposed to not fishing/lost would be difficult to trace/record/update. If many vessels lost gear/floats or took gear ashore to mend, the data recording of the EID method would be inaccurate.

The Way Forward

Whilst overall there was support for the proposals as set out in that consultation it was clear that in some circumstances the proposals, if adhered to, might cause gear loss in adverse weather or during strong tides.

Clearly it would be unreasonable to legislate and place fishermen in a position of having to choose between complying with legislation and risk losing gear, and breaching regulations to avoid loss.

Marine Scotland will therefore issue guidelines which set out best practice for marking static gear. The guidelines strike a balance to ensure gear is visible and reduce the risk of accidental gear conflict. However, a number of fishermen may wish to mark gear at variance to the guidelines due to local conditions, either at certain times of the year or in particular geographic positions.

It is clear that some fishermen are marking gear using inappropriate equipment that result in poor visibility and/or poorly secured marking equipment. Marine Scotland will therefore introduce regulations which will ban the use of equipment not manufactured for the purpose of marking fishing gear. This will outlaw the use of objects such as plastic milk cartons and netted footballs.

We will also introduce regulations requiring all unlicensed fishermen to mark their gear with a unique reference number which will be issued on request by the local Marine Scotland Fishery Office. The regulations will also require licensed fishermen to mark their gear with the PLN.



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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78851-869-7 (web only)

Published by The Scottish Government, May 2018

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS408266 (05/18)

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