

[redacted]

Copy: [redacted]

**FISHING LINE RESTRICTION PROPOSALS IN SOUTHERN INNER SOUND**

1. You asked for comments on [redacted] latest idea about introducing manufacturers labels which would give details of the length of ground rope therefore removing the need for BSFOs to measure it.

2. Perhaps I should first make you aware that the enforceability of labels on fishing gear was given a wide airing last year during Expert Group discussions of European Commission proposals on the marking of gear. It was concluded in the end that irrespective of what details were given on the label it would not be possible to fully enforce the rules unless actual measurements were taken. The Commission have since modified their proposal and further discussion on these issues is likely later this year.

3. I have also discussed this matter with [redacted] and we agreed that the introduction of labels would do little to address the problems for enforcement we have already identified. We do not want however to be completely negative on this matter and suggest that given the relatively small number of vessels currently fishing in this area you might wish to consult the industry about running a voluntary pilot project to test the feasibility of [redacted] proposal. If the pilot project shows that there is such a thing as a durable indestructible label which cannot easily be replaced, and failure to have such a label attached to a net when fishing in this area was made an offence, then perhaps we can look again at the enforceability of this measure.

4. Glad to discuss further should you wish.

[redacted]

SWFA  
Enforcement Policy Branch  
Room 521  
Pentland House  
[redacted]

3 April 2002

*7/8 (2) re. Thanks. who initiates all this?*

[redacted] (O/L)

*A positive approach I think.*

[redacted]

*8/4.*

*[redacted] As a voluntary measure I think it would be for industry to promote. SWFA would need to come together with the other interested associations (SWFA) to draw up a code of practice. This may not be easy, but I think it's the best we*

Can offer [REDACTED] at the moment. We (and the SFPA) could of course provide support.

[REDACTED]

19/4.

[REDACTED]  
Copy: [REDACTED]

### FISHING LINE RESTRICTION PROPOSALS IN SOUTHERN INNER SOUND

1. I refer to your minute of 22 January and [REDACTED] E-mail suggesting a definition of a fishing line or ground rope.
2. I have consulted within the Agency and everyone seems quite at ease with this definition, but there are still concerns about the practical enforcement of such a provision at sea. A copy of the comments received from colleagues is attached.
3. I should also perhaps take the opportunity to make you aware of the concerns of our Marine Officers regarding the time it takes to carry out inspections at sea, mainly because of the new technical conservation measures which have been introduced over the last two or three years. Measurement of the groundrope would be another time consuming task which in most circumstances would only be possible with the full co-operation of the crew. Indeed, in most instances where an initial inspection suggests that rules are being broken it would be necessary to escort a fishing vessel to port and to remove the net to obtain, for prosecution purposes an accurate measurement.
4. Given the plethora of new technical conservation measures is this one which is really necessary and even if it is should we not wait until the revision of Regulation No 850/98 before imposing any more burden on both the industry and UK enforcement authorities.
5. Glad to discuss.

[REDACTED]  
SFPA  
Room 521  
Pentland House  
[REDACTED]

cc. [REDACTED]

20 February 2002

Thanks. There seems to be agreement on the enforcement side that this proposal would be extremely difficult to enforce. We would not wish to introduce legislation which could not practically be enforced.

[REDACTED] did however say that a manufacturer's stamp on the net would avoid the need to measure. Where no such stamp existed, FO's could stamp or record the measurement thus avoiding the need in future. Is this a valid point and would it ease the enforcement concerns?  
[REDACTED] 11/2

From: [REDACTED]  
SFPA  
23 January 2002

Copy to: [REDACTED]

**FISHING LINE RESTRICTION PROPOSAL IN SOUTHERN INNER SOUND**

Thank you for copying the correspondence regarding the proposal for restricting the fishing line/ ground rope length to single trawlers working the Inner Sound.

At present there are some 28 vessels under 12m based in the area that fish by trawl, although most of these vessels do not normally work the inner sound. In addition there may be some 15-20 "stranger vessels" that may visit the area during the year so we are not talking about a large amount of vessels.

The majority of these vessels are as you are aware equipped with net drums and therefore measurement of gear in port would be impossible without full co-operation from crews, and as [REDACTED] points out in his comments the only way to measure the net successfully would be having it stretched out on the pier.

In order for the proposal to work then we would have to prove fishing within this area with the gear seen on the vessel at the time, a near impossibility unless a cruiser was stationed here and escorted vessels to port for investigation.

The only real way to combat this would be for a "one net rule" with a hailing in procedure for vessels wishing to work the Area, and I am aware of what problems that can cause!

The idea of restricting the fishing efficiency of the vessels is a sound one, but I am not sure that we could make this one work.

It would appear from information that we have that the legislation that is in place for the inner sound at the moment is not really working with bigger vessels fishing within the Area last week ( info and intelligence report submitted by FO Oban).

[REDACTED]  
SFPA  
Fishery Office  
Cameron House  
OBAN  
Argyll  
PA34 4AE  
Ext G

23 January 2002

to see [redacted]  
Philip, comments

Grateful if possible for one of our guys  
assess the difficulties (or not) in  
measuring the foot

### FISHING LINE RESTRICTION PROPOSAL IN SOUTHERN INNER SOUND

To see most recent previous papers on this proposal made under the inshore review. Any comments on the suggested definition of a fishing line?

[redacted]  
22 January 2002

[redacted]  
I would concur with [redacted] definition of fishing line. In

normal terminology the fishing line and ground rope would be one and the same thing. However, some confusion may arise as rockhoppers etc are often referred to as ground gear. I don't know of any vessels still using the conventional sisal footrope but there may still be some in use.

1. [redacted] ✓

I would welcome your views both on definition of groundrope / fishing line and practicalities of measuring by BSFDs.

2. [redacted]

I would also welcome views from your Area - where the proposal would take effect.

[Signature]

23/2/02

② If the maximum length of fishing line permissible is to be 46 metres then it will be difficult to measure this at sea or on board a fishing vessel in port. It would be relatively simple to get an accurate measurement if the gear is stretched out on a quay or pier.

4 23/2.

[REDACTED]  
From: [REDACTED]  
Sent: 21 January 2002 17:29  
To: [REDACTED]  
Subject: FW: Net Restriction Proposal

[REDACTED]  
As discussed, [REDACTED] suggested fishing line definition. [REDACTED] was more specific in suggesting the fishing line should be measured from eye splice to eye splice at each end of the line. [REDACTED] doesn't seem so keen. Any thoughts?

[REDACTED]  
-----Original Message-----

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[REDACTED] File C60/4

Net restriction proposal

Further to your note of 12 December, I do not think that there is another gear parameter which is easier to define than groundrope or fishing line and could be used to limit the size of single trawls. If the idea of groundrope or fishing line length is vetoed on the grounds of difficulty of enforcement, I suggest that the only sensible alternative is to limit engine horsepower as well as vessel length. However, I do not know to what extent, if any, there is a problem with engine derating amongst the under 12m class of vessel. No doubt it would be necessary to review the engine powers of the fleet in that part of the world to form a view on whether this measure could serve a useful purpose.

As regards the question of which term to use, fishing line or groundrope, I do not think there is a great deal to choose between them. However, as regards definition, I do not think that [REDACTED] form of words is adequate. The following might form a better basis.

"The fishing line comprises a series of connected sections of rope, attached to the lower leading edge of netting of the net, from one lower wing-end to the other."

[REDACTED]  
December 14, 2001

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[REDACTED]  
The issue with [REDACTED] definition is that not every net might use an eye-splice (or might start not using them)

[REDACTED] definition looks workable to me, but I suggest showing it to [REDACTED]

as well

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 12 December 2001 14:37  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Net Restriction Proposal

[REDACTED]

We've exchanged e-mails on the above recently. I spoke with [REDACTED] last week when he re-iterated that the restriction would be based on the length of the fishing line rather than the groundrope. He feels it would be quite straightforward to provide a definition in legislation along the lines of "The fishing line is the term given to the leading part of the bottom of a net to which the bottom sheet and wings of the net are attached. The length of the fishing line can be measured from eye splice to eye splice at either end"

The initial view of the SFPA is that enforcing the restriction would be difficult and that measuring the net could only be carried out in port. This may or may not be a major problem. However, providing a catch-all definition for the fishing line is vital to the proposal's success and if this proves impossible, we will probably have to drop it.

In those circumstances, bearing in mind that the use of large scraper nets is seen as a developing problem and in the interests of supporting the Mallaig Association's conservation initiative, would there be any other part of the net, easier to define and which by restricting its length or size, a similar conservation impact would be achieved?

[REDACTED]

[Redacted]

**From:** [Redacted]  
**Sent:** 22 November 2001 15:01  
**To:** [Redacted]  
**Subject:** RE: new e-mail address

[Redacted]

We didn't manage to talk about the fishing line proposal after SIFAG. You mentioned you would draw me a diagram and provide a suitable definition which could be used in legislation. I will pass all of this onto [Redacted] for his comments and also colleagues in the SFPA for their opinion on whether or not the measure could be properly enforced.

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** 15 November 2001 10:51  
**To:** [Redacted]  
**Subject:** new e-mail address

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\*\*\*\*\*

please be advised that our e-mail address has changed to  
[Redacted]

regards  
[Redacted]

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.....

[REDACTED]

I understand from the exchange between yourself and [REDACTED] that he has suggested that the length of fishing line would be an appropriate quantity to control. The fishing line is the rope to which the actual netting in the belly and wings of the net is secured at intervals along its length. The fishing line itself is then secured to the groundrope which offers the main protection from damage by the seabed by means of the rockhoppers or bobbins spaced along it.

( ( Whether you specify fishing line or groundrope in any regulation will not make a great deal of difference - the length of either could still be difficult to define clearly and also to enforce. ) )

A definition of groundrope, which I have adapted from reference 1, might be along these lines:-

“A groundrope comprises connected sections of rope, usually protected with bobbins, rubber discs or rope rounding, attached to the lower leading edge of netting of a trawl, Scottish or Danish seine, to shield it from damage by the seabed while maintaining ground contact.”

If legislation is to be considered then more thought will be needed on this definition.

[REDACTED]

Reference 1: Bridger, Foster, Margetts and Strange, 1981. Glossary of United Kingdom Fishing Gear Terms. Fishing News Books Ltd.

---

From:

[REDACTED]

Importance: High

[REDACTED]

Please see the exchange between [REDACTED] and myself. It's nice to brighten someone's day!

Does [REDACTED] explanation and definition make things any easier for us? As I mentioned previously, we, as you do, see the merits in the principle of the proposal and would be keen to support it providing it can be properly enforced.

[Redacted]

**From:** [Redacted]  
**Sent:** 06 November 2001 12:00  
**To:** [Redacted]  
**Subject:** RE: Inshore Review - Groundrope proposal

[Redacted]

I must admit to being a bit confused on how the fishies would actually find their way into a bottom trawl net when it wasn't capable of reaching the bottom. However, would it not be good for stock conservation!

Perhaps a diagram would be a good idea. [Redacted] has said that he sees possible difficulties in defining the fishing line or the groundrope in any regulation and the enforcement of those definitions. Is the answer to define the fishing line and the groundrope and then say how the 2 are attached(?) [Redacted] has provided a possible groundrope definition:

"A groundrope comprises connected sections of rope, usually protected with bobbins, rubber discs or rope rounding, attached to the lower leading edge of a trawl, Scottish or Danish seine, to shield it from damage by the seabed whilst maintaining ground contact".

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** 01 November 2001 15:53  
**To:** [Redacted]  
**Subject:** Re: Inshore Review - Groundrope proposal

\*\*\*\*\*  
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\*\*\*\*\*

[Redacted]

Thanks for your e-mail. It brightened my day by making me laugh.

The fishing line is the term given to the leading part of the bottom of the net, not warps and bridles. It is generally a combination rope (wire and polypropylene) to which the bottom sheet and wings of the net are attached, and it ends in an eye splice at both ends. The length from eye splice to eye splice should be 150 feet. If this is not clear, let me know and I can fax you a diagram.

Regards.

[Redacted]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 05 November 2001 10:29  
**To:** [REDACTED]  
**Subject:** FW: Inshore Review - Groundrope proposal

**Importance:** High

[REDACTED]

Please see the exchange between [REDACTED] and myself. It's nice to brighten someone's day!

Does [REDACTED] explanation and definition make things any easier for us? As I mentioned previously, we, as you do, see the merits in the principle of the proposal and would be keen to support it providing it can be properly enforced.

[REDACTED]

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** 01 November 2001 15:53  
**To:** [REDACTED]  
**Subject:** Re: Inshore Review - Groundrope proposal

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\*\*\*\*\*

[REDACTED]

Thanks for your e-mail. It brightened my day by making me laugh.

The fishing line is the term given to the leading part of the bottom of the net, not warps and bridles. It is generally a combination rope (wire and polypropylene) to which the bottom sheet and wings of the net are attached, and it ends in an eye splice at both ends. The length from eye splice to eye splice should be 150 feet. If this is not clear, let me know and I can fax you a diagram.

Regards.

[REDACTED]

---

----- Original Message -----  
**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Sent:** Thursday, November 01, 2001 11:16 AM  
**Subject:** Inshore Review - Groundrope proposal

\*\*\*\*\*  
\*\*\*\*\*  
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for the use of the individual or entity to whom they are addressed.  
\*\*\*\*\*  
\*\*\*\*\*

[REDACTED]

We discussed yesterday. Before I go back to [REDACTED] can I be clear in my mind;

Your proposal for a maximum rope/line length for single trawls would apply to the groundrope and the main fishing lines which attach net to boat (warp and bridle). If I have interpreted that properly, 150 feet (46 metres) doesn't seem terribly long.

[REDACTED]

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shake to shake  
fishing line... speak to  
rather than ground rope. "stamped"

From: [redacted]  
Sent: 30 October 2001 14:55  
To: [redacted]  
Cc: [redacted]  
Subject: RE: Inshore Review - footrope length on single trawls

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File C60/4

Apologies for the slow response.

My first question is whether this is feasible in terms of enforcement. Even if you decide that you can physically make a measurement either on deck or ashore, how do you define groundrope length? There is no existing definition as far as I know and there could be difficulties in differentiating between the groundrope itself and the bridle wires ahead of it. It is worth mentioning that the term 'groundrope' has been used in defining a single trawl as "a single net towed by a two warp rig in which the net has a single groundrope bosom". The thinking was that the term was sufficiently well-used not to need definition. However, in that case it would be necessary only for the groundrope to be identified in a general way. Defining precisely where it starts and stops is probably another matter.

Defining and thereby banning a scraper trawl may be equally difficult as its distinguishing feature is length of wings (i.e. effectively groundrope length).

The next question is whether limiting the groundrope length would be effective in practice. Vessels are restricted to registered lengths below 12m in this particular area but it is true that this does not mean that their enginepower is limited nor consequently the size of net they can tow. I assume that an additional limit on enginepower has been dismissed. A limit on groundrope length would be an effective control since the catching efficiency of prawn trawls has been shown to be linked directly to swept area and this is linked to groundrope length. It is possible that net makers could redesign nets in order to maximise swept area for a given groundrope length but this is likely to result in only a marginal gain in catch. I do not believe that there is another gear characteristic which would be as effective. Fishing circle (number of meshes round the net x mesh size) is less suitable, being more appropriate to roundfish fisheries as it is an indicator of swept volume.

Overall therefore I accept that groundrope length would be an appropriate control variable but there may be significant legal problems in defining the term and practical problems in enforcement.

[redacted] cc [redacted]  
We've already discussed this proposal which we are keen to support.  
It concerns me however that our gear man in FRS thinks we may have some trouble in defining the groundrope (I'm certainly not qualified).  
Any thoughts?  
The possible enforcement difficulties he mentions have already been alluded to by [redacted] and the proposal seems to be throwing up more questions than answers at the moment.

30/10.

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[redacted] I tend to share [redacted] view that a legal definition of "groundrope" ~~may~~ could be elusive, and easy to get around. The more we try to define gear, the more I feel we're heading down a blind alley. [redacted]

## **INSHORE REVIEW**

This Paper provides a summary of responses to the recent consultation exercise on prohibitions under the Inshore Fishing (Scotland) Act 1984 and SEERAD's provisional view on whether or not the proposals should be adopted. SIFAG members are invited to discuss the recommendations at the meeting. At the annex to the paper are new proposals arising from the exercise. SIFAG members are also invited to discuss which of these merit further consideration and consultation.

## **PROPOSAL 1**

### **Removal of Firth of Clyde pelagic derogation**

#### **BACKGROUND**

The vessel length limit in the Firth of Clyde is 70ft, apart from for vessels fishing for herring, mackerel and sprats. The Clyde Fishermen's Association propose removal of the derogation suggesting that large pelagic vessels have contributed towards a reduction in pelagic stock levels in the Firth of Clyde and recent low catch levels of herring in particular. They are also concerned by what they see as the uncontrolled nature of sprat fishing in the Firth. Pelagic interests say that there is no evidence to suggest the exclusion of the larger vessels will lead to rejuvenation of pelagic stocks in the area. They are concerned that withdrawal of the derogation will prevent certain vessels taking up their Clyde herring quota entitlement.

#### **RESPONDENTS**

Anglo North Irish Fish Producers Organisation  
Clyde Fishermen's Association  
Firth of Clyde Forum  
Fishermen's Association Limited  
Highlands and Islands Fishermen's Association  
Mallaig and North West Fishermen's Association  
Northern Ireland Fish Producers Organisation  
Scottish Natural Heritage  
South Ayrshire Council  
West of Four Fisheries Management Group

#### **SUMMARY OF RESPONSES**

There have been three strong objections to the proposal, from the Scottish Pelagic Fishermen's Association, the Northern Ireland Fish Producers' Organisation Limited and the Anglo North Irish Fish Producers Organisation Limited. NIFPO "strongly oppose" the proposal. "As the major stakeholder in the Clyde herring fishery we would need access for vessels of over 70ft to take up our quota as we have no vessels under 70ft capable of taking the fish. Removal of the derogation would effectively exclude our vessels from this fishery." ANIFPO regard the proposal as "a discriminatory measure, aimed solely at fishing vessels from Northern Ireland." The Clyde Fishermen's Association, in proposing the change believe that reducing and controlling effort is central to this and other proposals made by the

Association. Scottish Natural Heritage point out that any improvement in the conservation of pelagic stocks in the Clyde from the removal of this derogation may also have knock on benefits for other species which are dependent to some extent on pelagic fish; including seabirds and cetaceans. SNH thus supports the proposal. South Ayrshire Council state "Given the small size of the quota available it is unlikely that the loss of this to the pelagic interests would have a significant effect. Therefore the benefit in stock terms overall of the measures outweigh the effect on pelagic interests. We would therefore support the removal of the derogation". The proposal is also supported by the Highlands and Islands Fishermen's Association and the Firth of Clyde Forum.

## **VIEWS OF FRS**

FRS regards any stock problems as unlikely to be vessel related.

## **PROVISIONAL SEERAD VIEW**

Only a small amount of pelagic species have been caught in recent years. In the absence of any consensus view, one option would be to retain the status quo. Another possibility would be to allow the derogation for only a very limited herring season (and again for sprats).

## **PROPOSAL 2**

### **A 400 HP limit for vessels fishing in the Firth of Clyde**

#### **BACKGROUND**

A 400 HP limit has been proposed by the Clyde Fishermen's Association. They believe that this will afford greater and necessary protection for nephrops stocks. On the other hand, larger boat interests are concerned that the measure would close off an area they have fished for many years. They suggest there is little justification for a HP limit and that the adoption of technical conservation measures applying to all boats would be more appropriate. There are also concerns that enforcement of a HP limit would be difficult without full confidence that vessel engine size records are reliable.

#### **RESPONDENTS**

Anglo North Irish Fish Producers Organisation  
Annan Fisherman's Association  
Clyde Fishermen's Association  
Firth of Clyde Forum  
Fishermen's Association Limited  
Highlands and Islands Fishermen's Association  
Mallaig and North West Fishermen's Association  
Northern Ireland Fish Producers Organisation  
Scottish Natural Heritage

Scottish White Fish Producers Association  
South Ayrshire Council  
West of Four Fisheries Management Group

## **SUMMARY OF RESPONSES**

Objections to the proposal have been received from the Scottish White Fish Producers Association, Anglo Northern Irish Fish Producers Organisation and the Northern Irish Fish Producers Organisation. The SWFPA oppose the proposal. "Our members must be free at all times (as indeed must all fishermen) to develop their legitimate fishing interests wherever they may be situated around our coasts and any control of inshore fishing in Scotland cannot be used to either defeat the legitimate interests of any active fishermen to the benefit of others." The SWFPA would not support restraint on a horsepower basis until certainty in declared horsepower had been established. The ANIFPO state that "this is a discriminatory measure aimed at Northern Irish fishermen. The 400 HP figure is one that is conveniently pitched to permit most of the resident Clyde fleet to continue their operations unhindered, while larger Northern Irish vessels, which in the main target whitefish will be prohibited from fishing in the Clyde." The NIFPO strongly oppose the proposals as "discriminatory protectionism" as it would exclude stakeholder and track record holding vessels from access to the fishery. The Annan Fishermen's Association object the proposal as it would prevent scallop fishing by their members.

The CFA state in support of their proposal that effort control is now essential and that technical measures are susceptible to trimming whereas effort control is not. On engine power measurement, the CFA state that each vessel has a registered engine size.

The proposal is supported by the Highlands and Islands Fishermen's Association, the Firth of Clyde Forum and South Ayrshire Council.

## **VIEWS OF SFPA**

Enforcement of horsepower limits has been problematic in the past. Recent measures on de-rating and the declaration of maximum continuous engine power may make limits easier to enforce but determination of actual power would have to be done by a qualified person. Agency fishery officers are not qualified in this area.

## **VIEWS OF FRS**

The current state of the Firth of Clyde nephrops stock is healthy in terms of continuing good recruitment and sustained biomass. Whatever the composition of the fleet which is presently exploiting the area and contributing to the observed current situation, it is not apparently causing detrimental effects. If larger vessels (over 400 HP) are participating, this is not presently causing a stock problem. ICES advice does, however, indicate that effort should not be allowed to increase, so if more large boats moved to the area this would be a problem - but so would a proportionally larger increase in small vessel activity. A persistent 'technology creep' in terms of gear etc would also be a problem.



## **PROVISIONAL SEERAD VIEW**

The Department is not convinced that this would be the best way to achieve the effort reduction.

## **PROPOSAL 3**

### **A Firth of Clyde weekend fishing ban**

#### **BACKGROUND**

The Clyde Fishermen's Association has proposed that the weekend ban on mobile gear fishing in the Firth of Clyde be extended to cover all types of commercial fishing. The Association is concerned that creel fishermen have adopted fishing practices which undo the conservation benefits from the mobile gear weekend ban and which threaten the relationship between the sectors.

#### **RESPONDENTS**

Ardnamurchan Fishermen's Association Limited  
Anglo North Irish Fish Producers Organisation  
Clyde and South West Static Gear Association  
Clyde Fishermen's Association  
Firth of Clyde Forum  
Fishermen's Association Limited  
David Hodge  
Northern Ireland Fish Producers Organisation  
Ross of Mull Fishermen's Association  
Scottish Natural Heritage  
South Ayrshire Council

#### **SUMMARY OF RESPONSES**

A large number of responses were received on this issue. The Clyde and South West Static Gear Association object as their boats are smaller and less able to cope with bad weather. Some small boats can only work prawn creels at weekends when the threat of fishing gear to trawlers is removed. The weekend ban will also affect those fishing for lobster, brown crab, velvet and green crabs, squat lobster, whelks and divers harvesting scallops. The Ardnamurchan Fishermen's Association and the Ross of Mull and Iona Fishermans Association oppose it for similar reasons. The CFA state that "the fishery is all but unregulated and without any contradiction is out of control in relation to effort. It is quite unreasonable to have effective effort control measures applying to trawlers and not to creelers. It is the lack of equity that is leading to conflict." The CFA contends that the effect of effort by creelers given current practice is greater than that of trawlers.

## **VIEWS OF SFPA**

The SFPA considers that the relationship between the sectors would be threatened more by the implementation of the proposal than by leaving matters as they are. It would be difficult to prove or disprove the inability of a fisherman, because of poor weather or mechanical breakdown, to remove gear prior to a weekend.

## **VIEWS OF FRS**

Landings by creel vessels are extremely small compared to those made by trawlers. The Firth of Clyde nephrops stock is healthy in terms of continuing good recruitment and sustained biomass. Even in the areas of the Clyde in which creels are fished, their activity is still small compared to that occurring in the prime creel grounds further up the west coast.

## **PROVISIONAL SEERAD VIEW**

There is concern that if such a measure is introduced it could well increase the level of antagonism in the area. From scientific advice stock conservation is not a basis for the change. SEERAD is likely to recommend no change.

## **PROPOSAL 4**

### **Seasonal closure to creel fishery West of Barra, North to Scarp Island**

#### **BACKGROUND**

The Western Isles Fishermen's Association has expressed concern over the state of lobster stocks in the important west Hebrides grounds and has implemented a v-notch scheme to try and enhance recruitment. The true state of stocks in the area is unknown, but in the absence of reliable scientific information and in an effort to safeguard the success of the v-notching scheme, a seasonal closure to creel fishing is proposed between 1 November and 31 March in the area west of Barra out to 6 miles, north to Scarp Island including a 6 mile radius round the Monach Islands.

#### **RESPONDENTS**

T.R. Bartlett  
Comhairle Nan Eilean Siar  
Highlands & Islands Fishermen's Association  
Mallaig & North West Fishermen's Association  
Alasdair Morrison MSP  
Scottish Natural Heritage  
West of Four Fisheries Management Group  
WIFA  
WWF Scotland

## **SUMMARY OF RESPONSES**

The proposal received general support. CNES suggested that without a closure the v-notching exercise could be undermined by heavy winter fishing, with landings and valuable stock information by-passing the Western Isles. Alasdair Morrison said that the proposal showed that Western Isles fishermen were taking a responsible attitude in regard to conservation and pointed to the success of a similar closure to the west of Lewis. HIFA, SNH and WoFFMG also supported the proposal.

MNWFA were against the proposal in its present form. They were concerned that it would impinge on certain smaller member vessels which fish the area during the winter months. They suggested instead closure to boats above 12m registered length. Mr Bartlett suggested that the proposal was discriminatory against larger creel boats fishing the area and said that there was no evidence that these vessels were decimating stocks. He suggested market prices at this time of the year meant that vessels did not need to land large amounts for a trip to be considered successful. If the proposal was successful, Mr Bartlett said that he would seek a derogation based on "historical entitlement".

## **VIEWS OF FRS**

FRS was content with the proposal as long as the whole v-notch study area (v-notch and control areas) was included in the proposed closure area. The closed area may therefore have to extend further north than Scarp Island but this was an issue which could be discussed in detail later.

## **PROVISIONAL SEERAD VIEW**

The creel fishery closure to the west of Lewis is said to be producing tangible results whilst the lobster v-notching scheme is in its second year. The Department considers the proposal would be a positive addition to the conservation measures already in place. The proposal has the support of local fishermen, the local authority and other interests such as HIFA and SNH. Whilst acknowledging that some boats may be displaced by the closure, we are not convinced that this would represent an insurmountable problem. Larger vessels should be able to adapt their fishing activities and target brown crab fisheries outwith 6 miles whilst smaller boats can transfer their activities to the east side of the Uists fishing for crabs or nephrops.

The Department is likely to recommend that the proposal is accepted.

## **PROPOSAL 5**

### **Dredging and trawling closure in part of the Sound of Arisaig candidate SAC**

#### **BACKGROUND**

A Management Strategy for the candidate Special Area of Conservation in the Sound of Arisaig has been drawn up. The strategy represents a voluntary agreement between statutory agencies and local community interests. It recommends that no suction/hydraulic dredging,

benthic dredging and benthic trawling should take place in waters less than 20m in depth and that a 5 metre buffer zone from 20m to 25m should also be observed. This is primarily designed to protect maerl beds. The proposal would introduce a dredging/bottom trawling prohibition in waters of the defined area less than 25m in depth. It is understood that only minimal dredging/trawling activity currently takes place in the affected waters.

## **RESPONDENTS**

Highland Council  
Mallaig and North West Fishermen's Association  
Royal Society for the Protection of Birds  
Scottish Natural Heritage  
Western Isles Fishermen's Association  
West of Four Fisheries Management Group  
WWF

## **SUMMARY OF RESPONSES**

SNH, Mallaig and North West WIFA, HIFA, Highland Council and West of Four believe that the proposal is premature before the voluntary agreement had been given the chance to work. There is a view that the introduction of legislation would bring with it reluctance by many fishing organisations to become involved in management groups. The RSPB support the provision of statutory underpinning. "Whilst voluntary measures are useful, we believe that they are not adequate on their own to secure the effective protection and management of SACs." However they also believe that monitored voluntary measures may be a sufficient first step.

## **VIEWS OF FRS**

FRS are concerned that left to a voluntary local agreement, the arrival of a large stranger dredger from elsewhere in the UK could easily undo all the good achieved by the SAC and the voluntary agreement. Inshore patches such as Arisaig may not necessarily be attractive but it may be unwise to rely on this and the greater irresponsibility may be not to provide adequate protection for the maerl beds and associated fauna of this area.

## **PROVISIONAL SEERAD VIEW**

The Department is likely to accept the monitored voluntary approach in the first instance, given the views of SNH and other natural heritage interests.

## **PROPOSAL 6**

### **Net length restrictions in Southern Inner Sound, South to Loch Hourn**

#### **BACKGROUND**

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Amendment Order 2001 came into force on 30 May and introduces *inter alia* a ban on fishing with demersal trawlers above 12m registered length and on multiple gear vessels in the area from the Southern Inner Sound south to Loch Hourn. The Mallaig and North West Fishermen's Association are concerned that the conservation benefits coming from these measures will be compromised by boats fishing in the area with single "scraper" nets of a size disproportionate to the size of the vessel. They therefore propose, in addition to the measures above, a maximum ground rope length for single nets of 150 feet (46 metres) in the area.

#### **RESPONDENTS**

Highlands and Islands Fishermen's Association  
Scottish Natural Heritage  
Scottish White Fish Producers Association  
The Highland Council  
Western Isles Fishermen's Association  
West of Four Fisheries Management Group

#### **SUMMARY OF RESPONSES**

The proposal attracted widespread support. The Highland Council said that the proposal would compliment the existing arrangements in the area. HIFA, WIFA and WoFFMG also supported the proposal. SNH said that they supported the proposal in principle as a precautionary measure but could not comment on whether 150 feet (46 metres) was a desirable length for the ground rope in terms of conservation.

The SWFPA were against the proposal because they say it would seriously affect the activities of certain new small vessels within the Association. They suggested that this and other proposals were designed to exclude East Coast boats from West Coast areas.

#### **VIEWS OF SFPA**

The fishing line could only be determined accurately in port with the net stretched out on the quay. It would be difficult to enforce.

#### **VIEWS OF FRS**

FRS agreed with the proposal in principle. However, they are concerned that a clear legal definition of a fishing line/groundrope will be difficult to devise and difficult to enforce.

#### **PROVISIONAL SEERAD VIEW**

After the time and effort devoted to the issue by local fisheries interests, it would be unfortunate if the measures put in place to control fishing in Loch Torridon and other North

West sea lochs were compromised. FRS has expressed concern at the development of large single “scraper” nets, which, with 70mm mesh, can sometimes have greater catching capacity than twin trawls with the required 100mm mesh size. We concur with the FRS view that control on the size of such nets is desirable and that the MNWFA proposal should be supported in principle. However, as referred to above, there would be enforcement problems.

The proposal would be applied in equal measure to local vessels and those prosecuting the nephrops fishery around the Inner Sound but from further afield. Vessels currently fishing the area with large single nets would have to adapt to the new circumstances but, as was the case with the measures introduced earlier this year, we are confident that this could be achieved.

However, before the proposal can be recommended to the Minister, further consideration is required on legal aspects relating to its enforcement. This will be carried out between the Department, FRS, the SFPA, MNWFA and any other interested parties..

## **PROPOSAL 7**

### **Creel limit East of Hebrides**

#### **BACKGROUND**

There are concerns about over-exploitation and sustainability of creel fishing for nephrops to the east of the Hebrides. There are also reports of increasing gear conflict due to the excessive number of creels being laid. The Western Isles Fishermen’s Association has proposed a limit of 1,000 creels per vessel fishing for nephrops in the area on the eastern seaboard of the Western Isles north from 57° North to 58.30° North. The eastern boundary would be the 06°03’W line encompassing waters off the western parts of Skye and Raasay.

#### **RESPONDENTS**

Comhairle Nan Eilean Siar  
Highlands & Islands Fishermen’s Association  
Mallaig & North West Fishermen’s Association  
Alasdair Morrison MSP  
Scottish Natural Heritage  
The Highland Council  
West of Four Fisheries Management Group  
WIFA  
WWF Scotland

#### **SUMMARY OF RESPONSES**

The principle of a creel limit to the east of the Hebrides was widely supported. Qualified support for the proposal came from HIFA and MNWFA. HIFA suggested a limit based on the number of permanent crew members per vessel and whilst MNWFA also suggested this, they suggested as an alternative a set limit of 1,200 which they say better reflects the

investment of larger creel vessels with more crew. SNH agreed that there was a case for capping effort if the nephrops fishery was shown to be over-exploited. As a positive side-effect, they said that a reduction of creels may ease gear conflict. They also suggested that more strategic consideration of the sustainability of the nephrops fishery was required looking at both creeling and trawling in the area.

The Highland Council said that the majority of Highland fishermen fishing the area during the summer would be able to work within the limit. The Council supported the proposal with the proviso that fishermen working the area also support it. WWF Scotland made the same point. WoFFMG pointed out that at meetings held recently in Skye, fishermen had generally supported the proposal. CNES supported the proposal and suggested that there should be flexibility to adjust the limit in light of better knowledge of stocks.

## **VIEWS OF SFPA**

As is the case with the proposed shellfish licensing scheme, the SFPA have some concerns on enforcing a creel limit.

## **VIEWS OF FRS**

FRS assessments of the fishery suggest that the current pattern of fishing is sustainable and that stocks look reasonably healthy. Underwater TV observations in the area do not show any evidence of a downward trend in stocks and the advice is to keep effort as it is. FRS does not however have accurate information of creel numbers in use so it is difficult for them to assess whether the proposed limit constitutes a cut-back or a precautionary limit. Given ICES advice on effort increases, they suggest a limit now would be prudent although it would have no bearing on trawlers working the same area and would only cover a fraction of the overall stock concentration. Any reduction of gear conflict arising would be beneficial. They make the point that it is important that fishermen fishing in the southern and eastern part of the proposed area are signed up to the proposal.

## **PROVISIONAL SEERAD VIEW**

Although the advice from FRS is that stocks in the area concerned are reasonably healthy and the current pattern of fishing is sustainable, fishermen fishing the area report smaller prawns being caught with the suggestion of over-fishing. The FRS advice is qualified by the fact that they do not have accurate information on creel numbers being used per vessel and therefore it is difficult to assess whether the proposed limit would be punitive or simply precautionary. However, with reports of vessels putting out up to 3,000 creels, it is safe to assume that a limit would curtail certain vessels' activities and in the pursuit of a sustainable fishery, it is appropriate to do so.

In assessing all the facts to hand, the Department agrees that it would be desirable to introduce a limit on the number of creels that can be used in the nephrops fishery to the east of the Hebrides. Mindful of points made concerning those vessels fishing the area with larger crews and, with an eye on FRS's assessment of stocks, we would recommend a creel limit of 1,200. Such a limit would aid the sustainability of the fishery and would also help ease gear conflict. It would also tie in with the "potting" limit envisaged from year 4 of the proposed shellfish licensing scheme.

However, as touched on above, further discussion on enforcement of the proposal is required before it can be recommended to the Minister. We also need to clarify with Solicitors what would be the appropriate mechanism for introducing the measure, as it seems the 1984 Act might not provide the necessary powers.

**SEERAD**  
November 2001



## New Proposals

The following suggestions arose from the consultation exercise. SIFAG is invited to consider whether these proposals merit wider consultation.

- 1     **Proposer:**     Austen Brown  
**Proposal:**     **Cessation of white fish pelagic activity in the Firth of Clyde.**  
Proposer says this would afford protection to broodstock in the Firth.
  
- 2     **Proposer:**     Austen Brown  
**Proposal:**     **Increase of the Firth of Clyde management area.** Designed to prevent inappropriate fishing activity around the “Mermaid Shoal” during the cod spawning season. Suggestion is to extend the southwest outer limit to the Scotland/Northern Ireland median line. Proposer also suggests as an alternative, a line from the Mull of Kintyre to Portpatrick.
  
- 3     **Proposer:**     Austen Brown  
**Proposal:**     **Abolition of Ballantrae Bank seasonal closure to mobile gear vessels.** Proposer suggests the prohibition is out of date.
  
- 4     **Proposer:**     Austen Brown  
**Proposal:**     **Escape mechanism on nephrops creels.** Proposer suggests as an addition to proposal 3 in the consultation paper (Clyde weekend creeling ban), an escape mechanism such as parallel bars along the base of the creel in order to improve selectivity.
  
- 5     **Proposer:**     Austen Brown  
**Proposal:**     **Consideration of an experimental nephrops recovery area in the Firth of Clyde.** Proposer suggests an area of 2 miles by 1, perhaps immediately south of Little Cumbrae for a period of around 3 years. Area would be subject to scientific evaluation of fishing patterns, time limits etc. likely to offer the maximum economic yield.
  
- 6     **Proposer:**     Austen Brown  
**Proposal:**     **Establishment of a seal management programme.** To control the seal population in Scotland’s inshore waters.
  
- 7     **Proposer:**     Clyde Fishermen's Association  
**Proposal:**     **A ban or restriction on the use of semi pelagic gear.**
  
- 8     **Proposer:**     Mr T Bartlett  
**Proposal(s):** **A ban on the landing of berried lobsters, an increase in the minimum landing size for lobsters and introduction of a maximum landing size.**
  
- 9     **Proposer:**     Clyde and South West Static Gear Association  
**Proposal:**     **A one mile ban from the shore in the Firth of Clyde to vessels towing gear with a 1,000 creel restriction per vessel in the same area. Elsewhere off the South-West coast, a rotating system of 15 weeks mobile gear only, 15**

**weeks static gear only.** The Association suggests that the only way to solve the gear conflict problem in the area is by separating mobile and static gear fishing.

- 10 **Proposer:** WWF Scotland  
**Proposal:** **A review of Regulating Order guidance.** With the emphasis on providing a framework for a more ecosystem based approach to individual applications and formalising sustainability, stewardship, inclusivity and equity in the development of Management Plans.
- 11 **Proposer:** RSPB Scotland  
**Proposal:** **Closure of fixed net salmon fishery near Cruden Bay.** The RSPB suggests that the nets are catching significant numbers of guillemots and razorbills in the fishery adjacent to the Buchan Ness to Collieston Coast SPA. They suggest that closure of the fishery should take place when a set by-catch limit is breached. They point to a similar closure in St Ives Bay in Cornwall and suggest that the SPA status of the site means that the measures proposed are especially warranted.
- 12 **Proposer:** Western Isles Fishermen's Association  
**Proposal:** **A ban on the use of parlour creels in the prawn fishery.** WIFA suggest that the use of such creels is in its infancy and should be curtailed in the interests of stock conservation.
- 13 **Proposer:** Western Isles Fishermen's Association  
**Proposal:** **A minimum mesh size for prawn creels.** WIFA suggest that further research should be carried out with a view to establishing a practical minimum mesh size for the purposes of selectivity. Such a measure they say could be phased in.
- 14 **Proposer:** Western Isles Fishermen's Association  
**Proposal:** **White fish pair trawling banned out to 6 miles.** WIFA say the demise of white fish in the inshore co-incides with the development of pair trawling.
- 15 **Proposer:** Mr David Hodge  
**Proposal:** **A 2km exclusion zone to mobile gear vessels in specified areas in the Clyde.** To aid conservation and to prevent gear conflict. Measured from the low water mark.
- 16 **Proposer:** Scottish Fishermen's Federation  
**Proposal:** **A nephrops creel limit.** The SFF suggests that nephrops creel fishing has a disproportionate impact on the female population which, in turn, will have a negative effect on biomass levels should the practice continue without some form of regulation. They suggest that consideration should be given to a nephrops creel limit per vessel. The Highland Council makes a similar suggestion.
- 17 **Proposer:** Western Isles Fishermen's Association  
**Proposal:** **A ban on landed berried prawns in the prawn creel fishery.** The Shellfish Act (1967) already prohibits the landing of berried edible crab.

**SEERAD**

November 2001

TXT 11-11-11  
Happy to discuss. FAX 11/11/11  
25/4.

This email has been received from an external party and has been swept for the presence of computer viruses.

[Redacted]

Thank you for your e-mail enclosing the Draft Order. I am responding today in order that you have something for consideration on Wednesday, although I confess that I have not yet had time to check all the co-ordinates. Those which I have checked so far are correct.

However, certain fundamental points arise. First, there is no problem with the definition of "single trawl", but a new development has arisen since the proposals were agreed. This concerns the rapid emergence of extremely powerful mini-trawlers into the under 10m sector. At least six of these East Coast based vessels have been fishing out of Mallaig over recent weeks. Because of their depth and horsepower they are towing the same size of gear as sixty and seventy foot vessels, so if they were allowed into the area it would defeat the object of trying to promote conservation by limiting the mobile gear to smaller boats, since the only small aspect of these trawlers is their length. I would suggest therefore that after the description of single trawl a prohibition should be inserted that limits the length of the foot rope to 150 feet.

PPA will  
use for  
forcing all  
this!

No!  
Next  
Order

Secondly, it would appear that column 3b of schedule 1. states precisely the opposite of what had been agreed. In other words, my interpretation of this section is that you are only allowed to fish during the open season with a single trawl towed by an over 12m vessel, rather than an under 12m vessel.

Am I  
missing  
anything?

Swirrah  
prohibitions  
to clarify?

Thirdly, and again in column 3b schedule 1., the exception to the rule should also include scallop dredges of any size, with the number of dredges limited to the provisions of the scallop conservation SI when it is finally enacted. The <sup>(exception)</sup> exclusion which accommodates scallop dredging in column 5 schedule 1. refers only to that area where mobile gear is otherwise prohibited for twelve months of the year. Whereas the original Order allowed for scallop dredging during the open season, the wording of the amendment as it stands would appear to exclude them apart from the specified area. I have raised all the above points with [Redacted] and the Mallaig fishery officers and they are all in agreement.

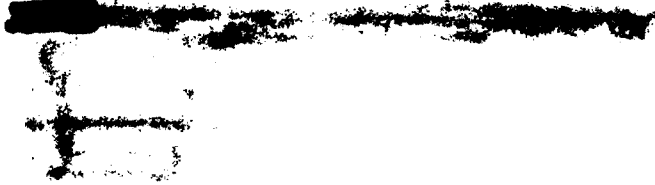
I don't  
see  
this.

?

I shall be out of the office tomorrow (Wednesday), but would welcome the opportunity to discuss these issues with you on Thursday, when I shall check the rest of the coordinates.

I hope this is helpful and that you had successful corporate away-days.

Best wishes.



[Redacted]

From: [Redacted]

Sent: 24 April 2001 20:05

To: [Redacted]

Subject: Torridon closure.

\*\*\*\*\*  
This email has been received from an external party and  
has been swept for the presence of computer viruses.  
\*\*\*\*\*

Hi [Redacted]

Got the papers you sent to [Redacted] and I spent an hour with him on the phone discussing details. There appears to be some fundamental mistakes in the proposal which [Redacted] will talk to you about. Perhaps once he has spoken to you you'll be able to send me an updated version which I can then look over. Sorry to be so vague but I only arrived home on Monday morning and am now suffering from a mixture of jet lag, west coast weather and a doze of flu.

Regards,

[Redacted]