

Outer Hebrides Inshore Fisheries Group – Consultation on inshore fishing prohibitions in the Outer Hebrides

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Executive Summary

There are a number of closed areas in the Outer Hebrides' inshore waters where mobile and/or static gear fishing has been prohibited on either a seasonal or year-round basis.

These prohibitions were introduced over the past 30 years using the powers of the Inshore Fishing (Scotland) Act 1984 and have been reviewed on a regular basis by government.

The Outer Hebrides Inshore Fisheries Group (IFG) has developed management measures to update the prohibitions in effect in its area, as it believes they do not reflect changes that have occurred in the fishery since they were first introduced.

These measures are as follows:

- changing the prohibition period for static gear fishing in the Bragar to Dell area
- removing the prohibition on mobile gear fishing in the Sound of Harris area
- expanding the seasonal prohibition that restricts scallop dredging in the Loch Maddy to Stuley Island area to include all methods of fishing for scallops
- extending southwards the prohibition on static gear fishing in the Northern Barra, South Uist, Benbecula, North Uist and Harris area
- introducing a seasonal prohibition on static gear fishing for shellfish in the Loch Roag area

After reaching consensus within its membership, the Outer Hebrides IFG has asked Marine Scotland to consult on these measures, which it believes will modernise these prohibitions so that they better complement current fishing practices.

Background on the Consultation Process

The purpose of this consultation document is to seek the views of those with an interest in inshore fishing in the Outer Hebrides, in order to inform policy decisions. The consultation will last for 12 weeks, commencing on **Friday 4 December 2015** with a deadline of **Friday 26 February 2016** for responses.

The views and suggestions received in consultation responses will be analysed and fed into the decision making process. Final decisions on the issues under consideration will also take account of a range of other factors, including any other available information and research evidence.

Please send your returns or address any queries to:

ohifgconsultation@gov.scot

or

OH IFG Consultation

Area 1B South
Victoria Quay
Edinburgh
EH6 6QQ

If you have any queries contact the Inshore Fisheries Management and Coastal Communities Team on 0131 244 6214.

The Scottish Government may make the responses to this consultation paper available to the public and to the Scottish Parliament. We will acknowledge responses and may publish an analysis of the responses after the consultation.

If you respond to this consultation you are requested to complete the Respondent Information Form attached at Annex A. This will ensure that we handle your response appropriately.

Consultation Document

Inshore fishing prohibitions in Scotland

The Inshore Fishing (Scotland) Act 1984 gives Scottish Ministers the power to prohibit sea fishing in a specified area within Scotland's inshore waters (from zero to six nautical miles). Ministers can prohibit the following:

- all fishing for sea fish
- fishing for a specified description of sea fish
- fishing by a specified method
- fishing from a specified description of fishing boat
- fishing from or by means of any vehicle or any vehicle of a specified description
- fishing by means of a specified description of equipment

Ministers can apply any combination of these prohibitions to an area, as well as specifying the period of time they apply for (up to all year round). They can also make exceptions if necessary, e.g. allowing fishing for a certain species in an area during a period when all other fishing is prohibited.

There are currently 39 of these closed areas in Scottish waters where mobile and/or static gear fishing has been prohibited on a seasonal or year-round basis. These have been designated for a number of reasons, including to protect fish stocks, preserve seabed habitats, and prevent gear conflict.

Prohibitions introduced under the 1984 Act have been subject to a regular review process that assessed whether existing measures needed to be amended or revoked, and whether it was necessary to introduce new measures.

Inshore fishing in the Outer Hebrides

There are currently seven closed areas in effect around the Outer Hebrides, the earliest of which came into force in 1985 and the most recent in 2003.

The local fishing industry has undergone a transformation since these prohibitions were first introduced. Changes in catching opportunities and a series of decommissioning schemes have led to a fleet formerly built around larger vessels targeting whitefish and pelagic species changing to one that now consists mostly of a smaller class of vessels that target shellfish. Shellfish now account for virtually all landings into the Outer Hebrides and are worth on average over £9 million each year to the local economy.

The Outer Hebrides IFG believes that, as a result of these changes, the closed areas are now in need of being updated and has developed management measures that propose amendments to a number of the existing prohibitions, as well as the introduction of a new prohibition. The IFG believes that by implementing these measures the management of the closed areas will be modernised and so better complement current fishing practices.

Outer Hebrides IFG

IFGs are non-statutory bodies that have been established around the Scottish coast with the purpose of helping improve the management of Scotland's inshore fisheries out to six nautical miles. Their aim is to put commercial fishermen, assisted by government agencies and others with an interest in the marine environment, at the heart of developing initiatives for sustainable and profitable fisheries.

The membership of the Outer Hebrides IFG includes:

- Clyde Fishermen's Association
- Mallaig & North West Fishermen's Association
- Orkney Fisheries Association
- Scallop Association
- Scottish Pelagic Fishermen's Association Ltd
- Scottish White Fish Producer's Association Ltd
- Western Isles Fishermen's Association

With advice from:

- Comhairle nan Eilean Siar
- Marine Scotland Compliance
- Marine Scotland Science
- Scottish Environment Protection Agency
- Scottish Environmental LINK
- Scottish Natural Heritage

After reaching consensus within its membership, the IFG has approached Marine Scotland to consult on the following proposals.

Proposed amendments to existing prohibitions

Bragar to Dell

A seasonal prohibition on static gear fishing has been in effect in this area since 1989, restricting it during the three months from 1 July to 30 September.

The IFG has proposed that the duration and timing of this prohibition should be changed to the five months from 1 November to 31 March, in order to coincide with the prohibition period on static gear fishing in the Northern Barra, South Uist, Benbecula, North Uist and Harris closed area.

<p>Q1. Do you support changing the prohibition period for static gear fishing in the Bragar to Dell area?</p>
--

Sound of Harris

A prohibition on mobile gear fishing has been in effect in this area since 1985, restricting it during the three months from 1 March to 30 September, with suction dredging further restricted all year round. Scallop dredging is excepted from this prohibition.

The IFG has proposed that this prohibition should be removed in its entirety due to scallop dredging, which is already permitted, being the only mobile gear fishing activity that takes place in the area.

Q2. Do you support removing the prohibition on mobile gear fishing in the Sound of Harris area?

Loch Maddy to Stuley Island

A seasonal prohibition on scallop dredging has been in effect in this area since 1985, restricting it during four non-consecutive months from 1 March to 30 April and 25 August to 31 October.

The IFG has proposed that this seasonal restriction be expanded to include all methods of fishing for scallops. The intention is to help conserve the local scallop stocks by ensuring that they are not exploited by other fishing methods (e.g. diving) whilst dredging is prohibited.

Q3. Do you support expanding the seasonal prohibition that restricts scallop dredging in the Loch Maddy to Stuley Island area to include all methods of fishing for scallops?

Northern Barra, South Uist, Benbecula, North Uist and Harris

A seasonal prohibition on static gear fishing has been in effect in this area since 2003, restricting it during the five months from 1 November to 31 March.

The IFG has proposed that the sea area where the prohibition applies should be extended south to include the zone outlined in green on the map in Annex B. This is intended to protect this zone's shellfish stocks from overfishing, as they are targeted by vessels that also fish within the current closed area.

Q4. Do you support extending southwards the prohibition on static gear fishing in the Northern Barra, South Uist, Benbecula, North Uist and Harris area?

Proposed introduction of new prohibition

Loch Roag

The IFG has proposed that a new seasonal prohibition on static gear fishing for shellfish should be introduced in the inner east and west Loch Roag area during the three months from 1 May to 31 July.

The principal intention of the proposal is to protect the area's shellfish stocks throughout the summer months, when they are known to be moulting and soft-shelled. Soft-shelled shellfish have lower quality meat than when hard-shelled and achieve lower prices so are usually not landed. However, as they are more susceptible to damage at this stage, they are at an increased risk of mortality if caught and returned to the sea.

The proposal also complements the fishing activities of the local fishing fleet, which fish further offshore throughout the summer and do not return to the area until the autumn.

N.b. The wrasse fishery in the Loch Roag area, which also makes use of static gear, would not be affected by this prohibition.

<p>Q5. Do you support introducing a seasonal prohibition on static gear fishing for shellfish in the Loch Roag area?</p>

Maps of the five areas in question are contained in Annex B of this document.

Annex A: Respondent Information Form



Please Note

This form **must** be returned with your response to ensure that we handle your response appropriately.

1. Name / Organisation

Title (Please tick as appropriate)

Mr Ms Mrs Miss Dr

Forename

Surname

Organisation (If applicable)

2. Contact Details

Address

Postcode

Phone

Email

3. Permissions

I am responding as an...

Individual

/

Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

- (b) If you have ticked **Yes** to the previous question, do you also agree to your name and/or address being made available to the public?

Please tick as appropriate

Name Yes No

Address Yes No

- (c) The name and address of your organisation **will** be made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so.

Are you content for the Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

4. Consultation Questions

Q1. Do you support changing the prohibition period for static gear fishing in the Bragar to Dell area?

Yes No

Additional comments

Q2. Do you support removing the prohibition on mobile gear fishing in the Sound of Harris area?

Yes No

Additional comments

Q3. Do you support expanding the seasonal prohibition that restricts scallop dredging in the Loch Maddy to Stuley Island area to include all methods of fishing for scallops?

Yes No

Additional comments

Q4. Do you support extending southwards the prohibition on static gear fishing in the Northern Barra, South Uist, Benbecula, North Uist and Harris area?

Yes No

Additional comments

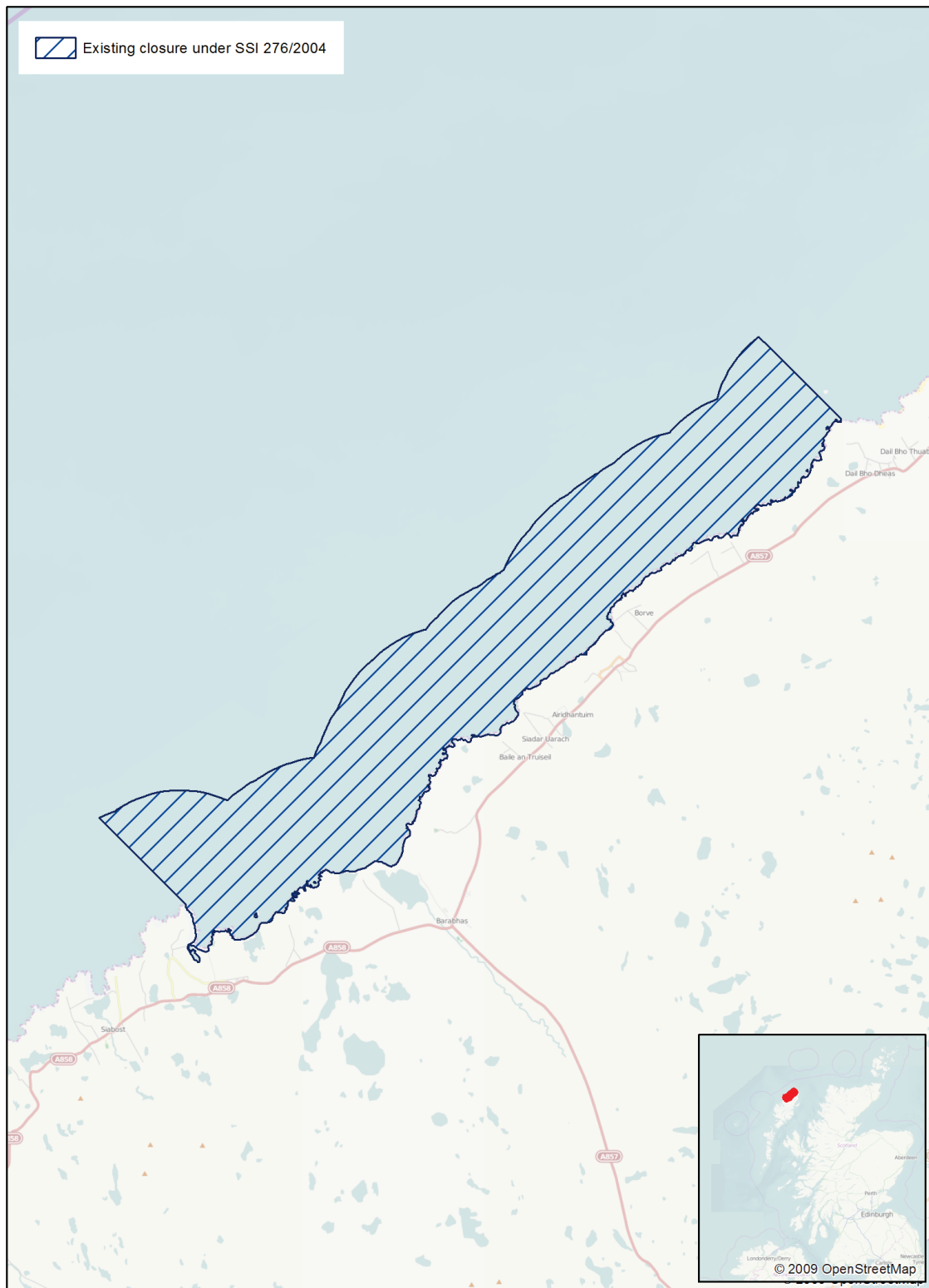
Q5. Do you support introducing a seasonal prohibition on static gear fishing for shellfish in the Loch Roag area?

Yes No

Additional comments

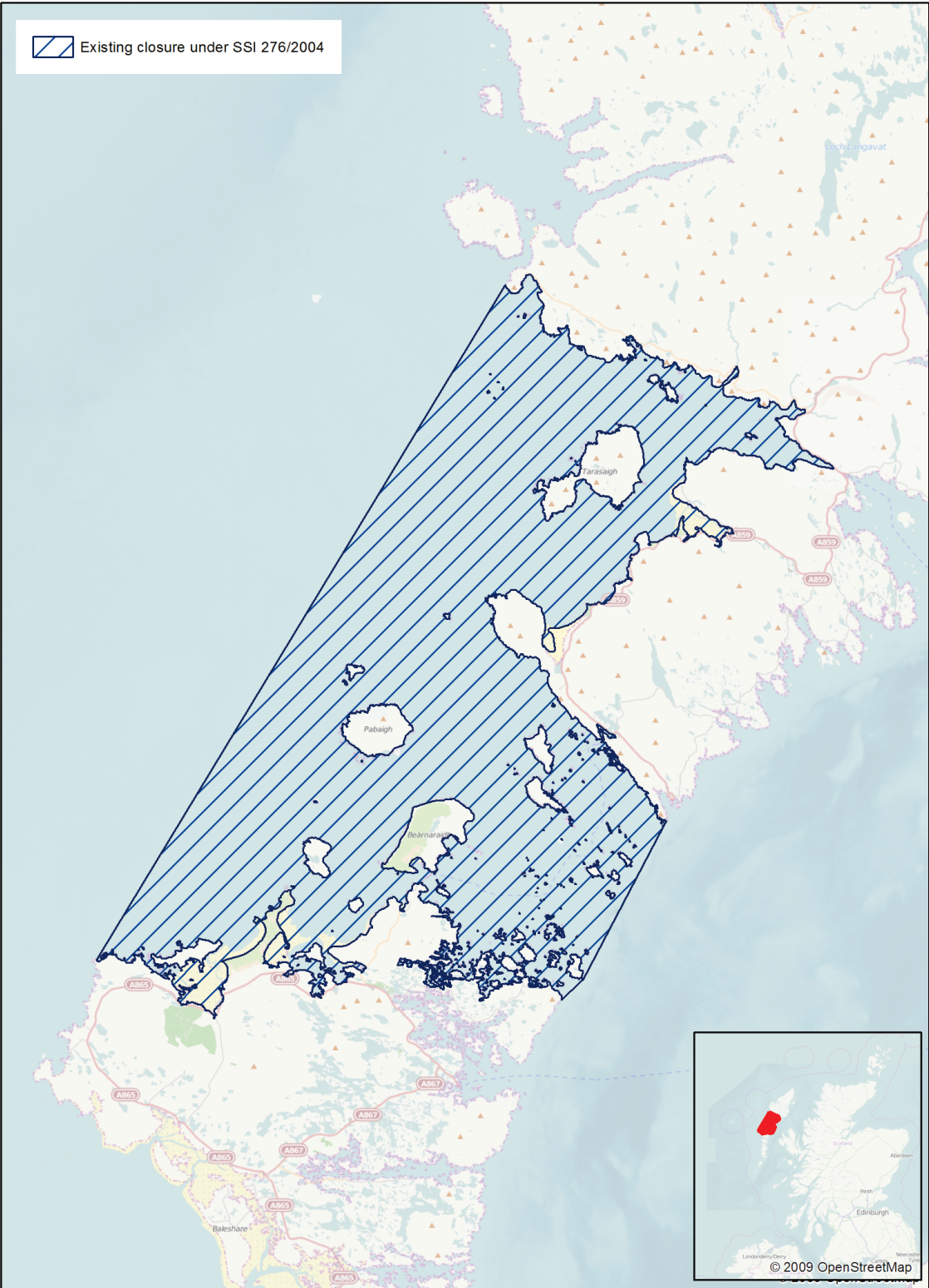
Annex B: Maps of Closed Areas

Bragar to Dell



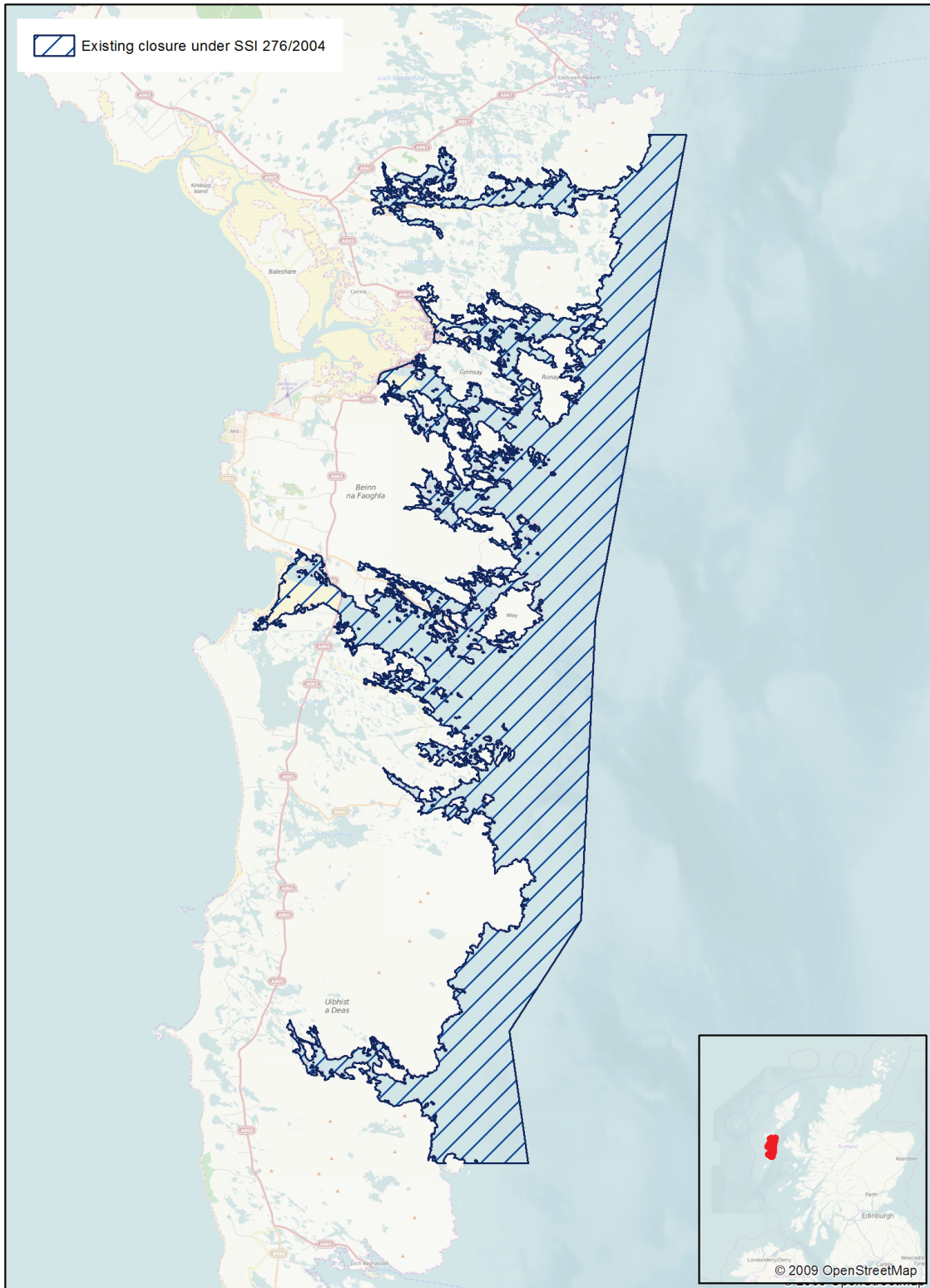
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Sound of Harris



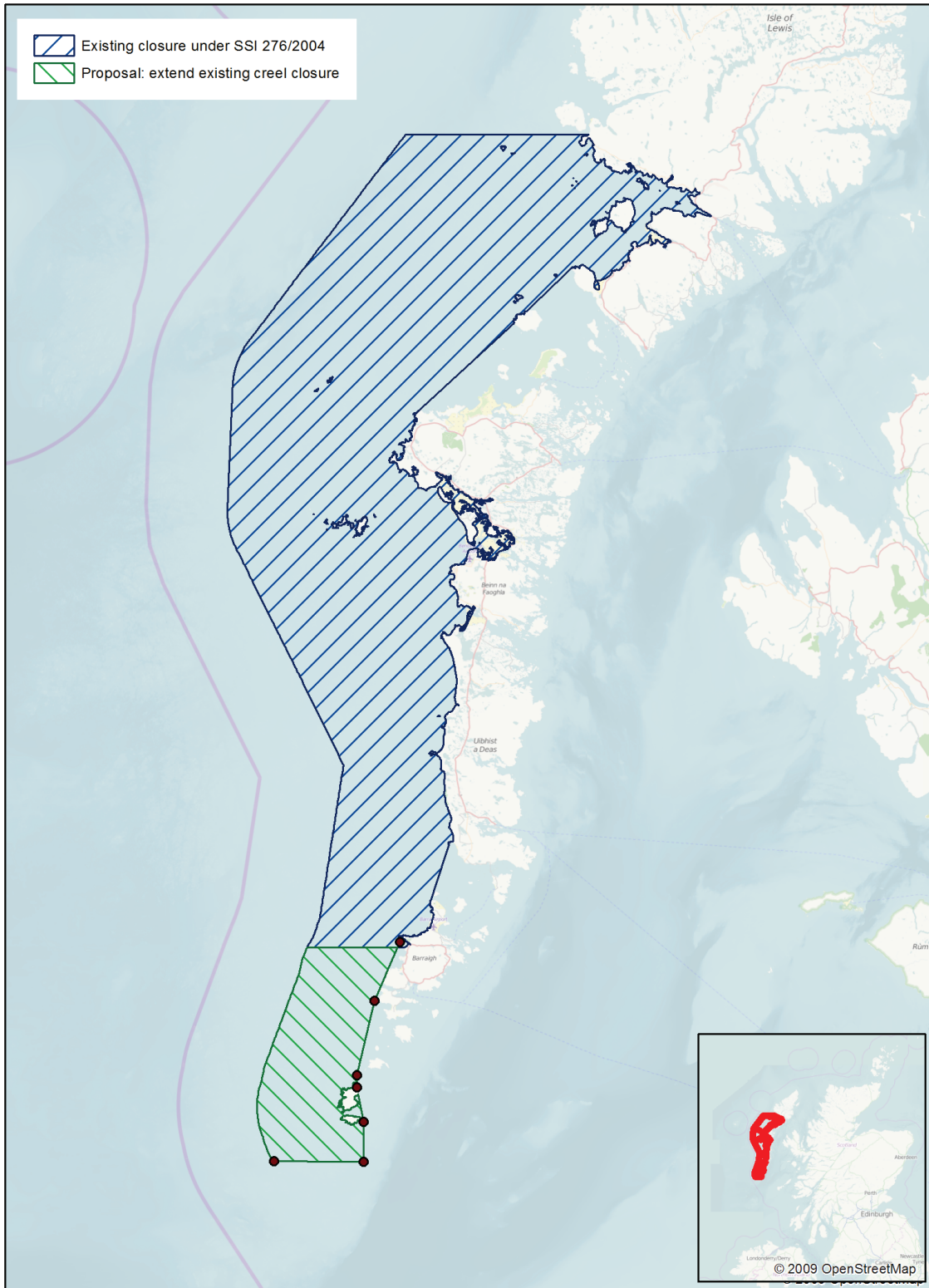
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Loch Maddy to Stuley Island



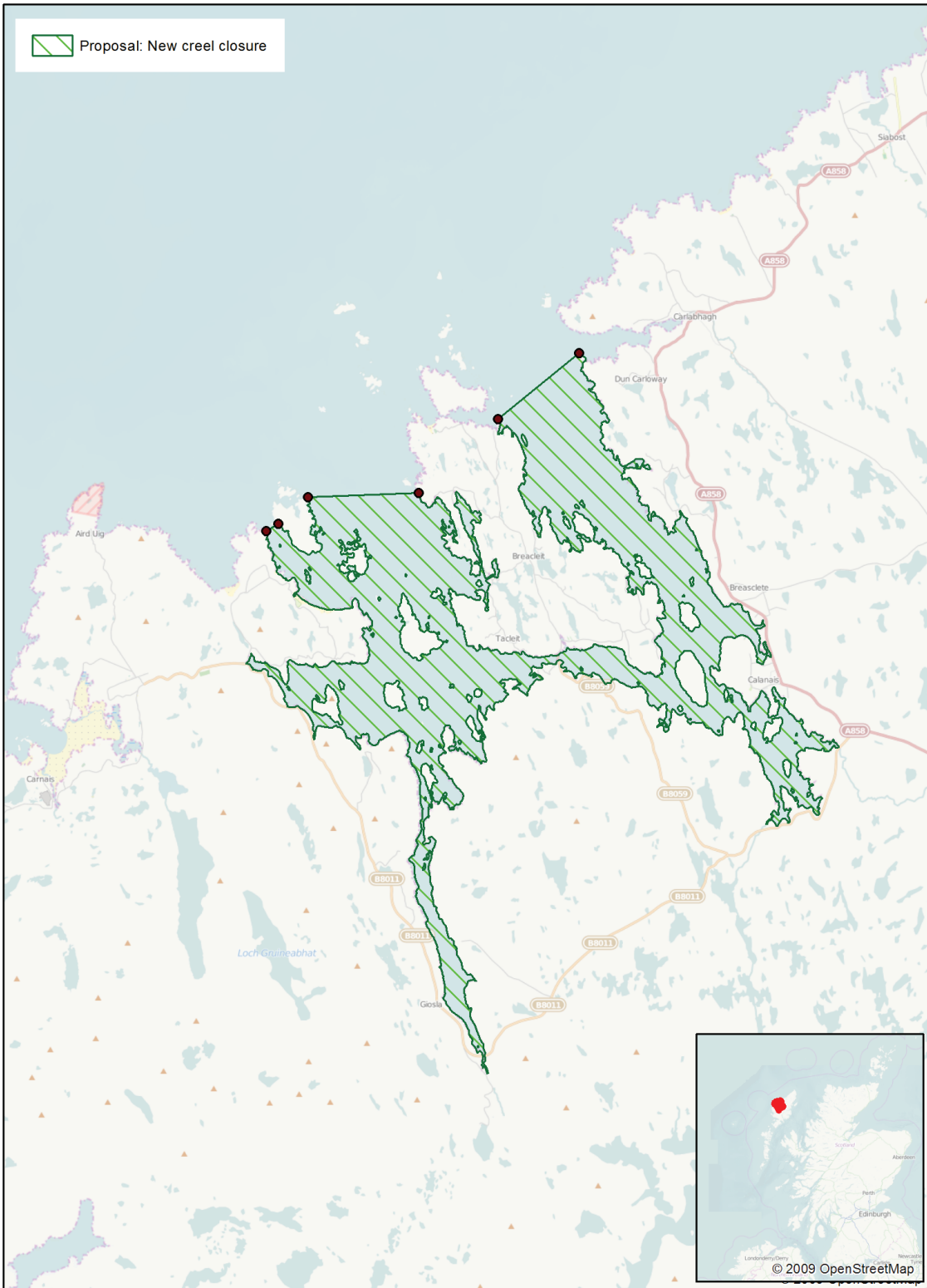
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Northern Barra, South Uist, Benbecula, North Uist and Harris



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Loch Roag



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Annex C: Extract from The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Scotland) Order 2004

SCHEDULE 1

PROHIBITION OF FISHING FOR SEA FISH WITH MOBILE OR ACTIVE GEAR

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item</i>	<i>Area within which prohibition applies</i>	<i>Period of prohibition of use of mobile or active gear (all dates inclusive)</i>	<i>Additional period of prohibition of suction dredging (all dates inclusive)</i>	<i>Method of fishing for species of sea fish excepted from prohibition</i>	<i>Period of exception (all dates inclusive)</i>
15.	Loch Maddy to Stuley Island, being the area of waters bounded by a line joining a point on North Uist at 57°34'.7 North latitude and 07°06'.8 West longitude, to a point at 57°34'.7 North latitude and 07°05'.2 West longitude then to the following points:– 57°23'.8 North latitude and 07°09' West longitude, 57°17' North latitude and 07°09'.6 West longitude, 57°14'.5 North latitude and 07°12'.6 West longitude, 57°11'.5 North latitude and 07°11'.8 West longitude, thence to a point on Stuley Island at 57°11'.5 North latitude and 07°14'.4 West longitude.	1st March to 31st October in each year.	1st January to last day of February and 1st November to 31st December in each year.	Dredging (but not suction dredging) for scallops.	1st May to 24th August in each year.
16.	Sound of Harris, being the area of waters bounded on the east coast by a straight line drawn from a point on Harris at 57°43'.7 North latitude and 6°58' West longitude (Rhenish Point) to a point on Hermetray Island at 57°39' North latitude and 7°02'.6 West longitude (Big Reef) to a point on North Uist at 57°38'.4 North latitude and 7°03'.8 West longitude (Leac no Hoe), and on the west coast by a line from a point on Harris at 57°59'.5 North latitude and 07°06'.8 West longitude (Hushinish Point) to a point on North Uist at 57°39'.5 North latitude and 7°29'.5 West longitude (Griminish Point.)	1st March to 30th September in each year.	1st January to last day of February and 1st October to 31st December in each year.	Dredging (but not suction dredging) for scallops.	1st March to 30th September in each year.

SCHEDULE 2

PROHIBITION OF FISHING FOR SEA FISH WITH CREELS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Area within which prohibition applies</i>	<i>Period of prohibition of fishing with creels (all dates inclusive)</i>	<i>Fishing boats excepted from prohibition</i>
2.	<i>Bragar to Dell, being the area within 2 miles of the mean high water mark of ordinary spring tides, bounded at the northern end by a line drawn from a point on Lewis at 58°28'.75 North latitude and 6°19'.8 West longitude (Aird Dell) at a bearing of 315° true, and at the southern end by a line drawn from a point on Lewis at 58°21'.3 North latitude and 6°38'.95 West longitude (Aird Mhor Braghair) at a bearing of 315° true.</i>	<i>1st July to 30th September in each year.</i>	
4.	<i>Northern Barra, South Uist, Benbecula, North Uist and Harris, being the area within the following boundaries: from a point on the west of Barra at 57° North latitude and 07°30'.9 West longitude travelling in a westerly direction at a bearing of 270° true to the point of the limit of 6 miles from the baseline from which the breadth of the territorial sea is measured (the southern boundary); from 57° North latitude and 07°30'.9 West longitude northwards along the west coast of Barra to a point at 57°03'.5 North latitude and 07°27'.3 West longitude and then in a straight northerly line to 57°07'.9 North latitude and 07°24'.6 West longitude then in a northerly direction along the west coast of South Uist, Benbecula and North Uist to a point at 57°39'.5 North latitude and 07°29'.5 West longitude then in a straight north easterly line to a point on the Island of Pabbay at 57°46'.2 North latitude and 07°15'.9 West longitude then northwards along the north west coast of that Island to a point at 57°47' North latitude and 07°14'.35 West longitude then in a straight north easterly line to a point at 57°50'.25 North latitude and 07°07'.95 West longitude then northwards along the west coast of Harris to a point at 58° North latitude and 07°05'.5 West longitude (the eastern boundary); from Harris Shore at 58° North latitude and 07°05'.5 West longitude travelling in a westerly direction at a bearing of 270° true to the point of the limit of 6 miles from the baseline from which the breadth of the territorial sea is measured (the northern boundary); from the most westerly point on that boundary described above and referred to as the northern boundary travelling in a southerly direction, maintaining a distance of 6 miles from the baseline from which the breadth of the territorial sea is measured, until joining the most westerly point on that boundary described above and referred to as the southern boundary (the western boundary).</i>	<i>1st January to 31st March in each year and 1st November to 31st December in each year.</i>	



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