



Consultation about electrofishing for razor clams in Scotland



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Purpose

1. The purpose of this document is to seek views about whether electrofishing should in future be a permitted method by which razor clams may be caught in Scottish sea fisheries.
2. The consultation is only about whether the electrofishing *method* should be permitted. It is not about how any such fishery might be managed, including for example in relation to any particular controls that might be applied or in terms of any catch limit(s) that may apply to any regulated fishery.

Introduction

Razor clams

3. Razor clams (*Ensis* spp.) (also known as razor fish or, more colloquially, "spoots") are common molluscs found burrowed in sandy inter-tidal and sub-tidal areas throughout Europe. In Scottish waters there are two commercially important species: *Ensis arcuatus*, colloquially known as "bendies"; and the larger pod razor *Ensis siliqua*.

Electrofishing

4. Fishing with electricity ("Electrofishing") is illegal, under EU regulations made in 1998. There is a limited derogation from the prohibition that permits fishing with beam trawl using electrical pulse current in a specific area of the southern North Sea. The EU legislation that provides for the prohibition (the "Technical Conservation" regime) is now under review. A European Commission proposal for a new Technical Conservation regulation was made in March 2016. Amendment of that proposal, which is being considered by the European Parliament and the Council of Ministers, could remove the prohibition on electrofishing, either generally or in specified circumstances.

Fishing for razor clams

5. It is not illegal, in itself, to fish or dive for razor clams. Razor clams can be harvested by hand by divers or by different types of dredges, including suction dredges. Electrofishing involves probes being pulled slowly over the sea bed, or very close to it, from a fishing vessel. The electric field stuns the clams and causes them to suddenly emerge from their burrows. Divers follow the probes, collecting the clams.

Razor clam fishing at present

6. It is considered likely that the significant majority of fishing for razor clams taking place at present involves use of the illegal electricity method. Marine Scotland Compliance has taken a range of actions to combat illegality, but enforcement of the

prohibition at sea is very difficult, because it can require Fishery Officers and Marine Protection Vessels to catch vessels 'in the act'.

Scientific study of electrofishing

7. Alongside activity to deter and combat illegal fishing, the Government has also been considering whether electrofishing for razors can in fact be conducted safely and sustainably. The safety and sustainability of fishing with electricity have been in dispute for some time and not just within Scotland. To investigate this issue in relation to razor clams, Marine Scotland Science undertook and published, in October 2014, a report: "Electrofishing for Razor Clams: Effects on Survival and Recovery of Target and Non-target Species". The report can be viewed here and we would encourage respondents to read the report:

<http://www.gov.scot/Publications/2014/10/8462>

8. The report concluded that electrofishing for razor clams does not have immediate or short-term lethal effects or prolonged behavioural effects on vertebrate or invertebrate species exposed to the electric field generated. The report also concluded that electrofishing is likely to be more environmentally benign than some other traditional methods, such as dredging and salting in the sub-tidal zone. The report did not however attempt to address the question of long-term sustainability of razor clam populations under various levels of commercial fishing activity. It recommends that there be quantitative assessments of stock size as part of any development of a fishery that is sustainable in relation to the size of the resource.

Options for policy development: discussion with interested parties

9. In light of this emerging evidence, and in in any case through internal consideration of policy, the Scottish Government has been contemplating whether it might be appropriate now to adopt a new approach to electrofishing, and whether, in particular, it might be appropriate to propose that the fishing method be permitted within a regulated and sustainable fishery.

10. The Government is very aware that there are likely to be different views on this issue, including from persons in favour of developing such a fishery and also from those living in close proximity to inshore fishing areas, who might be anxious about any potential negative effects on their marine and local environment.

11. On 30 March 2015 Marine Scotland hosted a meeting in Glasgow to discuss the scientific report referred to above. The meeting was attended by interested parties, including national public bodies, environmental organisations and fishing industry interests.

12. Participants at the workshop discussed a number of issues, and a number of views were offered:

- There needs to be a parallel exercise to understand the current state of the razor stocks and what would be a sustainable extraction rate;
- There was recognition of the benign nature of the fishing method;

- It was recognised that electrofishing is very efficient in terms of harvesting but also in respect of saving fuel and reducing carbon footprint;
- There could be potential benefits for both traditional fishing communities and other areas where fishing activity has not traditionally been a first choice occupation;
- There are concerns about risks to divers working with electricity under water where they may come into contact with live electrodes: the Health and Safety Executive should provide advice on safe practice;
- Vessel safety and stability protocols would need to be considered;
- Regulation and compliance issues will need to be addressed, perhaps with stricter rules in place during an introductory stage;
- There is potential to supply lucrative export markets, but food safety protocols will need to be followed, for their own purposes of course, but also to protect the integrity and reputation of the Scottish brand; and,
- It would be necessary to ensure the security of Marine Protected Areas and the wider marine environment.

13. Full minutes of the workshop, a list of attendees and copies of the presentations given at the event can be found at:

<http://www.gov.scot/Topics/marine/Licensing/FVLS/razorlicence/razorworkshopminutes>

Interim Government view and consultation question

14. In light of the evidence now available, the Government is minded, subject to its consideration of any new evidence and of the views expressed in the consultation, to allow for electrofishing to be a legal method for the catching of razor clams.

15. We underline that this interim view relates only to the permissibility of the method. The Government has taken no view about, and would require to consider, the management requirements for a safe and sustainable fishery. This would include ensuring compliance with protected area legislation, and other environmental requirements. It would also be necessary to consider the funding of any necessary preparatory scientific assessments and connected activities.

16. The Government invites views on the following consultation question:

The Scottish Government welcomes your comments on whether electrofishing should in future be a permitted method for catching razor clams?

Responding to this Consultation

We are inviting responses to this consultation by 30 September 2016

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at (<http://consult.scotland.gov.uk/>). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 30 September 2016

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:

Gordon Hart
Marine Scotland
Area 1 B South
Victoria Quay
Edinburgh
EH6 6QQ

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to: AccesstoSeaFisheries@gov.scot and title your email “Razor consultation”.

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

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RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (anonymous)
- Do not publish response

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 Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

Explanatory note about the consultation

What are we consulting about?

The purpose of this consultation is to seek the views of all interested parties and ask them to consider whether the Scottish Government should allow for a regulated razor clam fishery, prosecuted by the use of electricity in a pre-defined manner.

Why are the changes proposed?

Based on our current understanding of the consequences of electrofishing we consider it is appropriate now to consider propose amendment of legislation, while also working to establish and understand the stock and environmental data required to develop a properly-managed fishery.

Who might be affected by these proposals?

The inshore fish catching sector operating in Scotland, onshore processors and exporters and agencies involved in diving and vessel safety. In addition, persons living adjacent to sea areas where such fishing may be conducted or persons also undertaking other activities in such waters. Environmental organisations will have an interest.

How will the proposals be taken forward?

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

By when are comments requested?

The Scottish Government generally allows 12 weeks for consultations. However, this consultation is concerned with a specific and limited issue about whether to permit fishing for razor clams utilising electricity at levels set by research. The written consultation also follows prior face-to-face consultation with interested parties. In view of the restricted subject matter, prior consultation and the potential requirement to be involved in a current EU legislative processes, we propose that the consultation period be 6 weeks, with responses requested by 30 September 2016.

What comments are requested?

Consultation question: The Scottish Government welcomes your comments on whether electrofishing should in future be a permitted method for catching razor clams?

Distribution of consultation document

This document has been placed on the Scottish Government website:

<https://consult.scotland.gov.uk/>

It has also been sent to the organisations overleaf:

Scottish Parliament Environment, Climate Change & Land Reform Committee

Scottish Parliament Rural Economy & Connectivity Committee

Richard Arkless MP

Liam McArthur MSP

Michael Russell MSP

Finlay Carson MSP

Fisheries Management and Conservation Group

Inshore Fisheries Management and Conservation Group

Regional Inshore Fisheries Groups

Health and Safety Executive

HM Revenue and Customs

Scottish Natural Heritage

South Ayrshire Council

Dumfries and Galloway Council

Seafish Industry Authority

Scottish Environment Link

The consultation document has also been sent to a number of persons with whom Marine Scotland has corresponded in relation to this issue.

Scottish Government

August 2016



Scottish Government
Riaghaltas na h-Alba
gov.scot

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