

TORRIDON *NEPHROPS* MANAGEMENT GROUP

PE1386/I

Fergus Cochrane
Clerk to the Public Petitions Committee
TG01
The Scottish Parliament
Edinburgh
EH99 1SP

8 February 2011

Dear Mr Cochrane

Petition PE1386 from the Torridon Nephrops Management Group

Thank you for giving us the opportunity to comment on the 7 responses you have received to our petition. It might be more convenient for the Committee if we give you our views on what we see as the main issues raised across the responses rather than attempting a commentary on each one. We would of course be happy to deal with any particular questions that you or the Committee might have on other more detailed aspects.

This approach suggests that the responses fall into 2 groups –

1. Scottish Natural Heritage, the University Marine Biological Station Millport, Dr Andrea Nightingale (Edinburgh University), WWF Scotland and the Marine Stewardship Council
2. The Scottish Government (Marine Scotland) and the Scottish Fishermen's Federation

General

Certainly, the impetus behind our petition was the threatened suspension of MSC certification for the Loch Torridon nephrops fishery. In the circumstances, it would have been simpler and less controversial for us to have concentrated the petition on how best to secure restoration of that certification.

We deliberately did not do this, because we had come to the view that the experience gained since this area was closed to trawling in 2001 contained some very important pointers to better ways of managing nephrops stocks, not just in Torridon, but in Scottish inshore waters more generally.

We have tried hard to engage with the Scottish Government on this since 2003, but as their latest response makes clear, there is still no meeting of minds. It must now be for the Committee to judge whether there is sufficient merit in our views to suggest to the Scottish Government that it would be worth considering a wider and more fundamental review of policy in this area or whether, as Marine Scotland suggest, it should be left to their officials to investigate ways of restoring Torridon's MSC accreditation.

It will not surprise you to know that having carefully considered all the responses to our petition, we still believe that there is a great deal to be gained from a wider review. However, whatever decision the Committee comes to at its meeting on 22 February, we would like you to know that we are extremely grateful for the courteous and thorough way in which you have dealt with our concerns.

Torridon *Nephrops* Management Group
The Packing Shed
Ardheslaig
Strathcarron
Ross-shire
IV54 8XH

Tel: 01520 755 377
Fax: 01520 755 366
Email: info@shieldaigexport.co.uk

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The Role of Science

Re-reading our petition alongside Professor Atkinson's comments (paragraph at the top of his page 3), those from Scottish Natural Heritage (their paras 2 and 3) and those from the Scottish Fishermen's Federation in their para 4, it is clear that we should have said more on this aspect initially.

It is our experience, backed up by many years of work in Loch Torridon (going back well before the closure in 2001), that good quality scientific research and monitoring is an essential underpinning to sound, sustainable, fisheries management. The scientists to be fully effective need to draw on the practical experience of the fishermen and the fishermen need to be open to new and sometimes uncomfortable messages from the scientists. One of the keys to the quality of the work carried out through the TNMG has been the close collaborative working between the local fishermen and the scientists from SNH, Millport and the Scottish Government (what was the Marine Laboratory Aberdeen and is now Marine Scotland Science). This principle of developing good, long term, scientific understandings of local fisheries and being prepared to act on the scientific assessments has to be the way forward nationally.

Environmental Impact

The question of how benign is the impact of creeling on the sea-bed and other aspects of marine life is raised in a number of the responses (para 3 page 2 of the SFF note, paras 8, 9a and 9.b of the SNH note, and para 2 page 2 of Professor Atkinson's.) The overall message from the responses seems clear, that creeling has a significantly lower environmental impact than trawling, particularly in terms of sea-bed impact and by-catch.

However, the responses are right to point to the need for care, for continuing research and a preparedness to act if previously overlooked impacts become clear. For example, we have had no problems with minke whales becoming entangled in creel ropes in this area but would want to look at the SMRU work to try to ensure that this does not become a significant risk locally. Again, although research on nephrops catches in the Torridon area suggests that more males are caught than females, SFF are right to point to the need for care on this aspect of fisheries management. That is why the creelers signed up to the Torridon Management Agreement undertake to return berried females to the water in good condition. Furthermore, the escape panels fitted to their creels to enable under-size nephrops to escape on the sea-bed would tend to favour the escape of females (which are smaller than the males).

SNH's suggestions (in their paras 9 b, c and d) could well provide the best way forward on this issue, if proposals are agreed with local fishermen as part of an economically and environmentally acceptable overall package. Piloting of such measures would need to be accompanied by research and monitoring to understand their effects.

MSC Certification

We fully support the Marine Stewardship Council's mission, through its certification programme, to encourage and extend sustainable fishing practices in Scottish waters. We were proud to have been awarded our MSC certificate in 2003 and particularly disappointed to have it suspended last month for reasons, which the MSC, WWF and Professor Atkinson's responses makes clear, are to do with the Torridon Nephrops Management Group's lack of powers to control the level of fishing effort in the local area, essentially on the part of boats coming in from outside. It was a tough decision to suspend the certificate and viewed from a local perspective, somewhat unfair. But taking a broader view, and judging the decision against the MSC's mission, we think it was probably right. The key in our view is that it underlines the need for action in terms of points 2 and 3 on page 5 of our petition. However, such new controls and regulatory powers cannot be determined for Loch Torridon alone. They must be developed nationally and then discussed, agreed and applied locally (see below).

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Ardheslaig
Strathcarron
Ross-shire
IV54 8XH

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Creeling and Trawling

The issue of where and how to strike the balance between creeling and trawling is central to our petition and the responses (page 1 of the annex to Marine Scotland's response, many of the points on page 2 of the SFF response - highlighted by the reference to the Stornoway nephrops trawl fishery – and para 2 on page 2 of Professor Atkinson's note).

The Committee should be clear about what we are suggesting and what we are not.

There is no dispute about the economic importance to Scotland of the trawled nephrops fishery and certainly no suggestion on our part that it would be practical or acceptable to replace it by creeling. Apart from anything else, it is likely that much of the £51m of nephrops caught by trawl in 2009 came from off-shore waters which would be impossible to fish by creel.

What we are suggesting is that on fishing grounds where creel fishing is practical and in local areas where the majority of fishermen support this approach, the advantages of creeling in terms of economic value, environmental impact and its support of local communities is so strong that this should be the preferred approach. However for such an approach to be practical, spatial separation and effective mandatory control of fishing effort is essential. The question of how best to select and pilot further static gear only fisheries brings us to the role of the Inshore Fisheries Groups (IFGs).

Role of the IFGs

The case for more local management of fisheries, particularly for less mobile species like nephrops and the role of the IFGs is central to Dr Nightingale's submission and is covered in para 3 on page 2 of Professor Atkinson's response and in the last para on page 2 of Marine Scotland's annex.

The crux in our view is management and control at a relatively small scale, local level, within a more strategic framework which is set centrally.

We agree that the IFGs are a good step forward which is why Kenny Livingstone from Torridon is an active member of the North West Scotland IFG. We also accept that good work has been done since their inception in 2009 to involve more local fishermen in their work and so make them more representative locally. And clearly their role is still evolving.

However we believe that Marine Scotland's response underlines what we believe are still significant weaknesses in their current approach to the IFGs–

1. the Groups have no statutory power to impose the sort of controls we believe are needed in terms of fishing effort and spatial separation
2. there is no evidence of the urgent action we believe is needed to implement better local arrangements for the sustainable management of nephrops fisheries. The need for this is underlined by the reduction in catches in Torridon and the suspension of the MSC certificate).

The IFGs would be the obvious mechanism for taking forward our suggestion for agreeing and piloting more spatially separated static gear fisheries.

Next Steps

If the Committee agrees, we suggest that the issues we have raised and the proposals for improved fisheries management contained in our petition and in the majority of the responses are of sufficient merit and urgency to justify an early review of policy in this area by an incoming Scottish Government. There are obviously many other organisations and individuals who would need to contribute to that review. However if called upon, the Torridon Nephrops Management Group would be happy to make a contribution.

Richard Munday

Torridon *Nephrops* Management Group
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Ardheslaig
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