

PLANNING SCOTLAND'S SEAS

2013 PRIORITY MARINE FEATURES

RESPONSE OF THE SCOTTISH FISHERMEN'S FEDERATION

INTRODUCTION

1. The Scottish Fishermen's Federation (SFF) is pleased to be able to respond to this important consultation particularly as it has been searching for many moons to obtain the Marine Scotland Priority Marine Feature (PMF) list and a justification for it.
2. The SFF has taken a close interest in the MPA project and has given the Government, and, through it, Marine Scotland its support for the principles involved. However Marine Scotland will remember that the SFF could not envisage the MPA designation process being embarked on with out having a PMF list. We now have it, but a little late!
3. While there is good sense in producing a list or lists of habitats and species which could be considered for protection, the effect of this consultation goes far beyond that, as will be seen.

2 METHOD

The Consultation sets out the method by which the list was arrived at. This is contained in section 2.3

2.3 To produce the recommended list of PMFs in Scotland's seas (Tables 1-3 below), species and habitats on existing conservation registers were assessed against criteria that considered whether a significant proportion of their population occur in Scotland's seas, whether they are under threat or in decline, and what functional role they play. All the features which have passed the criteria are considered important components of the biodiversity of Scottish seas and should be prioritised for conservation action.

Unfortunately the task of compiling and justifying the list is exceeded in the last phrase "*and should be prioritised for conservation action*".

No authority is sought in the Consultation for the status which is thus proposed for the list, nor is it authorised by legislation. That proposal must be a matter for further discussion which takes into account many factors beyond the consultation including the level of priority for each of the features as well as settling upon what conservation action is required, if any.

Frankly this document is an attempt to get a batch of features which stretch well beyond the list of those for which a statutory duty to protect exists, into that list.

3 EVIDENCE

As with MPA selection, SFF has considerable difficulty with the process allegedly followed to give the list sanctity.

The work carried out is related in some detail: –

Six criteria were used: Proportional Importance (national/regional/global); Decline/Threat of Decline; Functional Importance; Rarity; Data Deficiency; International Commitment. The first three of these were used together to determine if a feature was to remain on the list of Priority Marine Features and to produce a provisional short list of features. The list was refined during an iterative process involving Scottish Natural Heritage (SNH) internal workshops and discussions. A grouping exercise was then carried out on those features that were to remain on the list in order to arrange similar features together, for example inshore burrowed mud habitat types and the species associated with these habitats such as the tall seapen and the fireworks anemone. Following the grouping exercise, a final filtering of the list involved removing overlapping or duplicate habitat types and a number of species which were represented by specific habitats.

Yet that work was not without its difficulty: –

As with the proportional importance criterion, for many species in Scottish offshore waters, quantitative data on abundance and distribution are lacking making it difficult to objectively make judgement as to whether a species is subject to decline/under threat of decline.

Unfortunately we have no information as to how this secret process evolved. Were there any species and habitats lost? If they were, why were they lost? What species were represented by specific habitats and what does that actually mean? Are there are not many species, which remain on the list specifically represented in one or more of the habitats which remain on the list?

The outcome, howsoever arrived at, was then vetted in the following manner: –

2.4 Various marine and taxonomic specialists were consulted throughout development of the recommended PMF list and an external review of the overall process was completed by an independent expert. A targeted peer review of the draft list, and evidence behind it has also been undertaken.

Regrettably no details of who carried out the external review and that review's outcome or what is meant by a targeted peer review of the list and evidence and its outcome are shared with us. The credibility of the whole document is thereby irreparably damaged.

4 FISH

It is not unnatural that the SFF has taken most interest in the commercial mobile species which feature in the list. The concern is substantial. The targeting of commercial species is managed by the Common Fisheries Policy. The Member State has no authority to regulate the uptake in non-territorial waters for nature conservation purposes. Accordingly the following species required to be removed from the List.

- Anglerfish
- Atlantic halibut
- Atlantic herring
- Atlantic mackerel
- Black Scabbardfish
- Blue Ling
- Blue Whiting
- Cod
- Greenland halibut
- Horse Mackerel
- Ling
- Norway Pout
- Round-nose grenadier
- Saithe
- Sandeels
- Sandy ray
- Whiting

Additionally, Descriptor 3 Marine Strategy Framework Directive sets a target for the Good Environmental Status (GES) of commercial sea fish. This will be achieved through the Common Fisheries Policy. Separate nature conservation action is neither required, nor is it welcome.

5 GENERAL

Marine Scotland goes too far with its proposal that numerous items drawn from numerous lists should be lumped together and then the demand be made that those items, or features, be prioritised for protection. This approach is rejected by SFF.

As an alternative the SFF proposes, for a first step, that the list is subdivided with those species and habitats which legislation demands be protected (e.g. Habitats Directive species and habitats) be allocated to the first priority, habitats and species

where there is a non-enforceable legal obligation (e.g. OSPAR threatened and or declining habitats and species) in the second priority and those for which there is neither (e.g. BAP priorities habitats/species) in the third and final list.

That subdivision is easily undertaken because the habitats and species have been identified under the separate measures.

6 CONCLUSION

The SFF is deeply concerned by the nature of this consultation which attempts to bypass the normal channels of communication with industry, which are set up when important changes in policy are being proposed.

The SFF urges the Scottish Government (i) to take no further action until the subject is discussed further in detail and (ii) in those discussions reach agreement with the SFF on an approach, which either follows the above, or is an acceptable version of it.