



Scottish Government
Riaghaltas na h-Alba
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Draft Proposals for Requirements for Static Gear Deployed Within 12 Nautical Miles of Scottish Baselines



November 2016

marinescotland

Introduction

In December 2015, the Cabinet Secretary announced recommendations on dealing with gear conflict (<http://www.gov.scot/Publications/2015/12/4724>). These included looking at good practice and possible legislative changes to the marking of static gear inside 12 nautical miles.

Over the past few months, Marine Scotland has held discussions with three industry working groups, formed specifically to consider options on this topic – one east coast, one west and one for the Western Isles, Orkney & Shetland.

The outcome of these discussions is a set of draft proposals which is set out in this consultation document. Although the majority of the organisations, associations and individuals who attended the group meetings did support the proposals some parties did express concerns.

This consultation therefore gives all fishermen the opportunity to consider and comment on them.

Responding to this Consultation

We are inviting responses to this consultation by **3 February 2016**.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You can view and respond to this consultation online at <https://consult.scotland.gov.uk/marine-scotland/static-gear-deployed-within-12-nautical-miles>. 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 **3 February 2016**.

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

Consultation on Gear Marking
Inshore Fisheries Management and Coastal Communities
Area 1B 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 attached 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 If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.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 Inshore Fisheries Management and Coastal Communities, Area 1B South, Victoria Quay, Edinburgh, EH6 6QQ.

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.

Draft Proposal 1:

For a fleet of static gear, fishing for *Nephrops*, deployed within 12 nautical miles from Scottish Baselines, by either licensed or unlicensed vessels, each end of the fleet must be marked with at least 1 brightly coloured inflatable buoy with a minimum diameter of 15" (38 cm) or circumference of 48" (122 cm) - (A2 size). The optional deployment of dhans with flags at either or both ends would meet this minimum requirement.

The intention of the new minimum sized marker buoys and floats is that they reduce accidental gear conflict and entanglement of propeller shafts, as deployed static gear which meets the new minimum standards would be more visible. The use of 'non-fishing markers' such as netted footballs, 5 gallon drums and milk cartons would become illegal.

Question 1: Do you support this proposal?

Yes

No

If you have answered No, please explain your reasons:

Draft Proposal 2:

For static gear, fishing for species other than *Nephrops*, deployed at depths of 15 fathoms and greater, at mean low water springs, within 12 nautical miles from Scottish Baselines, by either licensed or unlicensed vessels, each end of the fleet must be marked with at least 1 brightly coloured inflatable buoy with a minimum diameter of 11" (29 cm) or circumference of 36" (92 cm) - (A1 size). The optional deployment of dhans with flags at either or both ends would meet this minimum requirement.

Question 2: Do you support this proposal?

Yes

No

If you have answered No, please explain your reasons:

Draft Proposal 3:

For static gear, fishing for species other than *Nephrops*, deployed at depths of less than 15 fathoms, at mean low water springs, within 12 nautical miles from Scottish Baselines, by either licensed or unlicensed vessels, each end of the fleet must be marked with at least 1 purse seine or trawl float with a minimum diameter of 3" (7 cm) or circumference of 9" (22 cm). The optional deployment of dhans with flags at either or both ends would meet this minimum requirement.

Question 3: Do you support this proposal?

Yes

No

If you have answered No, please explain your reasons:

Draft Proposal 4:

Where the static gear belongs to an unlicensed fishing vessel, each of the A2 or A1 buoy(s) or the purse seine/trawl float(s) in use (depending on the depth of the gear) must have a unique reference number, issued by a Fishery Office, painted legibly on them.

Question 4a: Do you support this proposal?

Yes

No

If you have answered No, please explain your reasons:

We have suggested that unlicensed fishermen would obtain a unique reference number from a Fishery Office. This number would be unique to an individual and once issued could be used on all gear deployed by that individual. We think it is fair that gear belonging to unlicensed/hobby fishermen should be marked in a manner that allows the owner to be identified, as would be the case for licensed fishermen, but at the same time we wish to minimise the burden on hobby fishermen and Marine Scotland. We would welcome other suggestions as to how unlicensed/hobby fishermen could mark their gear.

Question 4b: How could unlicensed fishermen's gear be marked?

Draft Proposal 5:

Where the static gear belongs to a licensed fishing vessel, each of the A2 or A1 buoy(s) or the purse seine/trawl float(s) in use (depending on the depth of the gear) must have the vessel's port letter number (PLN) painted legibly on them.

Marine Scotland believes that the requirement to paint port letter number (PLN) or equivalent, legibly on all marker buoys and floats is useful across the fishing industry, as it enables fishermen to return gear that is towed away, alert owners to its location and/or to compensate the owner for damage and/or loss. The PLN marking or equivalent would also help Marine Scotland Compliance to identify who has deployed their gear in an unauthorised area and/or to remove unmarked gear.

Question 5: Do you support this proposal?

Yes

No

If you have answered No, please explain your reasons:

Electronic Identification (EID) tags:

An additional proposal has been put forward that would require at least one of the A2 or A1 buoy(s) or one of the purse seine/trawl float(s), used by either licensed or unlicensed vessels, to also have an EID tag, issued by Marine Scotland Compliance, attached. Marine Scotland remains open minded about this potential EID requirement.

The benefits of this proposal would be that a reliable register of static gear could be created and allow for a better estimate of the number of fleets of creels fishermen are deploying and in which areas. Marine Scotland can estimate some of this data from the statutory returns which licensed fishermen make (logbooks and Fish1 forms, depending on vessel length).

However, unlicensed operators are not required to make these returns and EID tags would also therefore give Marine Scotland a better picture of unlicensed static gear activity - activity which, in some areas, licensed operators voice consistent concerns about, including that illegal sales by these unlicensed operators drag down market prices.

More accurate and enhanced levels of information would also allow Marine Scotland to make better fisheries management decisions, for example where there is competition between mobile and static sectors, as well as provide data showing actual areas fished which would be beneficial with increasing pressures on space from other marine users, such as the renewable energy sector.

In addition, EID tags could make identification of gear by Marine Scotland Compliance more efficient and effective. More efficient because the buoys and floats could be scanned with immediate, automated data entry. It would also reduce the risks of creel fleets being removed because markings had been eroded overtime making identification impossible.

However, the EID tag technology and products are untested in the static gear fishery. Subject to the feedback from this consultation, Marine Scotland therefore suggests that a robust trial could be undertaken during 2017, to identify, test and prove whether the EID tags can be effectively and efficiently attached to static gear, reliably be read at sea by Marine Scotland Compliance and whether they deliver sufficient benefits to the inshore fisheries.

Question 6: Do you support the implementation of EID tag trials over 2017?

Yes

No

If you have answered No, please explain your reasons:

Respondent Information Form

Consultation On Draft Proposals For Requirements For Static Gear Deployed Within 12 Nautical Miles Of Scottish Baselines

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



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