

Marine Directorate

Fisheries Management and Conservation (FMAC) Inshore Subgroup

Outcome Report on meeting of 14th March 2024

Context

1. The Scottish Government is working with our FMAC Inshore Subgroup to help inform transition towards more agile management of our inshore fisheries that is regionalised and supported by regular scientific advice to balance economic, social and environmental outcomes. This group consists of representatives across the full spectrum of stakeholders with an interest in inshore fisheries.
2. At the FMAC meeting of January 29th Marine Directorate officials outlined concerns over pressure being exerted on inshore fisheries for crab and lobster, based upon current stock assessment reports and anecdotal evidence of fishers themselves. They set out their wish to work together via a co-management approach to:
 - a. Evaluate the potential for introduction of interim measures from May 2024 to improve the health of inshore crab and lobster stocks.
 - b. Work to update the scientific evidence base and consider how best to assess crab and lobster stocks on a more regular timetable in the future.
 - c. Inform a consultation on a broad package of inshore management measures in late 2024.
3. This three-step approach was positively received and there was general agreement among members on the need for specific action in response to the available evidence. The FMAC membership was charged with carrying out discussions with their own networks, focussed on the possible use of interim measures as an initial step in our overarching 'roadmap' for inshore fisheries improvement.
4. On 14th March 2024, FMAC Inshore Subgroup reconvened in person at Victoria Quay, Edinburgh to report on and consider the key themes and ideas arising from these discussions.

Stakeholder engagement

5. The Chairs of Scotland's Regional Inshore Fisheries Group (RIFG) network reported engaging extensively in their areas, carrying out meetings with fishers, fish processors and representative associations that reached approximately 250 individuals.
6. In addition to the RIFG network the meeting was attended by representatives of 23 other organisations spanning government and their statutory consultees,

academia, mobile fishers, static gear fishers, anglers, charities and environmental non-government organisations.

7. Each of these groups was given the opportunity to present (either verbally or in writing) their ideas regarding how interim measures might be deployed from May 2024 to deliver maximum benefit for our inshore crab and lobster fisheries.

Key themes

Evidence base

8. Anecdotally, while stakeholders raising concern over the health of inshore crab and lobster fisheries has increased in recent years, not everyone shares this view. Some maintain that their regional fisheries have already improved as a result of factors like natural fleet decline in their area, existing controls, and initiatives such as the [inshore fisheries pilots](#).
9. There was strong agreement that work is required to ensure we have a scientific evidence base that provides the confidence required to make decisions about management of our inshore fisheries. Some groups went further, expressing they would not be willing to consider further fisheries management measures until this issue is addressed. Others felt that the age of the data was not an issue, so much as the lack of a framework for ongoing regular stock assessment.
10. Marine Directorate scientists acknowledged the age of the data used in current stock assessments and the constraints on available resources. They outlined plans now in place to help address concerns, noting the good work that has already been done and how it can be built upon:
 - a. Work is underway to update our crab and lobster stock assessment data (up to 2023) during 2024.
 - b. Length Cohort Analysis is currently used as an indicator of stock health for crab and lobster. This is based on averages over a number of years, therefore there would be no benefit to running this analysis annually or biannually. In assessing how we transition crab and lobster onto a more regular cycle of assessment in the future, Marine Directorate are considering options for length-based and survey indices. Analysis of these will be run over summer 2024, utilising data from 2020 to 2023.
 - c. Marine Directorate are reviewing the collection of sampling data required for stock assessment. They are keen to utilise active fishers, processors, the RIFG, Compliance Officers and external academia in sampling.
11. There was strong support from those present for stakeholder input to sampling and for closer working with Government scientists in general, noting the historic precedent for such collaborations. Industry representatives said they stand willing to help but appreciate clear communication so that relevant information can be relayed to fishers.
12. There was general discussion regarding sharing of science with stakeholders:

- a. Co-management groups such as FMAC do not need full-blown peer-reviewed papers, quick summary outputs of what the data is showing would be just as effective to help inform discussion.
- b. Both landings data and information about fishing pressure are needed to give the full story of the health of a fishery.

Berried lobster

13. There was strong support for a prohibition on landing of berried (egg-bearing) lobster, with the majority of attendees agreeing there is little rationale for not mirroring an approach already established in both England and under the [Shetland Regulating Order](#).
14. Those who opposed such prohibitions reasoned that in certain areas (southwest was mentioned) berried hens make up a disproportionately large share of the catch and are beginning to be observed on smaller lobsters. Another attendee noted that this measure existed in Scotland in the 1960's but ultimately fell by the wayside as it could not be enforced when fishers 'scrubbed' (forcibly removed) the berries from the shellfish.
15. Other themes included:
 - a. Tests to establish if a lobster has been scrubbed exist and while they do not necessarily assure proof, they continue to be used by English Inshore Fisheries Conservation Authorities (IFCA).
 - b. Irrespective of the challenges posed by this approach, it would encourage a shared behavioural change in fishers and have a positive impact on the reproductive potential of lobster.
 - c. Some studies have shown increases in catch per unit effort within areas where such controls exist, however these do not always consider the impact of other variables such as changes in fleet size.
 - d. There was discussion on the inclusion of berried or soft brown crab as a possible interim measure. It was agreed that this was a complex matter that would sit better as a long-term aspiration. Any such control would require a means to assess 'softness' and would also need to cover processors as well as fishers.

Minimum and maximum landing size for shellfish

16. There was split opinion on changes to minimum and maximum landing sizes (MLS) for brown crab, lobster, and velvets with many expressing support for establishment of a continuous MLS right around the coast of Scotland and its borders with England. In particular it was noted that the 87mm MLS for lobster on the east coast should be altered to mirror the 90mm rule on the west coast.
17. Other attendees were against further changes pointing out that at the time of the last changes in 2017, stakeholders were told by Marine Directorate that it would take five to seven years before their impact on stock health could be gauged.

While that time has now elapsed, an assessment of impact on the fishery has not yet been made.

18. Regarding ensuring compliance with new control measures, it was noted that MLS checks align with compliance work that Marine Directorate already routinely carries out.

Large capacity creel vessels ('supercrabbers')

19. Many inshore fisheries stakeholders are vocal in their criticism of large capacity creel fishing vessels (commonly known as 'supercrabbers') working in inshore waters. There was very strong support for measures to restrict these vessels with some indicating they were not willing to discuss other controls until this issue was addressed.
20. There is no cast-iron definition of a supercrabber but most agree that they are over 14 metres in length, and usually have vivier tanks to retain catch alive at sea. Marine Directorate analysis indicates these vessels record catching in excess of 200 tonnes of crab and lobster in a year, with a large gap existing between them and the next largest-catching vessels.
21. While supercrabbers generally fish both inshore and offshore waters, some are more focussed inshore waters than others.
22. Some attendees felt the definition of a supercrabber was less important in controlling effort than the number of creels deployed. It was suggested that 1,800 pots was a good starting point because it represents the approximate number that could easily be shot in a day.
23. Other themes that emerged included:
 - a. Concerns that any new controls should not render established Scottish fishing businesses unviable.
 - b. Some of the vessels within scope are large enough to have the option of safely working further offshore and there is no clear reason they 'need' to fish inshore.
 - c. Historic behaviour is important in identifying creel vessels exerting a disproportionate impact on inshore fisheries. This can be observed in 'nomadic vessels', who may arrive in an area and fish intensively until catch rates begin to drop off, before moving on.
 - d. Supercrabbers may play a role in maintaining supply to processors during the more inclement months of the year when small boat activity is limited.
 - e. Supercrabbers would be better accepted among the landscape of regional fisheries if they abided by local voluntary agreements.

Review of latent shellfish entitlements

24. There was split opinion on reviewing latent shellfish entitlements in the Scottish fleet as an interim measure, but general agreement that this complex issue warranted further discussion as part of the consultation planned for late 2024.

25. It was felt by some that well-intentioned management measures might be undermined if there was no means by which the overall capacity of the fleet could be controlled.
26. Any review of unused shellfish entitlements needs to consider possible unintended consequences, as well as existing Fisheries Management Strategy commitments to diversification, new entrants and promoting fishing as an attractive career.
27. There was suggestion of removing the facility for a shellfish entitlement to be separated from an over 10 metre licence within the current framework, thereby restricting their use in the creation of new shellfish-focussed fishing licences. Marine Scotland originally introduced this provision to avoid artificial inflation in the cost of entitlements as a result of larger fishing businesses seeking to licence new builds.
28. Reviewing the lifespan of a licence entitlement when removed from a vessel, was also suggested as a possible approach.

Voluntary agreements

29. Opinion was split on the efficacy of voluntary measures. Some saw them as having their place as a core component of RIFG function and a useful way of testing an approach that may eventually become statute. Others felt they were pointless, offered no real world incentive to comply and could be easily undermined.

V-notching of female lobster

30. There was majority support for continuation of voluntary v-notching of lobster hens and using the RIFG network to promote this activity. A minority of stakeholders did note concerns over the welfare of notched lobsters.

Regionalised approach

31. There was strong agreement with the Government's aspiration to transition to a more regionalised model of inshore fisheries management. Many of the groups present felt this theme was central not just to the inshore fisheries roadmap but to supporting development of Fisheries Management Plans, helping meet our obligations under the Fisheries Act 2020.
32. Marine Directorate's evidence base shows that crab and lobster have seen a net decline in landings over the past five years. However, it is understood that there is a high degree of variation from region to region.
33. Some stakeholders felt that the RIFG network should have a far bigger role in determining regional fisheries management approaches.

Other themes

Unlicensed fishers

34. A significant number of stakeholders noted the issue of unlicensed fishers and ensuring their compliance with legislation. It was felt that in some areas there were unlicensed operations who did not observe minimum landing size regulations, or catch limits set out in The Shellfish (Restrictions on [Taking by Unlicensed Fishing Boats](#)) (Scotland) Order 2017.
35. Some felt that a small minority of restaurants in Scotland encourage unlicensed operators to illegally sell catches in breach of the [Registration of Buyers and Sellers Act 2005](#).
36. There was strong support among attendees for Marine Directorate approaches to these issues such as use of inshore patrols and ongoing communication with processors and the restaurant trade to ensure compliance.
37. There was general agreement that, longer-term this legislation should be reviewed to aid compliance, such as by imposing restrictions on the number of creels and/or keeps unlicensed fishers can deploy.

Closed seasons

38. There was minority support for the use of closed seasons with many feeling that they would lead to effort displacement, instability in markets vital to Scotland's rural economy, as well as rendering some fishing businesses inviable.

Other sources of mortality

39. Other sources of crab and lobster mortality were raised including, gill netters, predatory species such as cod and octopus, as well as species like starfish that may have a suffocating effect on shellfish species.

Creel limits

40. There was general support for use of creel limits with many representatives drawing attention to various voluntary agreements and codes of practice that already exist around Scotland. However, some felt that input controls needed to be based on the effort the stock is assessed to be able to withstand, rather than simply what is viable for the fishing industry.
41. Those who did not support the use of voluntary agreements tended to believe that a statutory approach with appropriate enforcement was required, or creel limits would be pointless.
42. There was general acknowledgement about the proliferation of creels in some areas such as the east coast.

43. It was noted that any approach to creel limits should differentiate between *Nephrops* creels and those used to target crab and lobster.
44. Some viewed implementation of a nationwide permitting scheme as being a positive way of realising the benefits derived from Scotland's inshore fisheries pilots (including creel numbers) on a flexible and more widespread basis.
45. General support for creel limits, if correctly enforced, is in line with the findings of the [2023 Future Catching Policy](#) consultation which indicated 85% support for such controls on static gear.

Catch limits

46. There was some discussion regarding output controls noting that although unsuitable as an interim measure, they should form part of the consultation planned for late 2024. It was suggested that the complexities associated with input controls could be avoided by measuring the volume of crab and lobster being extracted from the fishery and setting tonnages on a monthly or quarterly basis accordingly.

Conclusion and next steps

47. This was a positive, well-attended meeting with an emphasis on co-management. All those present were afforded the opportunity to share their ideas with the group. Those unable to attend were given the option to share ideas in writing ahead of time.
48. Following consideration of the various views relayed to us through FMAC, alongside other evidence, we will now look to introduce interim measures in May 2024.