

## **Paper on Proposed Management of Demersal Mobile Fishing Gear in the Skerries Bank and Surrounds MCZ**

### **Purpose of the paper:**

To highlight to the Project Board (PB) a potential conflict between the recommendations and basis of designation of the Skerries Bank and Surrounds MCZ and delivery of the revised approach to the management of fisheries in MPA, and to inform the PB on the position of the Devon and Severn IFCA and the MMO.

### **Summary of the Issues:**

- Skerries Bank and Surrounds MCZ was proposed by the fishing industry as part of the Finding Sanctuary Regional Project.
- The proposal by the industry, and their ongoing support, was on the proviso that the current Inshore Potting Agreement (IPA) was maintained, and no further management was required. This understanding was reflected in pre-designation papers, the Finding Sanctuary Final Report, and the Impact Assessment that accompanied Finding Sanctuary's recommendations.
- The fundamental issue is that of principle – that the MCZ project was a stakeholder led process and the recommendations supported designation and influenced the impact assessment. This principle is paramount to the support of stakeholder groups, to the integrity of the stakeholder led process and future involvement and compliance by the industry.
- The MCZ partly contains features that are sensitive to bottom-towed gear, namely infralittoral and circalittoral rock, 96.13% of which is protected all year from bottom towed gear and the remaining 3.87% is protected from bottom-towed gear for some if not most of the year under the MMO Licence Variation for the IPA.
- The MCZ co-locates with the Start Point to Plymouth Sound and Eddystone SAC. The total area of rock in these two sites is 137.44 km<sup>2</sup>. The total area of rock in the three areas open to mobile gear for part of the year in the MCZ is 0.55 km<sup>2</sup> equating to 0.41% of the total area of reef protected from demersal fishing gears in this large marine protected area of South Devon.
- Coarse sediment, through survey work, has been found to cover a larger area of the site than previously thought particularly in the zones where there is restricted access to demersal fishing gear. This has a maintain conservation objective and the suggested management is managed access (NE MCZ Prioritisation Tool, 2014) which is currently achieved through the IPA.
- The trawled areas, to which access is limited and managed under the IPA, are of considerable social and economic importance to the fishing communities in Devon.
- The issue which, needs consideration, is the fact that socio-economics were not taken into account at the time of designation, because no change in management of the site was proposed and therefore no economic impact to the industry was considered, and that such discussions, agreements and recommendations should be acknowledged and implemented in post-designation MCZ fisheries management.
- The confidence in some of the evidence of feature location is also variable. The surveys undertaken on the site were verification surveys only and the features extent and location for the site have been predicted through modelling using mostly

bathymetry. Video footage and stills at survey sites have been taken. Within Zone 3, only one still out of 10 stills taken on one of the 18 tows found any rock feature.

- Devon and Severn IFCA, supported by the MMO, consider that the introduction of additional precautionary management for the reported reef in some areas will affect the integrity of the IPA and undermine the stakeholder led MCZ process, leading to significant reputational damage to all those agencies involved in the MCZ process.

#### **Possible Management Options:**

- The management of the IPA remains in place and the MCZ continues to be protected through the zonal management system that led to the designation.
- The boundaries of the MCZ are changed to exclude those zones that are open to demersal gear for part of the year (as was done for Zone 5 of the IPA, which is open to demersal gear all year).

**The recommendation, put to the Project Board, is to keep the IPA management system in place as it exists, as agreed when the site was recommended for designation.**

#### **1. Introduction**

The Skerries Bank Surrounds MCZ straddles the 6nm limit and therefore comes under potential management of fishing activities by both the Devon and Severn IFCA (D&S IFCA) and the MMO (in a small portion of the site outside the 6nm limit). The MCZ includes many features some of which are sensitive features including rock (a mix of high/moderate energy, circalittoral and infralittoral), pink sea fan and spiny lobster. Potential management of these sensitive features has come to the forefront after discussions with the MMO who were considering whether management, particularly of demersal fishing gear, is required in the area that straddles the 6nm limit. D&S IFCA has brought the information and evidence together in this paper to highlight the history behind the designation of the site and the recommended management measures that were considered and the impact assessment that came out of the Finding Sanctuary project in relation to this site.

#### **2. The Finding Sanctuary Regional Project**

The Finding Sanctuary process was set up to inform Defra's decision making by providing stakeholder developed recommendations for MCZs in the south-west of England. The stakeholder process involved a wide range of organisations and individuals interested in or concerned about Marine Conservation Zones (MCZ) in the south-west. Finding Sanctuary Final Report and Recommendations were produced on 7<sup>th</sup> September 2011. As part of the Final Report, the Skerries Bank and Surrounds area was recommended to Defra as an MCZ and potential management was considered throughout the process and within the Impact Assessment. From the onset of the regional project, potential sites were discussed at many meetings. D&S IFCA attended most of the inshore working group meetings and stakeholder meetings. D&S IFCA officers were in attendance when the commercial fishing industry put forward the Skerries Bank and Surrounds area as a possible MCZ.

They suggested the site because it is part of the Inshore Potting Agreement (IPA) area, which has been in place under both voluntary agreement and/or commercial licence variation since 1978. The IPA is a very well recognised, studied and acclaimed gear conflict /

resolution management system and has been acknowledged as such both nationally and internationally (see references 1-6). The fishermen informed the group of the formal management in place where mobile gear is heavily restricted spatially and temporally in 'zones' within the IPA area. Figures 1 and 2 show the IPA management system for 2011 and 2016. Figure 2 also shows the Skerries Bank and Surrounds MCZ area.

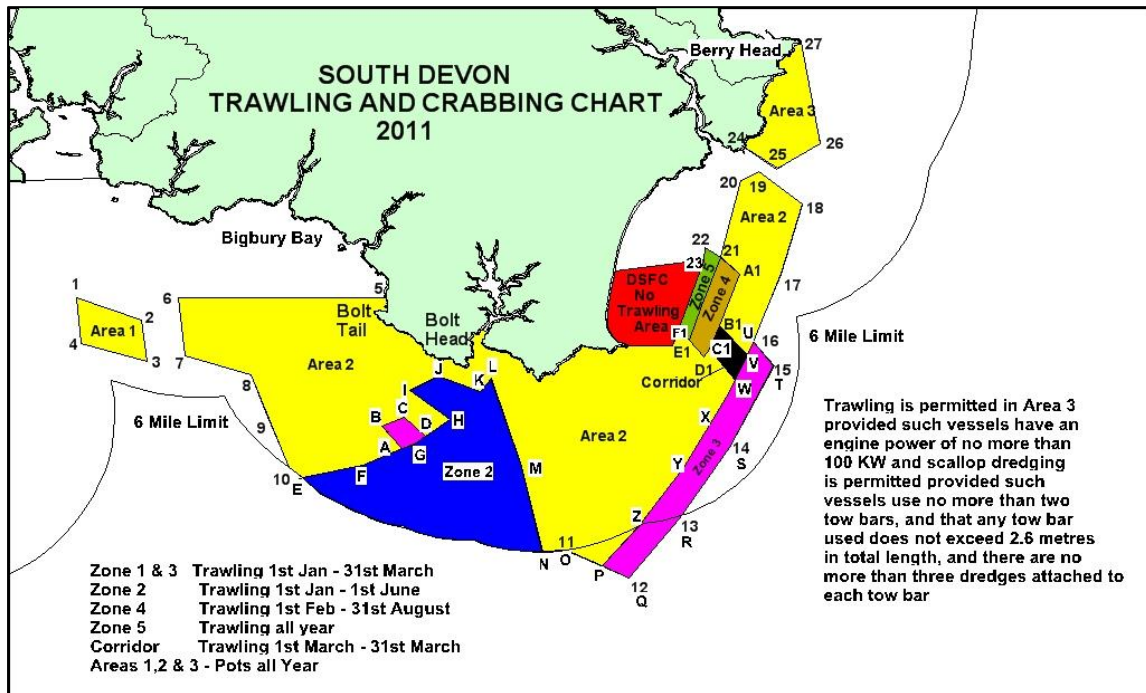


Figure 1: IPA Chart 2011

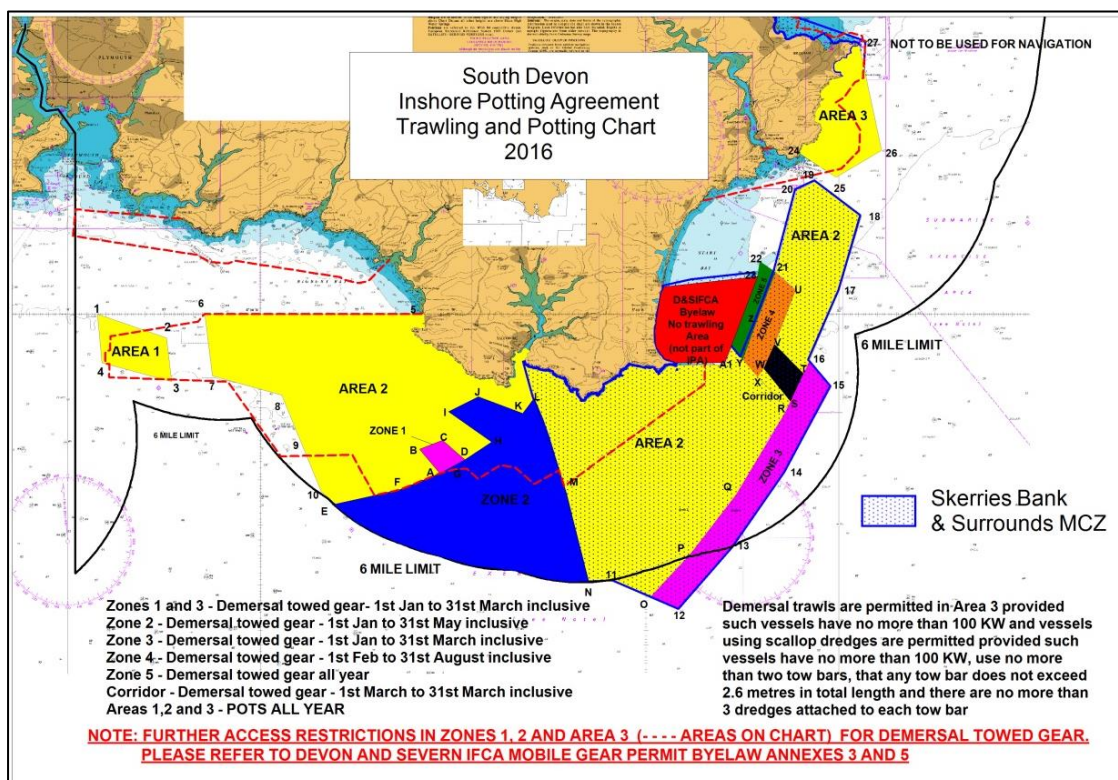
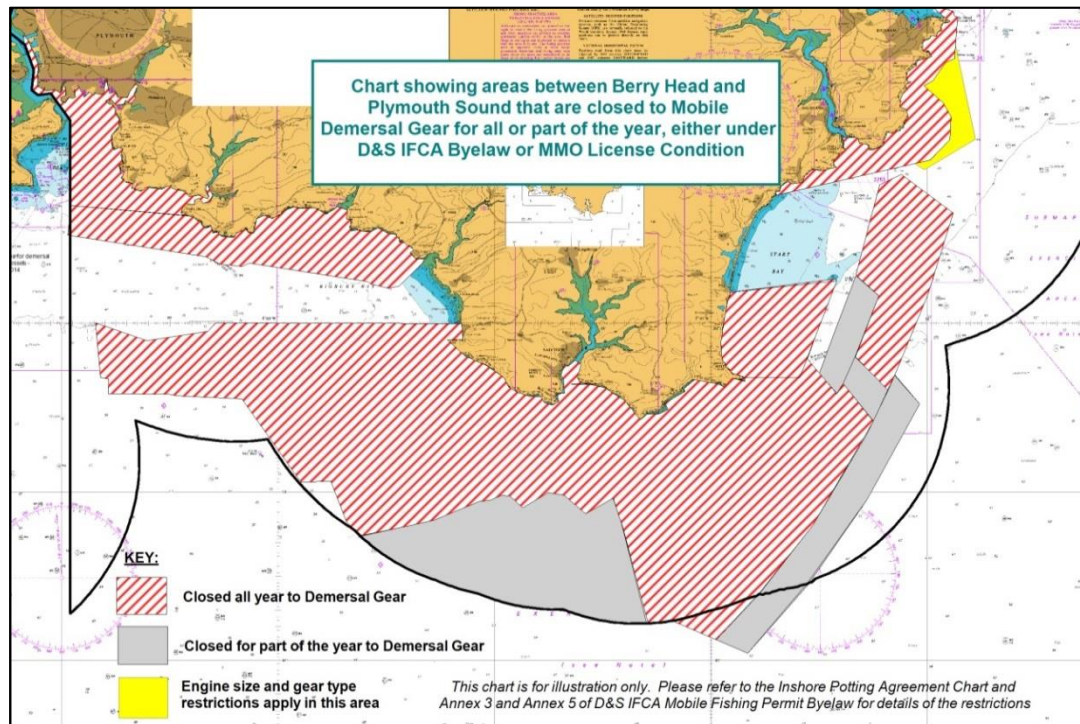


Figure 2: IPA Chart 2016 with Skerries Bank and Surrounds MCZ



The Start Point to Plymouth Sound and Eddystone SAC also co-locates with most of the IPA area. This SAC lies within the red dotted line in Figure 2. Figure 3 shows the areas in this part of South Devon that are closed to mobile demersal fishing gear. 40% of the south coast in D&S IFCA district is closed to this gear type.



**Figure 3: Area within D&S IFCA District Closed to Mobile Demersal Fishing Gear between Berry Head and Plymouth**

The Finding Sanctuary Regional Project was a stakeholder led process. Therefore the offering up of an area to be recommended for designation was a significant suggestion from the fishing industry, because in many of the meetings the industry were reluctant to put forward sites for designation, as they were cautious not to affect or restrict other sector members by their suggestions. The fishermen felt strongly that the IPA is a management system that has worked for many years, was already in existence and much of the site was protected from mobile demersal fishing gear.

This is documented within the Finding Sanctuary Final Report along with relevant information in relation to the possible management of activities within the site. The following extracts give some reference to the discussion and outcomes, which led to the designation of the site and the management that was proposed.

**a. Section II.2.2 (P.107) Stakeholder narrative for rMCZs - Working assumptions and implications**

**Commercial Fishing**

- A generic assumption was made early on in the process that mobile bottom-towed fishing gear would not be permitted in any MCZs. Offshore fisheries representatives did not agree that this assumption was realistic, and asked for an alternative wording to be used, which in essence stated that 'all fishing

activities can continue unless it prevents conservation objectives from being achieved'. Whilst accurate, that wording goes no further than the fundamental working assumption that applied to all activities. In reality, the assumption that mobile bottom-towed gears would not be permitted in any MCZs ran through the entire planning process, and this is acknowledged by fishing representatives. As a consequence, the planning process avoided areas most intensively used by benthic mobile gear fishermen, in as much as it was possible to meet the ENG elsewhere. This has had a direct bearing on the final configuration of the recommended network (map FR\_080). Implications that stakeholders highlighted as arising from an assumed closure of MCZs to these gear types centred around the loss of fishing grounds to mobile gear fishermen, negative displacement effects, and negative economic consequences to fishermen.

- An exception was noted that for the Skerries Bank and Surrounds rMCZ, one of the areas most intensively fished by static gears within the region, the recommendation for the rMCZ is explicitly made only on the condition that current management is maintained – any additional restrictions resulting from an MCZ designation would seriously compromise levels of support for the site (see site report for more details).

Below are extracts from the Skerries Bank & Surrounds rMCZ report taken from the Final Report. This gives detailed information about the selection process and the management options discussed and the final proposals.

#### **b. Section II.3.24 Skerries Bank and Surrounds rMCZ – Site Report**

Site boundary: The landward boundary of the rMCZ runs along the high water mark from Leek Cove (on the eastern side of the Salcombe-Kingsbridge estuary mouth), around Prawle Point and Start Point to Torcross. The seaward boundary aligns with the boundaries of the eastern portion of the Start Point Inshore Potting Agreement (IPA), excluding a corridor that is trawled all year (see map FR\_035d). Late in the process, there was discussion around a possible adjustment of the site boundary to include only those parts of the IPA that are closed to trawling year-round, which would cut the site into two portions separated by the areas that are trawled seasonally. In the end, the boundary adjustment was not carried out, and the current rMCZ boundary includes seasonally trawled portions (please refer to additional comments below). The recommendation for this rMCZ is conditional upon the current management being maintained in the area. The area overlaps with the Start Point Inshore Potting Agreement (IPA – map FR\_35d). Figure 4 shows a chart recommending the current management should continue.

The IPA started as a voluntary agreement between local inshore static and mobile gear fishermen, aiming to reduce conflict between fishing gears by creating areas that are permanently or seasonally closed to mobile fishing gear (trawling), so that those areas can be used by static gear (in particular, potting). The IPA is now legally and formally recognised and is enforced through a commercial fishing license variation, managed through the MMO. The area is seen by some as a 'de-facto' MPA, as it prevents damage from bottom-towed gears in the static gear zones. For that reason, it was proposed as a part of the network configuration.

### 3. Additional comments

The following is a set of additional comments made by stakeholder representatives over the course of the planning work for the Finding Sanctuary Project. Some of these comments were made specifically about this site, others were more generic comments that the FS project team considered to be relevant to this site.

#### a. Inshore Potting Agreement –IPA

- This site was included in the network recommendations to recognise the conservation benefits of the management regime that is currently in place within the IPA. Local Group feedback indicates that there is good evidence that the seabed is in good condition in the no trawling areas within this site, and that the current IPA is a well-policed agreement.
- The area is considered a de-facto MPA by some, and making it an MCZ (on the assumption that current management would be maintained) would serve to consolidate the conservation benefits of the site for the future, and allow it to be 'counted' within the context of the overall network. However, there is a strong feeling amongst stakeholders that if the MCZ designation altered the current management of the site, then that would have more negative consequences than benefits (in particular, loss of goodwill of people who have been working together over years to reduce conflict). Therefore, the recommendation for this rMCZ is made on the condition that the current management under the IPA would be maintained.
- This site differs from other rMCZs, in that it includes zones where the working assumption is that mobile bottom-towed fishing gears would be allowed to continue seasonally. In all other rMCZs, the working assumption is that bottom-towed gears would not be allowed (because they would prevent the achievement of conservation objectives). A solution to this logical inconsistency (suggested within the Local Group) might have been to reduce the size of the Skerries Bank and Surrounds rMCZ, to only cover the area where trawling is permanently excluded. This would have meant dividing the site into two parts, including only the red areas on the IPA map (see Figure 4 below).
- Discussions at the vulnerability assessment meetings highlighted the possible consequences of including the seasonally trawled areas within the rMCZ: Natural England highlighted that the inclusion of the seasonally trawled areas ('corridors') would mean that for the seafloor habitat within the corridors, the conservation objectives would not be met, unless the mobile gear was excluded from the entire site. The project team identified this as a potential danger to the condition based on which the site had been recommended by the stakeholder group, i.e. that current management should be maintained.

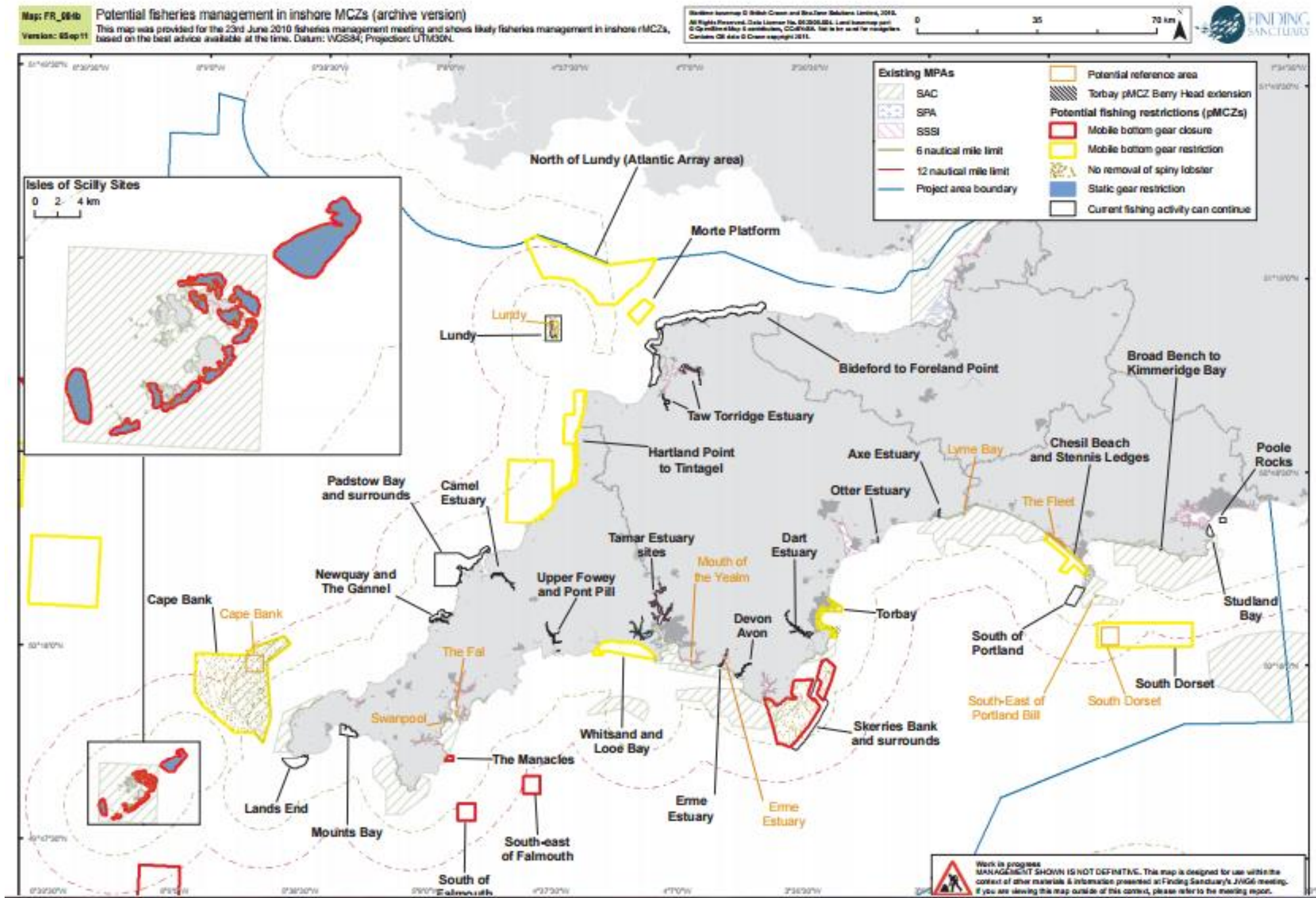


Figure 4: Chart showing the potential management in rMCZ with Skerries Bank & surrounds site indicating the current fishing activities can continue outlined in black.



- This prompted the project team to review the previous stakeholder discussions around this site, and reconsider the boundary. At the final Joint Working Group meeting in June 2011, the project team stated that the site boundary would be revised to only include the areas currently closed to trawling year-round, splitting the site into two parts. They regarded this boundary adjustment as a correction rather than a change, as the intention was to maintain the integrity of the stakeholder recommendations.
- However, the suggested two-part boundary caused negative feedback from stakeholders within the JWG and from outside the working group. Concerns were raised that excluding the seasonally trawled areas would be perceived as an indication that the area within the trawl corridors is not ecologically important, Skerries Bank and surrounds rMCZ site report 551 which might lead to pressure to open it year-round to mobile gears. This was perceived as a potential danger to the condition based on which the site had been recommended, i.e. that current management should be maintained.
- The dilemma faced as a project team was that everyone was essentially expressing the same concern ('maintain current management'), but whichever way the team drew the site boundary, there was a perceived risk. Ultimately, the project team returned the site boundary to the original single site, which includes the trawl corridors. As such, the site recommendation is treated in the same way as the Bideford to Foreland Point example, where the site recommendation states that dredging of the shipping channel should be allowed to continue within the rMCZ boundary, but that the part of the seafloor affected is not counted towards ENG targets. The seafloor habitat area figures presented in the report did not include the seasonally trawled areas.

#### **b. Reaction to the Vulnerability Assessment Process and Outcomes**

- At the sixth Joint Working Group meeting in June 2011, results from the regional vulnerability assessment discussions were presented to the group. The regional VA meetings included some initial discussions on site management, but did not reach any firm conclusions, nor did they review the previous working assumptions in detail. The presentation of the outcome of the regional VA discussions generated concern within the JWG. For many of the inshore sites, this concern was based on the apparent lack of management suggested for bottom-towed mobile fishing gear, and the comments made by members of the JWG are described in detail in the other inshore rMCZ site reports.
- However, as explained above, this site is an exception to the others, in that it was suggested for inclusion by stakeholders on the condition that the current management of the Inshore Potting Agreement is maintained – and in this site, that does include some small areas that are seasonally trawled (see Table 1).



Table 1: Section taking from Final report discussing the management assumptions and implications

Activities assumed to possibly need restricting (limiting or mitigating) within the site or parts of the site.	
Assumptions	Implications
<p>The existing fishery management regime will be maintained without change.</p> <p><i>The current management regime has been established through fishermen working together to reduce gear conflict. Most of the site is currently closed permanently to bottom-towed fishing gear (to allow potting to take place), but some parts allow bottom-towed fishing gear seasonally or year-round.</i></p> <p>This assumption was reviewed during the VA meetings, and maintained in essence. An additional requirement was identified to prevent the removal of the spiny lobster from any part of the rMCZ.</p>	<p><b>Direct implications:</b>  <b>Given this assumption, there are still the following concerns:</b></p> <ul style="list-style-type: none"> <li>o The fishing industry would rather not interfere with the IPA – it has taken a long time to get working and allows access to both mobile and static gears, notably with the use of lanes for trawls.</li> <li>o The SW Fishing Industry MCZ Planning Group is concerned that although the intention is to maintain existing fisheries management regime under the IPA, towed gear activities in the seasonal closed areas will be threatened in the future due to their inclusion within the site boundary. The industry wishes to have these areas excluded as had been indicated in earlier discussions on the site and their inclusion undermines their acceptance of the site. The counter argument that those areas would come under pressure to open up to full access seems implausible given the well established existing IPA regime to manage static and mobile gear fisheries.</li> <li>o Comments and proposals based on assumption that current IPA is working. Local input suggests some doubt.</li> <li>o As a precaution, and to increase local confidence, development of management measures should include independent assessment of current management.</li> </ul> <p><b>If the assumption turns out to be wrong:</b></p> <ul style="list-style-type: none"> <li>o There are existing fishery management measures in place, as this rMCZ follows the outline of the Start Point Inshore Potting Agreement / existing fishery byelaw. There is a risk of alienating stakeholders who have previously worked together to manage their activities in this area, if the restrictions within this area are changed.</li> <li>o Specific concern has been raised about the potential further limitation of mobile bottom-towed fishing gears within the site. This would mean loss of economic activity, affecting/displacing SWFPO and SWIFA members</li> </ul>
	<ul style="list-style-type: none"> <li>o Local Group feedback indicates that up to 12 vessels dredge within the areas where the activity is allowed, 6 of them being regular users of the area.</li> <li>o Potential safety implications derived from displacement from sheltered areas.</li> <li>o Potential environmental implications derived from concentrating effort in alternative grounds or due to new fishing ground searching activity.</li> </ul>

### c. Levels of support

- The network report (section II.2) includes a project team reflection on levels of support for the network recommendations as a whole, and the site-specific reflection presented here should be read within the wider network context.
- This rMCZ is supported by a cross-section of stakeholders as long as the existing management regime (Inshore Potting Agreement) is not affected. The site was one of the first that was drawn onto a map by stakeholder representatives (see the first progress report) in the Devon Local Group.

- The Crown Estate provided feedback to state that this rMCZ is located within a wave resource area. It is also located within an area with telecommunication cables linking the UK mainland from Torbay to Guernsey, Jersey and on to France. It also overlays a small area with an aquaculture lease and Start Bay closed disposal site.
- The Crown Estate is supportive with the assumption that MCZ designation would not restrict ongoing activities described.

#### **d. Finding Sanctuary Impact Assessment Costs - Annex N4 of the Final report**

From the Impact Assessment done for sites within the Finding Sanctuary Region the Skerries Bank and Surrounds MCZ baseline estimates of value of landings, taken from Annex N4, are as follows:

Dredge:	£0.024 mill/yr. (This is not a true reflection of the landing from within the areas open to towed gear/ scallop dredges, one vessel could earn this in 1 week in MCZ)
Bottom Trawl:	£0.029mill/yr. (one vessel would earn this in 1 week in MCZ)
Mid water trawl	£0.003 million/yr.
Pots & Traps	£0.946 mill/yr. (nowhere else for the boats to go so probably a good estimate)

Finding Sanctuary undertook an Impact Assessment on the impact of all MCZ in the project on commercial fisheries landings, which can be found in Annex N4 - All Regions Commercial Fishing UK 210812. Estimate of value of landings affected by the Skerries Bank and Surrounds MCZ was £0.00 because the only recommendation for management was scenario 1, which was no change to management (see Table 2)

#### **e. Direct Impacts arising from Individual MCZ ( Finding Sanctuary) Part 2 -Annex I2**

Table 2 below shows the management scenario trail for the Skerries Bank and Surrounds MCZ.

These reiterate the Impact Assessment Figures from Annex N4. The values of landings figures shown for the trawling areas are very low indeed. The trawling grounds within the IPA are very profitable and the IA Figures shown are likely to be the earnings for one vessel fishing for only part of the open season in the trawling zones. At least 12 vessels operate in the trawling zones when they are open. With the large areas of the district now closed to mobile demersal fishing vessels under the D&S IFCA Mobile Fishing Permit Byelaw the areas still open, even for only a few months of the year, become increasingly important fishing grounds to the trawlers and scallopers in the district.

**Table 2: Management Scenarios for the Skerries Bank and Surrounds MCZ**

Table 2b. Commercial fisheries	rMCZ Skerries Bank and Surrounds
<b>Source of costs of the rMCZ</b>	
<b>Management scenario 1 (Finding Sanctuary Steering Group management recommendation):</b> No additional management – continuation of the existing South Devon Inshore Potting Agreement (IPA) management regime.	
No additional management scenarios have been considered for this rMCZ as the rMCZ was put forward by the Finding Sanctuary Steering Group on the condition that the existing management arrangements remain unchanged.	

Annex I2 from Finding Sanctuary, Irish Seas Conservation Zones, Net Gain and Balanced Seas. 2012. *Impact Assessment materials in support of the Regional Marine Conservation Zone Projects' Recommendations.*

Table 2b. Commercial fisheries	rMCZ Skerries Bank and Surrounds						
Baseline description of activity	Costs of impact of rMCZ on the sector						
<p><b>Overview:</b> The rMCZ is largely inside the 6nm (nautical mile) limit. Because of restrictions on trawling, fishing inside the rMCZ is dominated by static gear with the site heavily fished year round. The site is particularly valuable for potters, with brown crab and lobster the key target species. The rMCZ sits wholly within the area of the South Devon Inshore Potting Agreement (IPA), which manages fishing via licence variations. The rMCZ overlaps with three of the IPA's seasonal trawl corridors which permit trawling at certain times of the year (Devon and Severn IFCA, 2011). The majority of the rMCZ overlaps with areas where dredging and trawling are currently restricted year-round under the IPA. The ports of Kingsbridge, Salcombe and Beesands are all close to the rMCZ with around 45 resident vessels (MMO, 2010a), many of which are reliant on fishing inside the rMCZ (MMO, 2011a).</p> <p>Estimated total value of UK vessel landings from the rMCZ: £1.216m/yr.</p> <p>The north-west corner of the rMCZ overlaps with the Start Point to Plymouth Sound &amp; Eddystone Special Area of Conservation (SAC), which is an area that is already permanently closed to trawling and dredging under the IPA. It is not yet known whether management of the SAC will affect the static gear fishing activity in this part of the rMCZ.</p>							
<b>Total direct impact</b>							
<b>Total direct impact on UK commercial fishing</b>	<p>Estimated annual value of UK vessel landings and gross value added (GVA) affected:</p> <table border="1"> <tr> <th>£m/yr</th><th>Scenario 1</th></tr> <tr> <td>Value of landings affected</td><td>0.000</td></tr> <tr> <td>GVA affected</td><td>0.000</td></tr> </table> <p>As the rMCZ management scenario results in no changes to the existing fisheries management, including access arrangements for trawlers and dredgers, no impacts are expected. However, concerns have been raised by fisheries stakeholders that the designation of an MCZ over part of the IPA may lead to renegotiations by fishers of the boundaries for the IPA and of the seasonal periods in which dredging and trawling are restricted, using the rMCZ as a reason. Any renegotiations could increase or decrease access to different gear types and thereby impact on the landings of fishers in the area.</p>	£m/yr	Scenario 1	Value of landings affected	0.000	GVA affected	0.000
£m/yr	Scenario 1						
Value of landings affected	0.000						
GVA affected	0.000						
<b>Impact on non-UK commercial fishing</b>	None.						

#### **f. Method for Assessing Impacts on Commercial fisheries - Annex H7.**

This annex helped inform the Impact Assessment in the Finding Sanctuary Final Report. Table 3 show an extract of the different scenarios considered for some recommended MCZ. As can be seen most sites had at least two management scenarios were considered. For the Skerries Bank and Surrounds MCZ the 'no additional management' scenario was the only option considered, when assessing impacts on commercial fisheries..

Table 3 Scenario Options for MCZ Management

Annex H7 Method for assessing impacts on commercial fisheries					
rMCZ name	Scenario 1: Lowest cost	Scenario 2	Scenario 3	Scenario 4	Scenario 5
<i>North of Lundy</i>	- No additional management	- Zoned closure of areas of moderate energy circalittoral rock in the rMCZ to bottom trawls and dredges	- Closure of entire rMCZ to bottom trawls and dredges		
<i>North-East of Haig Fras</i>	- No additional management	- Closure of entire rMCZ to bottom trawls and dredges	- Closure of entire rMCZ to bottom trawls and dredges - Zoned closure of area of sub-tidal mixed sediment in the rMCZ to pots & traps, nets, hooks & lines	- Closure of entire rMCZ to bottom trawls, dredges, pots & traps, nets, hooks & lines	
<i>North-West of Jones Bank</i>	- No additional management	- Closure of rMCZ to bottom trawls & dredges			
<i>Otter Estuary</i>	- No additional management				
<i>Padstow Bay and Surrounds</i>	- No additional management	- No removal of crawfish <i>Palinurus elephas</i> from the rMCZ			
<i>Poole Rocks</i>	- No additional management				
<b>Skerries Bank and Surrounds</b> (Finding Sanctuary Steering Group Management Recommendation. Support is conditional upon this management scenario being implemented, so no other scenarios are	- No additional management; continuation of the Inshore Potting Agreement management regime				

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### g. Skerries Bank and Surrounds Site Benefits

Extract from 'JNCC and Natural England's advice to Defra on recommended Marine Conservation Zones' July 2012

Summary of some site benefits:

- This rMCZ overlaps with the Inshore Potting Agreement (IPA) and so is considered to be a 'de-facto' MPA already. The IPA prevents bottom-towed gears in static gear zones. The current IPA is a well-enforced and regulated area (SAD in (Lieberknecht, et al. 2011)). This rMCZ is supported by a cross-section of stakeholders as long as the existing management regime is not affected (SAD in (Lieberknecht, et al. 2011)).
- This rMCZ contains an area of higher than average benthic species diversity, and is located within an area of higher than average pelagic interest (SAD in (Lieberknecht, et al. 2011)).
- There is a significant amount of scientific records for this site, in particular for Start Bay and the Skerries Bank area (SAD in (Lieberknecht, et al. 2011)).
- Skerries Bank is a unique feature in the south-west with steep slopes and unusual fish communities.
- Out of all the rMCZs in the FS area, this site contributes the largest area of moderate energy infralittoral rock.



- Only a small proportion (Only a small proportion (<1%) of BSH subtidal coarse sediment and BSH subtidal sand are currently protected within the existing MPAs in the FS area.
- *Palinurus elephas* has limited distribution in the whole MCZ area (only proposed sites occur in the FS region).
- This seabed within this rMCZ is suggested to be in good condition within the existing no-trawling areas (SAD in (Lieberknecht, et al. 2011)).
- Infralittoral rock is extremely rich in faunal and floral species and is a suitable habitat for inshore commercial fisheries species particularly lobster and crab.

#### **h. Defra Report - Marine Conservation Zones: Site designations and summary of site-specific consultation responses November 2013**

##### **Government response (from the Report):**

8. The issues raised in the consultation have been considered carefully. While the concerns about further restrictions on fishing activity affecting existing marine protected areas are noted, one of the reasons this site was put forward by the Regional MCZ Project was in recognition of the conservation benefits of the management regime that is already in place within the area, as noted by other consultation responses.

9. When an MCZ is designated it does not automatically mean that economic (or recreational) activities in that site will be restricted. Restrictions on an activity will depend on the sensitivity of species, habitats and other features (for which a site is designated) to the activities taking place in that area and on the conservation objective for those features. Decisions on whether any restrictions on existing activities are needed are for regulatory authorities to take.

#### **i. Summary of Verification Surveys**

The GIS layers, provided by Cefas, show modelled areas of rock, mostly calculated from bathymetry records. As these are the best available data, the following areas of different types of reef have been calculated from GIS for the Skerries Bank and Surrounds MCZ. (see Figure 7)

Total area of rock	= 16.371 km <sup>2</sup>
Moderate Energy Circalittoral Rock	= 6.819 km <sup>2</sup>
High Energy Circalittoral Rock	= 1.152 km <sup>2</sup>
Infralittoral Rock	= 8.40 km <sup>2</sup>

Areas of moderate energy circalittoral rock in the IPA Zones open to seasonal demersal gear

Zone 3	= 0.478 km <sup>2</sup>
Zone 3 outside 6nm	= 0.0738 km <sup>2</sup>
Zone 4	= 0.027 km <sup>2</sup>
Corridor	= 0.055 km <sup>2</sup>

IPA zone	Area as a %age of total rock	Area as a %age of moderate energy circalittoral rock
Zone 3	2.92%	7%
Zone 3 outside 6nm	0.45%	1.083%
Zone 4	0.165%	0.396%
Corridor	0.336%	0.806%

From these figures it can be seen that the areas of rock that may be impacted by demersal fishing gear for some of the year are very small. The overall extent of rock in the Skerries Bank and Surrounds MCZ and the Start Point to Plymouth Sound and Eddystone SAC, part of which is co-located with the MCZ, is 137.33 km<sup>2</sup>. The total areas of predicted rock in the 3 zones, closed to most of the year to demersal gear, in the whole of these two sites is 0.56 km<sup>2</sup>. As a percentage of the total area of rock habitat for both MPA this equates to 0.41%.

The verification surveys indicate that the areas of different sediments are very different from the Site Assessment Document habitat map. The two charts, Figures 5 and 6 below show the differences

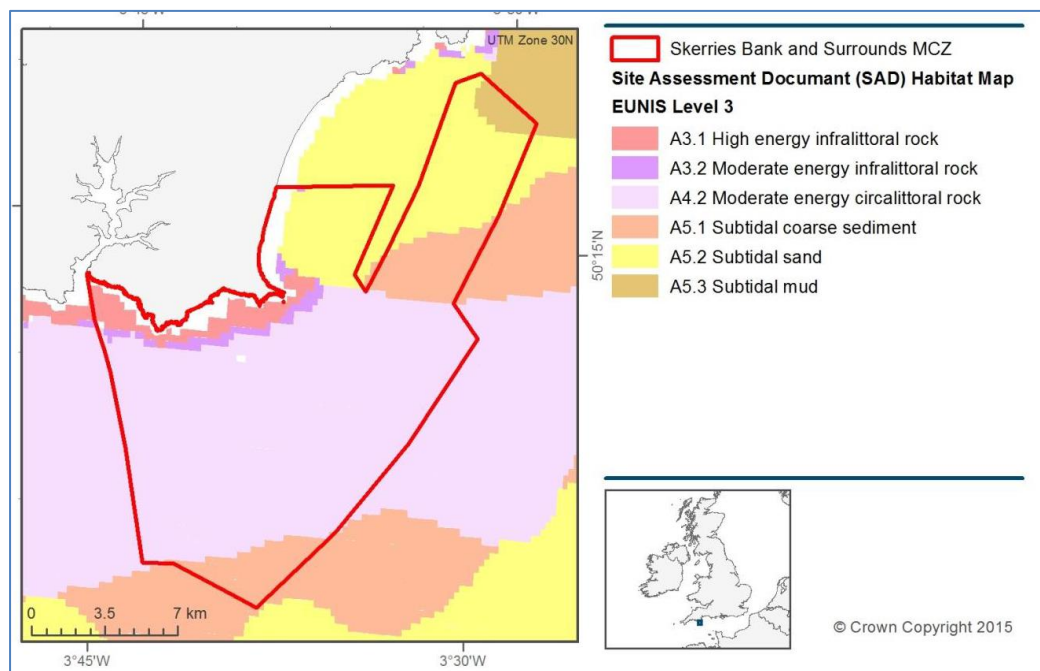


Figure 5: Site Assessment Document Habitat Map:

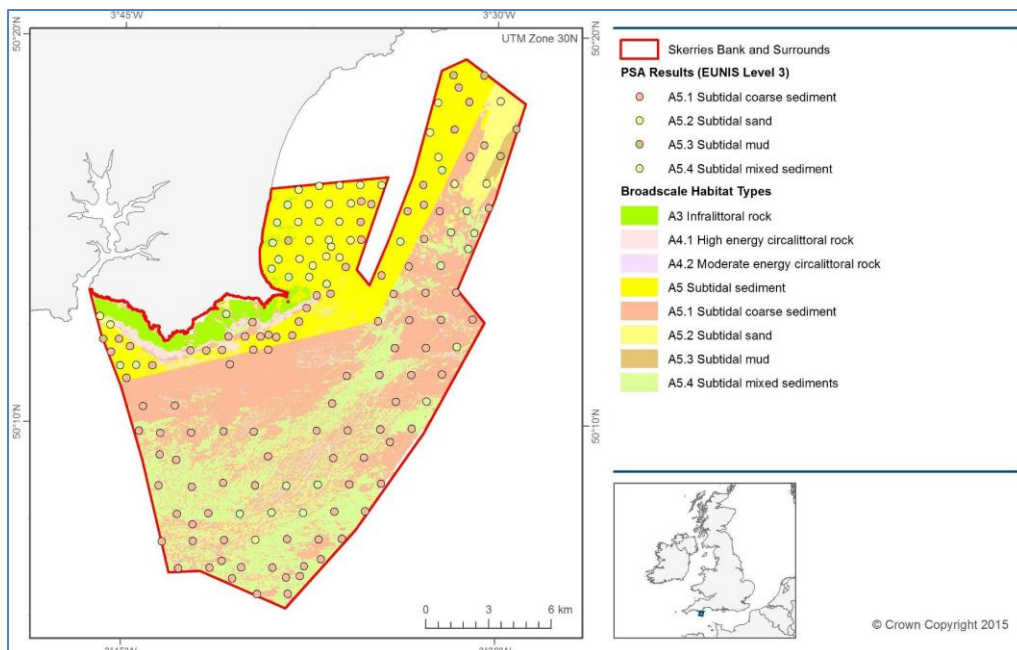


Figure 6: Verification Broad Scale Habitat Map

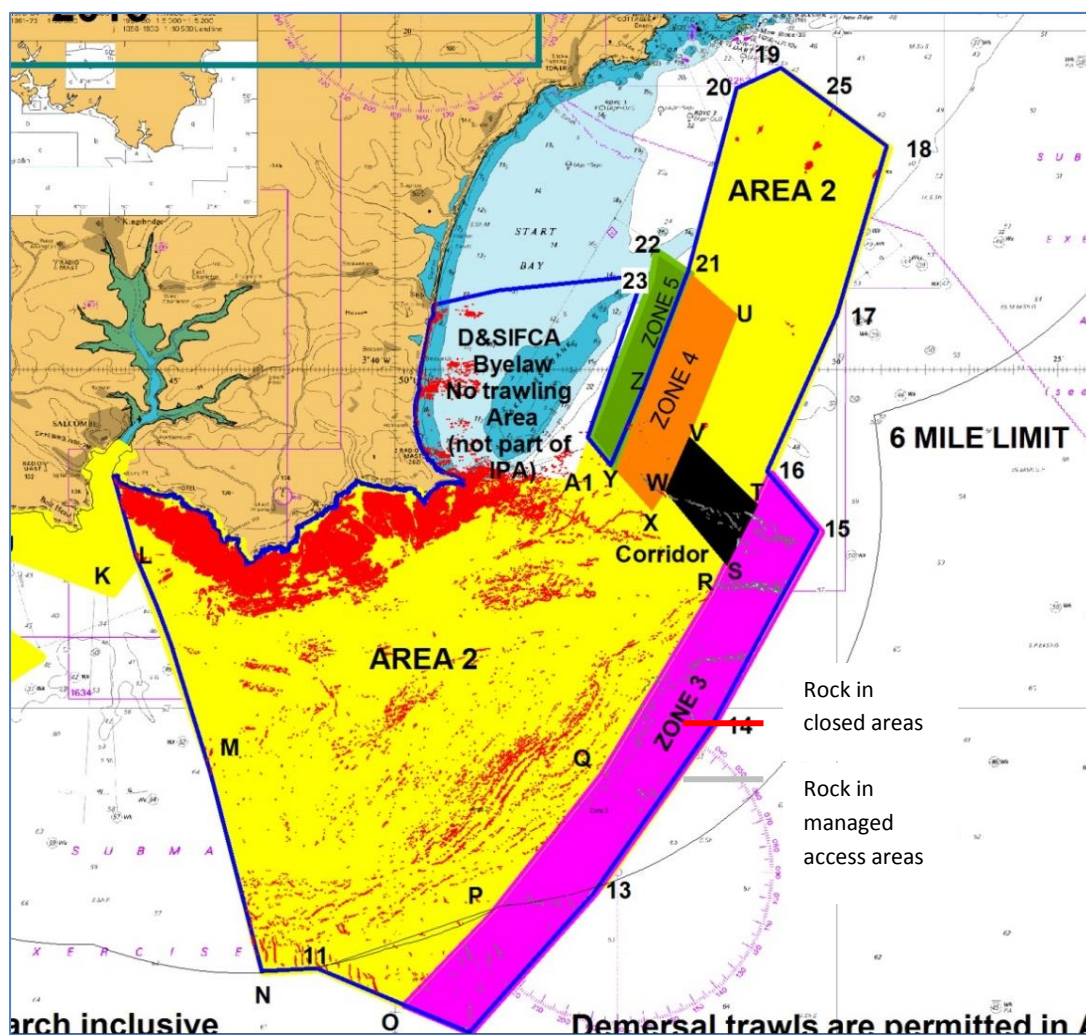


Figure 7: Rock feature in Skerries Bank and Surrounds MCZ

The Cefas report describes the acoustic data that was available for the site. Bathymetry data was provided to Cefas from the UKHO. Backscatter data were also available but they were deemed not to be of sufficient quality to inform accurate habitat maps for a large portion of the site. One hundred and sixty ground truth-sampling sites were covered in the boat survey. Grab sample and video tows and stills were used to survey the sampling locations. The Bayes algorithm within eCognition was used to classify and predict the distribution of Broad scale habitats. The BSH map was finally derived by using the Bayes model to predict the most probable habitat class for each object. The report stated that the BSH map appeared to overestimate the amount of circalittoral and infralittoral rock in areas where there was evidence of sand waves. Due to the bathymetric variation in the seafloor caused by sand waves there was some difficulty differentiating these areas from rocky habitat using an automated classification system such as eCognition. Therefore, a manual boundary was delineated around the major zones of sand waves based on expert judgement. The limitations of the data were described in the report, as was the adequacy of the habitat map.

The presence and extent of the predicated rock feature is shown in Figure 7 and this shows that the area of rock is very much less than was thought from the Site Assessment Document habitat map. When the site was proposed by the Finding Sanctuary project team, after full consultation with the steering group, they made recommendations that the IPA management system would remain in place even though the initial habitat maps showed a vast area of rock extending across the site into the areas with restricted access to demersal gear. The verification survey suggests that the areas of reef is very much diminished and there is more coarse sediment in the site that previous data suggested. Coarse sediment has not been flagged up as a red risk feature and in 2014 the Natural England Prioritisation tool for MCZ suggests that the management option for demersal gear on this feature is managed access, which is currently the fisheries management system that occurs in Zone 3, Zone 4 and the Corridor. The Skerries Bank and Surrounds MCZ is located in an area of strong currents and tidal scour. The reef feature in this site is very different to that of the Start Point to Plymouth Sound and Eddystone SAC reefs located to the west, which are not constantly impacted by tidal scour, waves and fast currents to the same extent. This is recognised by Natural England and reflected in the lack of up-standing epifauna on the circalittoral rock, such as pink sea fans, in the site. Coarse sediment, as a habitat, is known disturbed by waves and tides, which is likely to be the greatest impact on the habitats in the site (JNCC website).

### **Summary, Recommendations and Risks**

The Finding Sanctuary Report highlights the effort and amount of work that went into recommending sites for designation as MCZ. The Skerries Bank and Surrounds MCZ was one of the few sites (if any) that were recommended by the fishing industry. This epitomises the ethos and fundamental principle of this stakeholder led process. With this principle in mind, the site was recommended with the condition that the management of the site would remain the same as that which exists through this recognised and acclaimed management system of the IPA

During the Finding Sanctuary Project, the concern was raised many times regarding the fear that a change of management in the IPA due to the site being designated would occur. These fears led to the consideration of whether the areas that are seasonally opened for



trawling should actually be considered as part of the rMCZ. It was decided to keep these areas in the recommended site with the proviso that the management of these areas would remain the same as that of the IPA. It might be suggested that things have moved on from the time of the project and designation but in fact, from recent surveys of the site the circalittoral rock (that would have the greatest impact from demersal gears) was initially, thought to cover much of the site actually covers a very small area. Therefore, would the benefits of altering the IPA system outweigh the risks?

The risks are:

- The principle of the stakeholder led process and the fishing industry involvement is seen as worthless.
- The IPA would cease to exist. It was created as a conflict resolution system, between the mobile and static gear sectors, and has been successful and has worked for almost 40 years. All the good work that is done by working with the different sectors annually to agree the IPA areas will be undone.
- Lack of compliance with changes in management. If demersal gear is prohibited this would likely lead to an increase in illegal trawling in the closed areas of the IPA and possibly other areas closed under the IFCA Mobile Fishing Permit Byelaw. The following extract from the Final Report highlights this:

- **Section I.12.2 (P.99) Management and Enforcement**

From a very early stage, stakeholders have stated how important it is for them to understand what the management implications would be for a site. The lack of some basic management frameworks has been one of the biggest failings of this process. It has meant that stakeholders have operated in uncertainty about what restrictions might be introduced. They have overcome this void, by stating their own assumptions about what restrictions might take place, and have generally tried to make these as realistic as possible. The danger with this approach was always that once the level of management was decided, **any disjoint between the stakeholder assumptions and the outcomes from the vulnerability assessment could lead to an undermining of the stakeholder ownership of the work if stakeholders did not have time to review their work in the light of decisions on activity restrictions**. This became a reality in June 2011, when the outcomes from the vulnerability assessment showed that many inshore sites might restrict mobile fishing gear. Working Group members were frustrated to find that their work had apparently been undermined and criticised the way in which these top-down decisions had been made.

- Damage to the reputation of those organisations that took part in the MCZ stakeholder process e.g. IFCA, MMO, Defra.
- Reneging on thoroughly discussed and considered recommendations for the management of the site.

- 'I told you so' stance from the fishing industry who recommended the site and who bought into the process but will now see that their concerns were correct and 'promises' are too easily broken.
- Lack of involvement and buy in by the industry to any future MPA.
- The financial impact to the trawlers and scallopers who rely on these areas for a significant part of their income, which was not considered in the Finding Sanctuary Impact Assessment.
- If a prohibition is brought in by the MMO for demersal gear operating in the area outside the 6nm of Zone 3, would there be a necessity for the IFCA to follow suit and restrict demersal gear in the zones within the 6nm?
- Displacement of demersal gear vessels from the site will lead to greater pressure on other inshore areas.

#### Management Options:

- The management of the IPA remains in place and the MCZ continues to be protected through the zonal management system that led to the designation.
- The boundaries of the MCZ are changed to exclude those zones that are open to demersal gear for part of the year (as was done for Zone 5 of the IPA, which is open to demersal gear all year).

**The recommendation, put to the Project Board, is to keep the IPA management system in place as it existed, and was agreed, when the site was recommended for designation.**

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17<sup>th</sup> March 2016

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2. Blyth, R.E., Kaiser, M.J., Edwards-Jones, G. & Hart, J.P.B. 2005. Biological and Socio-Economic Implications of a Limited-Access Fishery management system. *American Fisheries Society Symposium*, 41 , 833 pp.
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### **Finding Sanctuary Reports:**

[http://jncc.defra.gov.uk/PDF/120718\\_FindingSanctuary\\_FinalReport\\_14Sep2011.pdf](http://jncc.defra.gov.uk/PDF/120718_FindingSanctuary_FinalReport_14Sep2011.pdf)  
[AnnexH7\\_CommercialFisheries\\_17.07.12](#)

AnnexI2\_FS\_Part2\_13.07.12

AnnexN4\_AllRegions\_CommercialFishingUK\_21 08 12\_protected

MCZ Papers:

### **Marine Conservation Zones: Site designations and summary of site-specific consultation responses November 2013:**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/259856/mcz-site-specific-responses-20131121.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259856/mcz-site-specific-responses-20131121.pdf)

### **JNCC and Natural England's advice to Defra on recommended Marine Conservation Zones July 2012:**

<http://publications.naturalengland.org.uk/file/4923082>

Defra Report: mcz-site-specific-responses-20131121