

ClientEarth, the Marine Conservation Society (MCS) and WWF welcome the opportunity to provide comment on proposed new management measures for Nephrops directed fisheries in the Celtic Sea.

Q1. Please briefly describe your interest in this consultation.

The MCS fisheries and aquaculture team specifically works to: ensure that there are more fish in healthier seas; wild fisheries and aquaculture farms are better managed; and to influence consumers and seafood businesses to be more responsible in their seafood buying policies and practices. Fisheries in the Celtic seas, most notably Cod¹ and (Whiting²), are in a dire state and show little signs of recovery as fishing mortality has been far in excess of advised levels – a striking example of the complications that arise from failing to take a precautionary, ecosystem-based approach when managing mixed fisheries. We are therefore happy to see new technical measures being applied to all demersal otter trawls and seines³ and proposed for Nephrops directed fisheries in the Celtic seas which aim to improve selectivity in the fishery as a whole and enable the recovery of depleted stocks such as cod and whiting.

WWF and Clientearth share MCS ambitions for sustainable fisheries and that help meet the triple challenge of sustainably feeding a growing population, while staying on track to keep global warming below 1.5°C and reversing biodiversity loss.

Q2. What are your views on the proposed changes to the selectivity device options in proposed amendment 1?

We are supportive of the mandatory use of only the most selective gear types within this fishery, however feel that gear selectivity alone may not be enough to support the recovery of already depleted stocks within or affected by this fishery. The establishment of closed areas which aim to protect large aggregations of cod and whiting and key nursery habitats, and move-on rules that would prevent large amounts of bycatch of these species should also be considered. Efforts should also be made to identify areas that could be seasonally or permanently closed to improve juvenile survival and protect spawning adult fish, using the work on spawning and juvenile grounds for commercial species provided by Cefas⁴ and delivering commitments contained within Scotland's Future Fisheries Management Strategy.⁵ We believe that the adoption of REM with cameras to evidence the outcome of all measures should be considered in the management of the fishery. Please see our response to Q7.

Q3. Are there any additional selectivity device options for Nephrops-directed fisheries we should consider in proposed amendment 1?

The establishment of closed areas which aim to protect large aggregations of cod and whiting and move-on rules that would prevent large amounts of bycatch of these species should also be considered. Efforts should also be made to identify areas that could be seasonally or permanently

¹ ICES, 2021. Available at: <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/cod.27.7e-k.pdf> [Last accessed, 27.07.2021]

² ICES, 2020. Available at: <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2020/2020/whg.27.7b-ce-k.pdf> [Last accessed, 27.07.2021]

³ <https://www.gov.uk/government/news/new-fisheries-technical-measures>

⁴ Ellis, J.R., Milligan, S.P., Readdy, L., Taylor, N. and Brown, M.J., 2012. Spawning and nursery grounds of selected fish species in UK waters. Sci. Ser. Tech. Rep., Cefas Lowestoft, 147: 56pp. Available at: <https://www.cefas.co.uk/publications/techrep/TechRep147.pdf> [Last accessed, 27.07.2021]

⁵ Marine Scotland, 2020. Available at: <https://www.gov.scot/publications/scotlands-future-fisheries-management-strategy-2020-2030/> [Last accessed, 12.08.2021]

closed to improve juvenile survival and protect spawning adult fish, using the work on spawning and juvenile grounds for commercial species provided by Cefas and delivering commitments contained within Scotland's Future Fisheries Management Strategy.⁶ We believe there is merit in exploring the use of more innovative selectivity measures such as LED lights which are being trialled in some fisheries.⁷

Q4. What are your views on the proposed prohibited use and carriage of strengthening bags for Nephrops-directed fisheries in proposed amendment 2?

We are supportive of this amendment. The inclusion of strengthening bags has been proven to reduce the effectiveness of selectivity measures in mixed fisheries.⁸ We are therefore encouraged to see this measure extended to the Nephrops directed fleet in the Celtic seas as all efforts should be made to increase selectivity within this region.

Q5. What are your views on increasing the percentage catch composition threshold to define Nephrops-directed fisheries in the Celtic Sea in proposed amendment 3?

Due to the pressing need to improve fisheries management in the Celtic seas and recover already depleted populations we would like to see the selectivity measures that have been proposed for Nephrops directed fisheries apply to all vessels targeting the mixed fishery. We therefore are not supportive of an increase to the catch composition threshold percentage and this would result in fewer vessels adopting these more selective practices.

Q6. What percentage do you think would be appropriate (15%, 30% or other), and why?

We suggest the current threshold of 5% should remain in place to ensure these ambitious selectivity measures apply to as many vessels as possible participating in this fishery. The largest Celtic Sea cod and whiting catches take place in ICES area 7g (FUs 19-22), mostly from demersal whitefish trawls, but Nephrops trawls in The Smalls account for a significant proportion of cod and whiting catches in this area, while the other two Nephrops FUs (Labadie, Jones and Cockburn, and Irish SW and SE coast) are also responsible for some cod catches in 7g. We therefore advise these measures continue to be applied to all vessels whose catch comprises of 5% Nephrops or above.

At the very most a threshold of 15% could be considered as this reflects the catch composition of UK vessels said to be targeting Nephrops. We however we would not be supportive of increasing the threshold to 30% simply to reflect changes being made in the EU. This is not a representation of the UK catch composition and an increase to 30% purely for consistency with EU measures does not reflect the UK's ambition, as an independent coastal state, to implement management measures that offer effective protection for our marine environment.

Q7. Do you have any other points on the management of Nephrops-directed fisheries in the Celtic Sea which you would like to raise?

Fisheries Management Plans (FMPs) have the potential to be very important tools for managing UK fisheries, although data limitations may delay them for some stocks. We are keen to see FMPs for all commercially exploited stocks, with priority given to stocks which are already depleted. FMPs should include targets for fishing pressure and biomass, and outline additional technical and management measures. Nephrops fisheries in the Celtic sea would greatly benefit from the establishment of an FMP which recognises the wider impact of the fishery on the surrounding habitat. While Nephrops are

⁶ Marine Scotland, 2020. Available at: <https://www.gov.scot/publications/scotlands-future-fisheries-management-strategy-2020-2030/> [Last accessed, 12.08.2021]

⁷ <https://www.theguardian.com/environment/2020/may/01/led-lights-halve-unwanted-fish-in-nets-research-finds>

⁸ STECF, 2015. Available at: <https://stecf.jrc.ec.europa.eu/documents/43805/935868/STECF+15-05+-+Technical+Measures+part+III.pdf/df203304-3d2b-438f-ad2a-553073e6b73f?version=1.2> [Last accessed, 27.07.2021]

already contained within an MSC Fisheries Improvement Project (FIP)⁹ this should not hinder the development of an FMP for this species and should instead be seen as an opportunity to build on the work that has already been established through the FIP as a minimum. Nephrops are traditionally caught in 'mud areas' which are highly sensitive to disturbance and act as important carbon stores. These wider ecosystem impacts must be taken into account in any future FMP developed for this fishery. They should also provide clear timeframes for stock recovery and take into consideration wider environmental impacts of the fishery. Our organisations are supportive of a climate-smart strategy being adopted for the fishing sector which would assist in tackling climate change and meeting net zero.

Compliance with the landing obligation is generally poor and actual levels of discards are difficult to quantify using the current fisheries observer programme given the low levels of monitoring at sea - estimated to be less than 1%. Technologies such as Remote Electronic Monitoring with cameras (REM) to support data collection and improve transparency and accountability should be used on all vessels targeting the mixed fishery in the Celtic seas in addition to those classified as Nephrops-directed fisheries. The use of REM would also help to monitor catch composition and location of fishing activity, and ensure vessels that are directing their efforts to catching Nephrops are being effectively and transparently monitored. It would also support evidence based management and provide an important tool if move on rules were applied and could help to better identify areas which have large aggregations of cod, whiting and haddock.

Q8. Do you feel this consultation has allowed you to effectively share your views on technical measures for UK Celtic Sea Nephrops-directed fisheries (yes/no)? Can you suggest any further ways we could engage you on the issues raised in the consultation?

Yes.

Thank you for the opportunity to comment on proposed management measures for the Celtic Sea Nephrops fishery. We hope the feedback provided is constructive and we look forward to seeing these measures developed for this important species. We are happy for this response to be published with our organisation names in any document that is made available to the public following this consultation. If there are any queries relating to our submission, we would welcome a follow up conference call.

Sincerely,

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⁹ MSC. Available at: <https://fisheryprogress.org/fip-profile/uk-norway-lobster-bottom-trawl-and-creel> [Last accessed, 12.08.2021]