

The North Sea Regional Advisory Council



NSRAC

Spatial Planning Working Group Focus Group on Criteria for Managed Areas August 18th, Schiphol, the Netherlands

Chair: Euan Dunn

Rapporteur: A D Hawkins

Final Draft

Summary:

A focus group was established by the North Sea Regional Advisory Council 'to develop clear criteria for assessing proposals for spatial measures, including MPAs and other managed areas, whether they were being established for fisheries management or other purposes'.

The Focus Group proposes that managed areas for fisheries should not be introduced without appropriate governance criteria. A framework of simple, deliverable criteria is required, which can be applied in advance, which will give interested parties greater confidence in the validity of any proposal coming forward.

The following criteria were agreed by the focus group for application to proposals for fisheries managed or protected areas:

- The purpose and objectives of the proposal should be clear. Although the objectives should be concerned with the ultimate goal of the measure, there is also a role for intermediate goals, which might be reached more readily, on a shorter time scale, and be monitored more readily.
- There should be prior evaluation of whether the proposed measure would meet its purpose. There also needs to be economic appraisal of the costs and benefits of the measure, and the impacts on different fleet segments and communities, including cumulative effects from other measures. The actual cost efficiency in relation to other alternative measures should be considered.
- All affected interests should be consulted from the start. It is important to tell stakeholders what the risks are to them. It is also necessary to be aware of possible cumulative actions from other management bodies.

- Indicators for the success of a measure should be decided before it is introduced to assist with monitoring, review and revision.
- The actual benefits and any adverse impacts should be monitored and assessed. Evaluation should be carried out case by case and the results made freely available to all interested parties.
- The measure should be reviewed after a specified period and an exit strategy prepared so that the measure is withdrawn if it proves to be inappropriate or harmful.

These criteria are specifically directed at proposals coming forward from the Commission to establish managed areas for fisheries purposes. However, there may be merit in applying them in a wider context.

The criteria address traditional managed and protected areas and at this stage do not necessarily cover all issues associated with the potential introduction of temporary protected areas, for example to stop discarding of juveniles from a large year class, where a more speedy process may be necessary.

The criteria themselves should be kept under review to ensure they deliver better governance and implementation of managed and protected areas.

Fishers should be involved from the start in discussion of all proposals for managed and protected areas which will affect them. A forum is required in which these discussions might take place.

In attendance:

Euan Dunn (chair)	Birdlife International
Tony Hawkins (rapporteur)	NSRAC
Nathalie Steins	DFO, Netherlands
Derk Jan Berends	DFO, Netherlands
Fiona Gowland	SFF, Scotland
Joe Horwood,	CEFAS, England
Robin Cook	FRS, Scotland
Tom Butterworth	DEFRA, UK
Edwin Meeuwssen	Dutch Administration
Luc van Hoof	RIVO, Netherlands
Jean-Jacques Maguire	Consultant, NSRAC
Michel Goujon	CPNEM, France
Michael Andersen	Danish Fishermen's Association
Robert Canning	DEFRA, UK
Steve Hull	ABP, UK
Barrie Deas	NFFO, England
Liza Griffin (observer)	Open University
Gerjan Piet	RIVO, Netherlands
Christien Absil	North Sea Foundation

Purpose of meeting:

At the NSRAC Spatial Planning Working Group Meeting in London, May 12 2005, it was agreed that a small Focus Group would be set up, reporting to the SPWG, *'to develop clear criteria for assessing proposals for spatial measures, including MPAs and other managed areas, whether they are being established for fisheries management or other purposes'*.

This proposal was endorsed by the NSRAC Demersal Working Group Meeting in Glasgow, 17-18 May 2005, and adopted by the NSRAC Executive Committee in Hamburg, 28 June 2005.

The purpose behind this proposal is to ensure that:

- the NSRAC is in a position to promote to the Commission, Member States and other relevant bodies (notably ICES, OSPAR) a clear vision of the criteria that should be met by specially managed areas for fish stock conservation, and other spatial measures that might affect fishing
- such criteria will, in turn, assist these bodies in bringing forward proposals that are more acceptable to the NSRAC
- such criteria will also inform any spatial measures that the NSRAC itself may wish to propose

Although these criteria might also be applied to the establishment of managed areas for other purposes, such as protecting biodiversity, it is recognized that objectives for and criteria for selection of Natura 2000 and OSPAR sites have been in place for several years. It will be difficult to introduce new criteria for sites already established. Sites for the conservation of biodiversity are also intended to be permanent, and therefore may differ from fisheries closures, which may have a shorter lifespan. Natura 2000 sites are subject to periodic (6 year) reviews to ensure that they fulfill the aims set out for them.

It was agreed that the Focus Group should draft a paper, setting out a series of criteria, for endorsement by the Spatial Planning Working Group and then by the Executive Committee of the NSRAC. The deadline for producing the paper is the joint meeting with the OSPAR MASH group on October 5th in Bristol.

Papers and presentations to the Focus Group are available on www.nsrac.org

View of the Focus Group:

There is significant scientific concern over the implementation of managed areas for fishery management purposes. There is also particular concern that the Commission is contemplating the introduction of managed areas without setting clear criteria for their evaluation. Experience has shown that benefits assumed or promised for such areas may not, in fact, be delivered. There is a risk that by imposing restrictions in a fished area, fishing effort may be diverted into less heavily fished areas which are richer and

more diverse from both a conservation and fisheries standpoint. There is a significant cost in "getting it wrong" and it is especially important therefore to establish simple, deliverable criteria for establishing a managed area, which can be applied in advance and which will give interested parties greater confidence in the validity of the proposal.

The criteria agreed by the Focus Group for assessing proposals for spatial measures for the management of fisheries are as follows:

1. Clear objectives, defining the management purpose of the measure

The key criterion for any spatial measure is that its purpose should be clearly stated as a series of objectives. Those objectives should be concerned with the ultimate goal of the measure, rather than an intermediate or proxy goal. For example, if the purpose is to restore a stock then setting an objective of reduced fishing mortality only in a restricted area is not satisfactory.

However, an outcome like the restoration of a stock can only be brought about using a suite of tools. It is not always possible to evaluate the impact of each of those tools. There may be a degree of uncertainty in measuring whether the main objectives have been achieved, or it may take a very long time to assess success in reaching the overall goal. In these circumstances it can be useful to establish indirect or proxy objectives. Such objectives – like reductions in fishing effort within the managed area - may be much easier to monitor.

Thus, we should be thinking in terms of a series of layered objectives, with the larger goals at the top and layers of more easily met, shorter-term objectives lower down. This layering of objectives would also facilitate the process of monitoring and evaluation.

In the past, measures have been adopted without their purpose being stated, or measures have been ostensibly introduced for one purpose when their real purpose is another. For example, restricted areas have been introduced nominally for conservation reasons when the real purpose has been to exclude particular fleets. We must be clear that in demanding clear objectives we are excluding the adoption of such political 'fudges' in the future.

The objectives of any proposal for a managed area should be clearly stated, and available for comment by all interested parties.

2. Prior evaluation of whether the measure will meet its purpose and consideration of the impact it will have on all affected interests

Before a specific proposal is made for a managed or protected area there should be a prior evaluation of the expected benefits of the proposal against the stated objectives. Direct and indirect effects should be considered. Such an evaluation may require prior simulation, or even a degree of experimentation, although there are usually too many extraneous factors to allow controlled experiments.

As part of the prior evaluation, there needs to be an economic appraisal of the costs and benefits of the measure, and the impacts on different sectors of industry. This

appraisal should include an assessment of the cumulative effects of different fisheries and/or marine spatial management measures. Evaluating the economic and social impact of the measures upon fleet segments and communities is especially important.

Different measures need to be compared. The actual cost efficiency of each measure also needs to be evaluated. How does the proposed measure perform in relation to other measures which might meet the same objectives?

There is particular concern on the part of the fishing industry over the use of (permanently) closed areas as a means for reducing fishing mortality, especially for highly mobile species of fish. Such a measure would simply lead to a redistribution of effort to other areas. A full range of alternative measures for reaching that same objective should be considered.

There will often be a degree of uncertainty whether a particular measure will achieve its stated objectives. When confronted with a measure which is likely to be painful for fishers it is important to state the limits to current knowledge. There will be various assumptions and models underpinning the proposals and these should be tested and challenged for robustness. The Water Framework Directive, which is aimed at providing cleaner rivers, lakes, groundwater and beaches, recognises that any measures adopted may have an uncertain outcome and that uncertainty must be taken into account.

With any proposal for a managed area, with restrictions in fishing effort, there is a risk that effort will be displaced. The impact of that displacement of effort must be assessed and taken into account.

Prior evaluations of proposals for managed areas must be made available to interested parties.

3. Consultation with affected interests

There is a need to engage fully with all affected stakeholders. The introduction of any new and effective measure will have economic and social consequences, and in particular will expose fishers to additional risk. It is important to tell the affected interests what those risks are. Thus, any proposed measure should be accompanied by a plan of consultation. Success will depend on full stakeholder participation in all stages of the process of the design, implementation and review of managed areas.

There is particular concern that the introduction of managed areas should be done in an equitable and representative way, so that some stakeholders are not affected more heavily than others. Such issues of equity might best be handled within a forum like a RAC.

The impact of managed areas does not only fall upon fishers. Reduced fishing effort in an area may result in a local increase in top predators with an impact upon the food supply of vulnerable species. The implications for other conservation interests must also be considered.

An important role of consultation is to filter out proposals which will not contribute to the restoration or improvement of fish stocks, but may have an adverse effect upon other interests.

It is also necessary to understand the significance of any one proposal in the context of other potential spatial management measures which may not be for fisheries but which may affect them. It is possible that appropriate wide consultation could result in greater synergies in marine spatial planning and less total disruption to fishing activities.

4. Identification of indicators of success

It is essential to establish indicators for the success of a measure before it is introduced, both to assist with monitoring and to facilitate subsequent review and revision of the measure. As mentioned, these indicators should relate to the primary goal. However, it will often take a long time to establish whether the primary objectives have been met and in the short term it may be necessary to employ proxy indicators (such as, whether fishing in the area has been reduced).

The essential feature of an indicator is that it should be capable of being measured. The actual choice of indicators should be decided in consultation with interested parties, including fishers.

Just as objectives should be layered, so should the indicators, so that short-term as well as long-term progress can be measured.

5. Subsequent monitoring and assessment of the benefits and any adverse impacts

It is important to after a measure has been introduced to step back and evaluate its success and determine whether there have been any adverse impacts. Poor monitoring and review has often been the weakest aspect of spatial measures imposed in the past. A particular problem with all fisheries measures is that they are not applied in isolation but in conjunction with other measures. It can be difficult to evaluate the impact of any single action.

A further difficulty is that the objective of the measure may not have been sufficiently explicit.

For these reasons, previous attempt to evaluate the impact of closed areas have often failed. For many of those measures it has been taken for granted that they have been successful. It has been assumed that closing areas with high densities of juvenile fish has actually reduced discarding, or that closing herring spawning grounds has promoted spawning success.

When spatial measures are introduced the overlay of other parallel measures complicates analysis. It is necessary to carry out evaluation on a case by case basis.

The results of any monitoring and assessment work should be freely available to all interested parties.

6. Setting of a specified period for review, and development of an exit strategy

Fishers have opined that managed areas are easy to impose, but difficult to remove. New managed areas tend to be added to existing managed areas, resulting in a gradual erosion of fishing opportunities. It is important to consider from the very start how often a spatial measure should be reviewed, and what should be done if it can be shown that the measure is having an adverse effect, either in economic or social terms or in terms of adversely affecting other conservation interests. It is sensible to introduce a condition obliging relevant institutions to revisit a spatial measure after a period of time to determine whether it has served the common good.

In drawing up the above criteria the Focus Group is aware that they will need to be revisited and revised as experience is gained in applying them to new proposals.

The criteria are specifically directed at proposals coming forward from the Commission to establish managed areas for fisheries purposes. However, the Focus Group sees merit in applying them more widely in the context of other proposals which will have an impact upon fishing.

The Group emphasises that managed or protected areas, although suitable for protecting habitats and juvenile and spawning fish, provide only one tool amongst many for restoring or improving fish stocks. It is the cumulative effect of all management measures, alongside other spatial designations such as the construction of offshore wind parks and the designation of areas to conserve biodiversity that is important, especially to stakeholders.

Fishers have not been consulted in setting the objectives and criteria for the selection of Natura 2000 sites, nor have they been involved in the establishment of sites by OSPAR. There is a need to arrive at a considered view on all proposals for competing use of the marine environment, through discussion and careful thought. Controls on activities within specific parts of the North Sea must reflect the use to which these areas are being put and the features which are to be protected. Blanket closures are not desirable. Fishers consider it is important that they should be more involved in the establishment of all managed and protected areas which will affect them, and seek a forum in which consultation could take place.