



Danish proposal for fisheries management measures in 7 Natura 2000 sites for protection of reef structures

Minutes from meeting with national stakeholders (*Natura 2000 Dialogue Forum*) and Advisory Councils for the Baltic and North Sea - 23 May 2016

The Danish AgriFish Agency had invited stakeholders to a consultation of the two Danish proposals for fisheries management measures in 7 Natura 2000 sites currently being discussed with Member States with direct management interests. The two proposals were forwarded prior to the meeting (8 April 2016) for commenting. Deadline for forwarding comments was 31 May 2016.

List of attendees is given in annex 1. Prior to the consultation meeting, OCEANA had forwarded written comments - given in annex 2. The Danish Fishermen Association PO, has given their comments in the process of designing the buffer zones and coordinates.

The Danish AgriFish presented the proposed fisheries management measures for the 4 N2000 sites in the Kattegat; “Store Middelgrund”, “Schultz, Hastens Grund samt Briseis Flak”, “Strandenge på Læsø og havet syd herfor” and “Havet omkring Nordre Rønner” – and for the 3 N2000 sites in the Danish part of the western Baltic Sea; “Centrale Storebælt og Vresen”, “Flensborg Fjord, Bredgrund og farvandet omkring Als” and “Adler Grund og Rønne Banke”.

The proposed management measures were presented and the rationale explained; a ban for mobile bottom contacting gears in areas mapped as reef structures (H1170) and in 240 meters surrounding buffer zone – and a total ban for all commercial fisheries near bubbling reefs (H1180). Analysis of fishing activity based on the forwarded fishery data from Member States shows that fisheries – Danish vessels or other Member States’ vessels, does not take place in the areas mapped as reef structures, which will be restricted for fisheries. The extent of displacement is therefore minimal.

The Danish Nature Agency supplemented with a presentation of the designation of the sites, the formulation of management plans and actions to be taken in the sites, the mapping exercise and finally the national monitoring programme (NOVANA).

A summary of the comments received in relation to the two proposals is given below.

The BSAC representative reported that none of the 25 BSAC members had specific comments to the Danish proposals, but all welcomed the Danish initiative.

The NSAC representative took notice of the fact that if fisheries does not occur in the sites, then how will Denmark secure environmental favourable conditions in the areas by imposing fishing restrictions. The scientific rationale for this is not clear. Neither is the legal framework for this. Further the proposed prohibited gear types should be categorized in light and heavy gear types – e.g. Scottish seines should be considered as a light gear type and not necessarily be prohibited.

The Danish Fisheries Association PO: agreed to the obligation of protection of reef structures and the method used with site specific regulation, although there should be given special attention to fisheries from smaller vessels, e.g. Flensborg Fjord. Further fisheries data should be given for a longer period of time instead of only 4 years, which is not sufficient. The Danish AgriFish Agency should take notice of any potentially future fisheries opportunities, e.g. fishery for sandeel in new areas.

DFPO pointed out, that although there's a lack of species/macro algae, it is not necessarily a problem caused by fishery. The high content of nutrients in the water column could also be the reason.

The NGO's (OCEANA and WWF): OCEANA had prior the meeting forwarded comments to the two proposals (annex 2). Both OCEANA and WWF welcomes the Danish initiative and stress the importance of adequate protection of areas the reef structures. However, the Danish approach is unambitious and instead of a site specific management which only leads to fragmented protection from fisheries. More coherent protection zones and a holistic and ecosystem based approach would provide more protection (and restoring) of the habitat and species located near it.

Further when sandbanks have been mapped in the sites, this habitat type should also be protected from fisheries and not wait on processes in other countries (e.g. Dogger Bank).

After the meeting, the Danish Agrifish Agency has received comments from WWF. The forwarded comments support the written comments given by OCEANA and the comments presented at the meeting. WWF requests for the zone protecting bubbling reefs in the site "Nordre Rønner" to be combined and for a more holistic approach to MPA management to be followed.

Comments from the Danish AgriFish Agency and the Danish Nature Agency: The two agencies welcomed the comments. The NSAC has several comments, which were not solely directed to the Danish proposals. Thus, it was agreed that a separate answer would be given to the more principal questions raised. Regarding rationale and scientific evidence, scientific evidence is clear in relation to reef structures and gear types. The same scientific evidence is not given for sandbanks yet. The Danish proposals should also been seen in relation to future fishing activities, whereby the proposed measures will guarantee protection. Other threats are also being addressed by other agencies, e.g. extraction of gravel and sand, construction work etc.

The proposed measures should been seen together with other initiatives as Denmark's contribution to achieving good environmental status in our waters. The Danish approach focuses on reef protection, since this habitat type is the most vulnerable habitat type in relation to fishery. Once more studies have been done on sandbanks, it will be assessed whether there is a need for further protection. Impact from fishery on sandbank is less clear, and before fisheries management measures can be proposed, more information is needed.

The agencies took notice of the request from the green NGO's to combine some of the buffer zones in the site "Strandenge på Læsø og havet syd herfor".

Further process in relation to comments received regarding the Danish proposals for fisheries management measures for protection of reef structures designated under the habitats directives

The Danish AgriFish Agency and the Danish Nature Agency have discussed the comments received and finds no need for substantial editorial changes. The proposed fisheries management measures aim at ensuring adequate protection of reef structures designated under the Habitats Directive. This initiative will contribute to a better environmental status in the Danish waters. The designated reef structures will be protected in their full extent, also if the reef structures go beyond the boundaries of

the Natura 2000 site. The rationale behind this is given in section 4. There is no rationale for protecting the entire site/full closure, if reef structures are not present. Proposed measures must comply with the proportionality principle so that they do not go any further than necessary to ensure the needed protection of the mapped reef within the framework of the habitats directive. The aim of Article 6 (2, 3) is to find the balance between protection of marine habitats and species and management of fishing activities. Also assessing the precautionary principles.

The Danish AgriFish Agency has been focusing on protection of reef structures since 2011, due to a urgent need for actions to be taken. With 65 Natura 2000 sites designated for reef structures, this a large task to finalize. Sandbanks will be protected when there is scientific advice on the protection needs of the habitat type. There is an ambition of launching the work of formulating necessary fisheries management measures in 2017. The outcome of the EU funded “Benthis project” is expected to be an important input in this work.

Annex 1

List of participants:

BSAC:	Sally Clink
NSAC:	Peter Breckling
OCEANA:	Hanna Paulomaki
WWF Denmark:	Mette Blæsbjerg
Danish Fishermen Association PO: Bælternes Fiskeriforening:	Henrik Lund Allan Buch
DTU Aqua:	Thomas Kirk Sørensen
The Danish Nature Agency:	Marie-Louise Krawack
Fishery Control Unit, AgriFish Agency:	Jacob Handrup
Center for Fishery, AgriFish Agency:	Bjørn Wirlander, Anja Gadgård Boye, Elsbeth Teichert & Pernille B. Jensen

The following organizations/ representatives could not participate

NSAC:	Henrike Semmeler
Danish Nature Conservation Association:	Bo Håkonsson

Annex 2 Comments from OCEANA



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Oceana's comments on the draft proposal for the Danish Fisheries Management Measures for the protection of reefs and bubbling reefs in Natura 2000 sites in Western Baltic Sea and the Kattegat

Oceana welcomes the initiative for a better fisheries management inside Natura 2000 areas, but at the same time we also have some points of concern which we would like to address here.

First, we understand that the purpose of this exercise is to ensure full protection of reef structures (habitat codes H1170 and H1180) from physical disturbance due to fishing activities, and thereby contribute to the achievement of their favourable conservation status in Danish waters. However, a more ambitious plan is needed than the one that has been presented here, particularly given that the overall objective of the Birds and Habitats Directives are to achieve and maintain the favorable conservation status of Europe's most vulnerable and threatened species and habitats, while the Marine Strategy Framework Directive aims to ensure the good environmental status of all European seas by 2020. Marine protected areas, if well managed, have proven to be a very effective tool to protect ecosystems and biodiversity, and maintain profitable fisheries. Planning this management properly requires an ecosystem-level approach, which considers the interconnections among the various components. In this case, Denmark has chosen to propose management measure based on a feature-by-feature approach that neglects such interconnections, and therefore omits important elements. At the very least, known features such as sandbanks should have been included, along with key species such as *Modiolus modiolus*. Leaving these outside the plan, and therefore leaving them unmanaged, is not acceptable.

The draft proposal states that the protection of sandbanks will be assessed at a later stage, once their sizes and spatial distribution have been mapped and management plans for Natura 2000 sites designated for sandbanks in the North Sea have been adopted (during 2016). Sandbanks are listed as the most vulnerable habitat types to be protected within the EU (Annex I of the Habitats Directive) and as vulnerable by HELCOM¹. Several macrofauna species live on the sandbanks, including *Zostera* sp., and many species of bivalves and polychaetes. A number of demersal fish species feed on sandbanks and many species of birds use those as feeding and wintering grounds. Fishing with bottom contacting gear is listed as one of the threats towards sand banks and ecologically sound fishing methods are recommended to be used². Therefore a more defensible approach would be to ban destructive activities in areas where sensitive features are known and then to fine-tune those plans once new information becomes available.

¹ HELCOM 2013 Red List of Baltic Sea underwater biotopes, habitats and biotope complexes. Baltic Sea Environmental Proceedings No. 138. <http://helcom.fi/Lists/Publications/BSEP138.pdf>

² See for instance:

<http://helcom.fi/Red%20List%20of%20biotopes%20habitats%20and%20biotope%20complexes/HELCOM%20Red%20List%20110%20Sandbanks.pdf>

Even though Denmark is setting European records with 18% of its waters covered by N2000 sites, this still leaves more than 82% of the waters open for fisheries and other activities. In practice, an even greater area remains unprotected, given that as only some of the existing N2000 areas have any type of restrictions enforced. In general, it is worth highlighting, that individual MPAs in Danish waters are rather small compared to other European MPAs.

We have repeatedly criticized the Danish definition of “a reef”, which is too narrow, because it refers only to physical characteristics (and even those, only very narrowly). This definition completely neglects the biological characteristics that also define a reef. The very restrictive definition, coupled with a very modest buffer of only 240 m truly risks leaving important parts of reef biodiversity unprotected, along with associated features outside the reefs. Reef structures are an essential part of marine systems, which provide places for animals and plants to attach, as well as hiding, feeding, resting and breeding places for a number of species. These types of characteristics should also be taken into account when defining a reef.

A few more specific and editorial comments:

- The Peer review of the proposals (section 3.1.4) is missing from both of the proposed plans. It would have been helpful to have that in hand when going through the proposals.
- For the sake of consistency, we recommend using only either hectares or square kilometers, rather than both units interchangeably.
- A review of the language is also recommended. In some parts it was challenging to understand what is meant, like this section from page 30 of the Baltic Sea proposal: “Since smaller fishing vessels (below 12 meters) do not carry VMS, it has not been possible to include the activity from smaller vessels in the analysis carried out in and around the three Natura 2000 sites with regards to effort, fishing pattern, target species etc. However, based on dialogue with the Danish Fishermen Association, the fishing effort from these smaller vessels seems to be relatively from commercial fishing vessels below 12 meters.”

Site-specific comments, where appropriate:

Baltic Sea sites

1. Adler Grund og Rønne Banke (EU site code: DK00VA261)
This area is characterized by a long reef, surrounded by sandbanks. The area is also an important area for harbour porpoise. The current proposed fisheries closure covers 56% of the entire MPA. Although fishing is not considered a problem at present, inclusion of the known sandbanks into the bottom trawl ban is recommended due to the vulnerability of this feature.
2. Centrale Storebælt og Vresen (EU site code: DK008X190)
This area is characterized by reefs and sandbanks, and is an important area for harbour seals, and a breeding and nursery area for harbour porpoise. Blue mussel beds are common. The reefs in the Vresen area are known to be very rich in animal and plant diversity and be of great value in maintaining biodiversity.

The current management plan points out that any fishing activity with mobile bottom contacting gear is a threat to the stone reefs. Fishing in general in this area is considered a threat towards both harbour porpoises (through entanglement in gear) and birds (through disturbance and removal of gravel).

Taking these factors into account, we find it surprising that due to the “low resolution” of some of the data (and conflict with fisheries in this same area), only some of the reefs were taken into account in this plan. Oceana highly recommends stricter fisheries measures in the area, due to its special characteristics and its importance for threatened species. All of the known sandbanks and reefs in this area should be included under the proposed plan. Overall, there is room for improvement, as the current proposal covers only 33% of the entire N2000 site. At a later date, when new, high resolution data become available, the potential for fishing to be re-allowed in some areas could be reconsidered. However, it should be noted that the southern end of the conflict area lies between two distinctive reef structures; allowing any bottom trawling between these areas poses a threat in any case.

3. Flensborg Fjord, Bredgrund og farvandet omkring Als (EU site code: DK00VA254)

This area is characterized by reefs and sandbanks and is considered to be highly valuable for biodiversity. It serves as a breeding and nursery ground for harbour porpoise and is also an important feeding area for a number of seabirds.

The management plan for the area describes fishing activity with mobile bottom contacting gear as a threat not only to stone reefs, but also to other marine habitat types in the area. Fishing activity with static gears is furthermore described as a threat to the harbour porpoises. Therefore, having a fisheries ban that covers only 19% of the area cannot be considered as sufficient.

Kattegat sites:

1. Store Middelgrund (EU site code: DK00VA250)

This area is known for its submarine structures made by leaking gases (i.e., “bubbling reefs”). It is characterized by reefs and sandbanks, and is also an important area for harbour porpoise and harbour seal. The area also hosts soft corals, such as dead man’s fingers (*Alcyonidium digitatum*), and threatened and declining horse mussels (*Modiolus modiolus*).

According to the proposed management plan, fishing with mobile bottom contacting gear is a threat to the characteristic features in this area. It is in fact suspected that the possible explanation for the observed lack of algal vegetation could be frequent overfishing with dragging gear. Furthermore, fishing with static gear is described as a threat to the bubbling reefs in the area. Therefore it is well justified that nearly the entire area should be covered by the bottom trawling ban. The percentages protected are inconsistent between the table and text, and should be corrected. While the table 3 indicates that “100%” is to be covered by a bottom trawling ban, the text clarifies that in fact it is not 100%. Correct figures should be used even in cases where the protected reef reaches over the borders of the N2000 site.

2. Schultz og Hastens Grund samt Briseis Flak (EU site code: DK00VA303)

This area is characterized by reefs covered by algal vegetation (*Laminaria*, etc.) and sandbanks, and it is also an important area for harbour porpoise. The deeper parts of the site have horse mussels in such densities that those can be defined as biogenic reefs, making this entire area one of great value for biodiversity in Kattegat, as it hosts such a wide variety of species in a relatively small area.

The management plan for the area considers bottom trawling to be a threat to stone reefs and a possible threat to sandbanks. Considering also that the threatened and declining horse

mussels³⁴ are very sensitive towards bottom trawling⁵⁶, and that they have a huge value for the entire system, these known areas should be included into the proposed plan. At present, the proposal covers only 22% of this N2000 site.

3. Strandenge på Læsø og havet syd herfor (EU site code: DK00FX010)

This area hosts a set of bubbling reefs which are concentrated in a relatively small area, and other marine habitats include reefs and sandbanks. The area south of Læsø is one of Denmark's most important moulting areas for common scoter (*Melanitta nigra*) and eider (*Somateria mollissima*), and it is one of the most important wintering areas for sea ducks in Denmark. The area is also considered as an important area for the common seal (*Phoca vitulina*) and for gray seal (*Halichoerus grypus*). Harbour porpoise also occurs in those waters.

The management plan for the area describes fishing activity with mobile bottom contacting gear as a threat to stone reefs and bubbling reefs, and as a possible threat to sandbanks. Fishing activity with static gears is furthermore described as a threat to the bubbling reefs in the area. The current proposal of fishing ban of mobile bottom contacting gear covers only 31% of the entire site, and does not include the known sandbanks, which should be included into the plan based on the need of protection

4. Havet omkring Nordre Rønner (EU site code: DK00FX257)

This area also has bubbling reefs, alongside with reefs and sandbanks. The area is characterized by its dense multilayer algal vegetation and reef is considered to have significant biological importance.

The management plan for the area describes fishing activity with mobile bottom contacting gear as a threat to stone reefs and bubbling reefs, and as a possible threat to sandbanks. Fishing activity with static gears is furthermore described as a threat to the bubbling reefs in the area. Considering that the current proposal to restrict fishing covers only 29% of the entire site, the proposal should be expanded to cover, at a minimum, at least the known sandbanks.

³ <http://www.ospar.org/work-areas/bdc/species-habitats/list-of-threatened-declining-species-habitats>

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<http://helcom.fi/Red%20List%20Species%20Information%20Sheet/HELCOM%20Red%20List%20Modiolus%20modiolus.pdf>

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<http://helcom.fi/Red%20List%20Species%20Information%20Sheet/HELCOM%20Red%20List%20Modiolus%20modiolus.pdf>

⁶ OSPAR COMMISSION 2009: Background Document for *Modiolus modiolus* beds. Biodiversity Series, 30pp. Available at <http://www.ospar.org/work-areas/bdc/species-habitats/list-of-threatened-declining-species-habitats>