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BY EMAIL ONLY

Dear Sarah,

Formal Advice to Devon and Severn IFCA: Habitats Regulations Assessments (HRAs) for Fish Traps in Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.

Thank you for the above assessments, received by email on 24 June 2020.

In 2012, the Department for Environment, Food and Rural Affairs (Defra) announced a revised approach to the management of commercial fisheries in European Marine Sites¹. The objective of this revised approach is to ensure that all existing and potential commercial fishing activities are managed in accordance with Article 6 of the Habitats Directive. This document states that a site level assessment will be required to assess whether management of an activity is required to conserve site features. The Department's strong preference is that site level assessments be carried out in a manner that is consistent with the provisions of Article 6(3) of the Habitats Directive. Appropriate management measures should be put in place to ensure that the fishing activity or activities either (a) have no likely significant effect on a site in view of its conservation objectives or (b) following assessment, can be concluded to have no adverse effect on the integrity of the site.

Natural England have considered the Habitat Regulations Assessments (HRA) prepared by D&S IFCA for the purposes of making an assessment consistent with the provisions of Article 6(3). Please accept this letter as Natural England's formal advice on the assessments and the conclusions they make.

Assessments have been made of the effects of the following fisheries activities within Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA:

- Fish Traps vs. Rock
- Fish Traps vs. Subtidal Sediments
- Fish Traps vs. Intertidal Sediments
- Fish Traps vs. Seagrass
- Fish Traps vs. Shad

Natural England are content that the best available evidence has been used by D&S IFCA to carry out these assessments to determine whether management is required to ensure the protection of site features from direct and indirect impacts of collection of marine fisheries resources. It is our view that IFCA officers have appropriately identified: (1) activities likely to have a significant effect on site conservation objectives; and (2) any management measures required in order to ensure there will be no adverse effect on the integrity of the European Marine Site(s).

¹Defra revised approach: <https://www.gov.uk/government/publications/revised-approach-to-the-management-of-commercial-fisheries-in-european-marine-sites-overarching-policy-and-delivery>

Natural England believe that any foreseeable risk or harm to designated sites has been appropriately assessed. We believe that D&S IFCA's ongoing commitment to monitoring this fishery, together with the application of the current thinking on adaptive risk management, provides an appropriate mechanism for re-assessing this risk. This view is based on our current knowledge of the impact of relevant fishing activities on designated site features.

Natural England have comments relating to the content of the HRAs, but these do not alter our view on the validity of the conclusions drawn. **Please refer to Annex 1.**

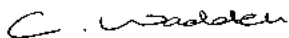
We would like to commend D&S IFCA for their detailed and thorough management approach in reviewing the live wrasse fishery. Whilst we acknowledge there are challenges with managing this fishery due to gaps in knowledge, we are content the best available evidence has been used and we agree with the conclusion of no adverse effect to site integrity. This is on the basis that a robust adaptive risk management strategy is implemented as mitigation, as has been proposed by D&S IFCA.

It is important to note this adaptive risk management strategy relies on the following:

- Strong and robust data will continue to be gathered on the fishery (refer to Annex section 2).
- Measures are incorporated to address compliance and ensure a fully documented fishery (section 3).
- Appropriate triggers are in place and management measures can be implemented in a timely manner. **Natural England recommend D&S IFCA consider an additional ARM trigger to review these assessments following any change to Cornwall IFCA's management of the live wrasse fishery.** This is because there is potential for a change in management within the Cornwall IFCA district to result in increased effort within the Plymouth Sound & Estuaries EMS and wider D&S IFCA district.
- An appropriate review period is identified. **Natural England recommend a period of one year,** as this will allow D&S IFCA to incorporate findings from ongoing monitoring and PhD research due for completion in 2021. Further comments in Annex 1 section 2.5 are applicable here.

Please do not hesitate to contact me if you have questions or require further information.

Yours sincerely,



Carolyn Waddell
Natural England

Annex 1: NE comments on D&S IFCA fish trap HRAs undertaken June 2020.

1. Understanding of stock health and impacts to ecological function

- 1.1 It is acknowledged that the direct effects of this fishery, through abrasion to habitat features, are minimal. Where knowledge gaps remain, these are in interpreting indirect effects and understanding the multifaceted ecological role wrasse play within Annex I reef habitats. Natural England recognise that D&S IFCA have given consideration to wrasse as part of the faunal component for reef communities, and suitably assessed both direct pressures (abrasion) and indirect pressures (target/non-target species).
- 1.2 In line with previous assessments (2018), assumptions have been made that as long as wrasse stocks are maintained within the SAC, then whatever ecological function wrasse species perform will continue to be carried out. Doing this ensures important attributes such as species composition of SAC reef communities (and therefore Conservation Objectives of the designated site) will be maintained. The assumption that maintaining wrasse stocks within MPAs is important remains a suitably precautionary approach regarding management of this fishery. This principle remains valid given the lack of a full understanding of the role of both the wrasse assemblage and individual wrasse populations on the ecology of designated reef habitat. This principle is consistent with Natural England's advice to other IFCAs on management of the live wrasse fishery within MPAs.
- 1.3 Using best available evidence to date, Natural England is satisfied that management measures put forward by D&S IFCA suitably mitigate against adverse impact to designated sites. Control mechanisms implemented within the permitting byelaw process, lend themselves well to allowing small changes to management conditions when backed by robust scientific evidence. This appears to be a suitable mechanism to allow D&S IFCA to respond in a timely and flexible manner to ensure adverse impact to site integrity is avoided. This has been demonstrated by recent change to potting permit byelaw conditions, resulting in the prohibition of the removal of rock cook wrasse from the fishery. NE agrees that it is very important to continue to monitor this fishery closely, and adapt management accordingly, in order to ensure its long-term sustainability.

2 Recommendations for further study and a collaborative approach across IFCA districts

- 2.1 Natural England welcome D&S IFCA's ongoing commitment to closely monitor CPUE/LPUE and size distribution of wrasse species and promptly feedback this information to inform management decisions. Natural England agree that a fully documented fishery is an essential part of managing the wrasse fishery in a way that avoids adverse impact to designated sites.
- 2.2 Current PhD research at the University of Exeter is characterising the live wrasse fishery on the south coast of England and researching the niche, trophic ecology and population connectivity of wrasse within reef habitats. It is important that data from all IFCAs with an active wrasse fishery is comparable and can be fully incorporated into this analysis, which is due for completion in 2021. Natural England therefore recommend D&S IFCA review their assessments in a period of one year, once this work is published. We also recommend further research is needed by D&S IFCA to better understand local recruitment and spawning periods, natural mortality, and pressure from other sectors (especially recreational angling - refer to section 4) in order that future management decisions remain robust, the long-term sustainability of the fishery is ensured, and the integrity of designated MPAs is safeguarded.
- 2.3 Resource permitting, higher resolution spatial data of areas targeted and respective effort may be useful to incorporate into future monitoring plans. This could provide information to detect fine scale changes within the fishery, and inform whether hyperstability masking localised over fishing is occurring, the effects of which may currently be hidden in coarse analysis at 1 km grid square resolution.
- 2.4 Natural England welcome D&S IFCA's commitment to continue to discuss any need to amend the closed season, as a result of emerging research from Cefas suggesting Ballan wrasse may spawn earlier than is currently recognised. We are happy to provide assistance in obtaining further information if appropriate.

2.5 Natural England acknowledge the Plymouth Sound and Estuaries SAC is split between two IFCA districts and hence managed through two separate bylaws. There is currently disparity between the monitoring and survey work undertaken by the two IFCAs, and this has resulted in data that is not wholly comparable. We encourage D&S IFCA to consider monitoring the impact of the live wrasse fishery within the European Marine Site through a more holistic, ecosystem based approach, in order to uphold the SAC conservation objectives. A holistic approach will also enable any fishing effort displacement between the two districts to be fully understood, and will ensure that management remains pertinent and responsive to new science as the fishery evolves. Natural England are willing to work with D&S IFCA and Cornwall IFCA to implement considerations for joint monitoring in order to meet this need. The establishment of a wrasse working group (or similar) in order to facilitate an annual review of the fishery on a site-wide basis would be greatly beneficial, to ensure that the fishery is managed in a joined up manner that continues to ensure no adverse impact on site integrity.

3. Compliance within the fishery

- 3.1 High compliance is needed in order to enable managers to react and operate in a suitably precautionary manner within the marine environment. This is especially true of emergent fisheries. Whilst we commend D&S IFCA for their thorough reporting in the three-year review of the live wrasse fishery, it is evident there are gaps in data resulting from a lack of permit returns from one particular vessel. We acknowledge that enforcement action has been taken against the owner involved, and we welcome the range of alternative methods proposed for the 2020 season in order to achieve data collection from this vessel. Natural England recommend HRA assessments are reviewed in a period of one year once it is known if these alternative methods have been successful, in order to ensure catch statistics from this vessel are fully included in data analysis.
- 3.2 It is important to note that poor compliance has potential to undermine the goal of achieving a fully documented fishery, and reduce the success of effective co-management between fishers and fisheries managers. Given the lack of full understanding of the role of wrasse in the ecology of designated reef habitat, it is possible that continued poor compliance in providing landings/catch data may, in future, constitute a potential risk of adverse effect to the integrity of the European Marine Site.

4 Cumulative and in-combination impacts

Natural England acknowledge that the recreational angling sector has not been explicitly assessed with regard to cumulative or in-combination impacts. We agree with the conclusion that fish traps will have no adverse effect on site integrity, either alone or in-combination, on the basis that the robust adaptive risk management strategy proposed by D&S IFCA is implemented as mitigation. Current PhD research is being analysed to provide data from the recreational angling sector, and Natural England advise that once available, this information should be incorporated into future assessment review with respect to any potential cumulative or in-combination effects.

5 Seagrass

We acknowledge that some of the seagrass within the SAC is within voluntary closed areas, and that seagrass habitat is not specifically targeted by this fishery. We also note that monitoring patrols from 2018 detected no wrasse pots on seagrass, and patrols from 2019 only detected one string of pots overlapping seagrass at Drake's Island. Natural England support D&S IFCA's commitment to continue fishery patrols in 2020 to monitor activity levels, and we agree with the conclusion of no adverse impact to site integrity on the basis that a robust adaptive risk management strategy is in place as mitigation. We advise that any potential impact from abrasion associated with this fishery could be completely avoided by including all known seagrass beds within voluntary closed areas. D&S IFCA may wish to give consideration to this in future management review.

6 Incidental shad bycatch

Natural England agree with the conclusion of no likely significant effect to shad due to the selectivity of pots. However, we reiterate our previous advice that in the unlikely event any shad were caught, it would be important to record the observation (after immediately returning the fish to water). An informal reminder to fishermen about the conservation status of shad and importance of recording any incidental bycatch may prove beneficial.