



Development of a Hand Working Permit Byelaw

Structure and Bag Limits

**Discussion Report for the D&S IFCA Byelaw & Permitting
Sub-Committee**

2nd January 2020

Contents

1. Introduction.....	3
2. Background	3
3. Constructing the Hand Working Permit Byelaw	3
Officers' Advice.....	4
4. Setting Bag Limits	5
Officers' Advice.....	5
Officer derived bag limits for discussion – Group 1	5
Decision Making 1.....	5
Officer derived bag limits for discussion – Group 2	6
Further Information related to Hand Gathering of Shellfish Figures.....	6
Decision Making 2.....	6
Officer derived bag limits for discussion – Group 3	6
Comments from Members	7
Decision Making 3.....	7
5. Minimum Conservation Reference Sizes (MCRS) and other drafting considerations.....	7
Information Item.....	7
6. Delivery of Byelaw Work	8
Table 1	8

1. Introduction

This discussion report is to assist members of the D&S IFCA's Byelaw & Permitting Sub-Committee (B&PSC) build on the decision reached on 14th November 2019 to develop a Hand Working Permit Byelaw to manage the activities of bait digging, the use of crab tiles and a mixture of other methods described as hand gathering. This report is linked to the agenda for the B&PSC meeting planned for 23rd January 2020 and contains the views of officers on how to proceed with the development of the new byelaw regarding the structuring of the new byelaw and the setting of a series of catch limits (bag limits). Although the views of officers are highlighted in this report, it is for the B&PSC to discuss and potential agree to some key elements to enable progression of the task.

The Byelaw Technical Working Group (BTWG) can be tasked to assist with drafting work during the ongoing process; however, the decision making of the B&PSC will dictate how the work is approached.

2. Background

On the 14th November 2019, members of the B&PSC examined each sub-group of fishing activity in turn and discussed options for management. Members agreed that a regulatory framework be explored to manage hand working fishing activities. It was concluded that this could potentially be achieved via an all-encompassing Hand Working Permit Byelaw that, as explained in the previous officer paper, would take a different form to existing D&S IFCA Permit Byelaws.

Regarding each sub-category of fishing method, the following was agreed by members:

Crab Tiles

- 1. To adopt a preliminary position to permit all users of crab tiles with limited conditions of use.**

Bait Digging

- 2. That a regulatory framework be developed for management of bait digging activity with the management details to be determined during the process.**
- 3. That a threshold (bag limit) type of Permit Byelaw be developed to manage the activity of bait digging.**

Hand Gathering

- 4. That a regulatory mechanism involving the use of a bag limit threshold is to be applied to manage hand gathering fishing activities.**

3. Constructing the Hand Working Permit Byelaw

Prior to further work to be conducted by the BTWG, officers have begun considering how to construct the framework for the proposed Hand Working Permit Byelaw. In the view of officers, the introduction of a threshold (bag limit) type of approach that would act as a clear separation between users and would be relatively simple to achieve from a drafting perspective. The establishment of a series of bag limits for different resources would enable recreational fishers to remove a fixed level of resource without a permit. Coupled to this, fixed provisions such as those to protect features such as seagrass would apply to all. It is the view of officers that bag limits would be enforceable and if set at an appropriate level would potentially be viewed as fair and appropriate by those fishers who wish to make use of a resource for their own consumption or needs. This approach meets some key principles relating to byelaw work:

- To balance the needs of various users and meet conservation duties

- Draft legislation so it assists with enforcement
- To differentiate between commercial and recreational activities by applying appropriate management measures
- To encourage legitimate activity and remove illegal, un-licensed and un-regulated fishing activity
- To drive behavioural change and high compliance

The threshold approach would limit the impact on recreational fishers as no permit would be needed to conduct limited activity and no application forms for this sector would need to be developed by D&S IFCA. Communicating potential new restrictions remains a challenge whatever approach is taken; however, it is envisaged that fixed provisions would simplify the management for recreational fishers, become more widely recognised overtime and would potentially be supported by more stakeholders that have an interest in the differing activities.

The disadvantage of this approach, as highlighted in the previous report in November 2019, is that there will be an unknown quantity of fishers potentially removing quantiles of resource up to the legal set level. Several of the hand working fishing activities may be conducted by an individual fisher. This presents potential difficulties regarding the activity of crab tiling, and the preliminary position adopted by the B&PSC in November 2019 to permit all users of crab tiles.

Officers' Advice

It is the view of officers that not permitting all bait diggers or all fishers conducting hand gathering activities but permitting all users of crab tiles is not workable in an all-encompassing Hand Working Permit Byelaw. The mechanics of establishing application forms to gather information relating to permitted recreational fishers using crab tiles but not requiring information or permit issue for the same fishers that may conduct other recreational hand working activity is disjointed. Officers are not suggesting that all recreational fishers conducting hand working activity are not regulated, just that consistency is applied for all sub-groups of hand working activity. Officers are confident that a threshold approach, rather than a permit for all approach is the most appropriate course of action.

It is the view of officers that a threshold approach, including a bag limit for shore crab, is an appropriate and effective way to indirectly manage the use of crab tiles by the recreational sector. No permits would be issued to recreational fishers using crab tiles. Permits would still be issued to those fishers operating commercially and during ongoing work the specific criteria to obtain a commercial permit would be discussed and developed. It is envisaged that monitoring of the levels of crab tiles will continue by D&S IFCA in the same way as it currently conducted, via surveys including drone technology. It is possible that fewer tiles will be worked, in the future, on a regular basis by recreational fishers, as the bag limit would make excessive working a pointless exercise. In summary, officers suggest the following:

- a) That only commercial fishers using crab tiles, conducting bait digging and conducting the other identified hand gathering fishing activities are regulated by the issuing of permits.**
- b) All recreational fishers removing named sea fisheries resources will be limited to the agreed bag limits.**
- c) All fishers would be bound by fixed provisions.**

4. Setting Bag Limits

To proceed with the development of the threshold approach in the Hand Working Permit Byelaw, some initial bag limits must be set so a consultation (“Have Your Say”) can be conducted to seek the views of stakeholders. When complete, the findings of the consultation will be reported to the B&PSC and further decision making will influence the drafting work needed to further develop the Byelaw. Officers initially developed some bag limits and circulated them to members to consider and potentially provide some initial feedback prior to the B&PSC meeting on 23rd January. After a period of reflection, a revised series of officer derived bag limits have now been established to act as discussion drivers.

Officers’ Advice

The different bag limits set out in this section of the report reflects the fact that some species are more likely to be for personal consumption, whereas other species are more likely to be used as bait. A mixture of numbers and weight have been used, which is thought to be advantageous from both a drafting point of view and to assist with understanding and compliance. Grouping of species into categories is also thought to be of benefit from a drafting perspective. It would be the intention of D&S IFCA to develop further guidance for fishers that relate to an expected number to weight ratio for species such as mussel.

Officer derived bag limits for discussion – Group 1

Species/Resource	Level (per calendar day)
Brown & Spider Crab	1
Lobster & Spiny Lobster	1
Scallops	15

Rationale: Levels for Crab, Lobster and Scallops

The importance of these species which are of relatively high value, and desirable as a food source, has been recognised in the type of management already introduced by D&S IFCA. These species are typically targeted by diving, potting and netting and the scale of these fishing activities and their relative efficiency to remove these species has led to the introduction of tailored permit conditions. Conditions of use have recognised the needs of different user groups that target them via those activities.

Bag limits for recreational fishers are set at a combined daily total of three crabs from the species of brown crab and spider crab. Notwithstanding specific spatial restrictions for the removal of spiny lobster, up to two lobsters from the species of lobster and spiny lobster can be taken per calendar day. Following consultation and the issue of revised diving permits in 2019, a total of 25 scallops can now be taken by recreational divers operating under a permit.

Management via flexible permit conditions is obviously different to the threshold approach that will include some fixed provisions. Reduced bag limit levels for those conducting hand working activities (in this case hand gathering) with no permits as compared to those fishers managed via a permitting model is not discriminatory, rather it reflects a different approach that may be considered less burdensome on non-commercial hand collectors. Although it is more pre-cautionary in its approach, it reflects the reduced level of management directed towards the fishing activity and those conducting it. It is thought to be unlikely that greater numbers of these species would either be available to collect or would be actively targeted for collection each day by those conducting hand gathering activity on a non-commercial basis as compared to non-commercial potting, diving or netting.

Decision Making 1

Members are tasked with setting a daily bag limit for brown crab, spider crab, lobster and spiny lobster that will be subjected to a four-week consultation period scheduled to begin on 10th February 2020.

Officer derived bag limits for discussion – Group 2

The following has been suggested by officers for the second group of bag limits.

Species/Resource	Level (per calendar day)	Initial Rationale
Cockles	1kg	Considered to be enough for personal consumption
Mussels	1kg	Considered to be enough for personal consumption
Winkles	1kg	Considered to be enough for personal consumption
Limpets	1kg	Considered to be enough for personal consumption
Oysters	1kg	Considered to be enough for personal consumption
Razor Clam	15	Considered to be enough for personal use
Other Clam Species	1kg	Combined amount suitable for personal consumption
Whelk	1kg	Considered to be enough for personal consumption and expected levels available from hand working activity

Further Information related to Hand Gathering of Shellfish Figures:

Mussels

From researching on-line it is apparent that the average amount of mussel required for a single serving is 500g. Therefore, 1kg of mussels would be sufficient per person as a bag limit.

Cockles

From on-line research the weight of cockles required for a single serving is between 250g 300g. Therefore a limit of 1kg bag limit person is reasonable.

Decision Making 2

Members are tasked with setting a daily bag limit for the above species that will be subjected to a four-week consultation period scheduled to begin on 10th February 2020.

Officer derived bag limits for discussion – Group 3

The following has been suggested by officers for the third and final group of bag limits.

Species/Resource	Level (per calendar day)	Rationale
Prawn/Shrimp	1kg	Considered to be enough for personal consumption.
Shore Crab	40	A number rather than a weight for ease of compliance. Considered to be a suitable level for personal use.
Worms (any species)	100	Considered suitable by officers for personal use as bait. Amount questioned in feedback by one member
Seaweed	1kg (except for detached and found on the strandline.	The limit for detached seaweed was questioned in feedback from members. No limit on removal of detached seaweed from the strandline as many beaches are cleaned for tourism purposes.

Comments from Members

Differing views have been submitted by members to date which will help to inform discussions.

Prawn/Shrimp:

One member has suggested that a level of 50 per day, rather than a weight, would be sufficient as a food source with 10 being sufficient to use as bait.

Shore Crab:

One member has suggested that boat anglers use less as bait than shore anglers. The removal of 20 per day has been suggested as a suitable level which is dependent on the targeted quarry.

Worms:

A member has suggested that 200 per day (all species) would meet the needs of anglers collecting and using them. A different member has suggested that having now spoken with several anglers and some bait suppliers, an appropriate bag limit for the combined species of Lug, Rag, White and Harbour worms should be 80 per angler. Feedback suggests that boat anglers will use considerably less than shore anglers.

Seaweed:

The limit for detached seaweed was questioned in the initial feedback from Natural England (Natural England) on the grounds of potential ecological impact resulting from the removal of large quantities.

Decision Making 3

Members are tasked with setting a daily bag limit for the third and final group of species/resources that will be subjected to a four-week consultation period scheduled to begin on 10th February 2020.

5. Minimum Conservation Reference Sizes (MCRS) and other drafting considerations

Information Item

As reported in November 2019, there are legacy byelaws that relate to hand working fishing activity. These include some MCRS for species such as scallop, brown crab, winkles, oysters and mussel. Officers and the BTWG will analyse the legacy measures during drafting work for the Hand Working Permit Byelaw. Specific detail and the rationale for the content of the Hand Working Permit Byelaw will be reported to the B&PSC at appropriate stages of its development. Further advice will be offered in due course, including highlighting byelaws that would be suitable for revocation.

6. Delivery of Byelaw Work

The table below is for information only. It provides an estimated timetable for the delivery of some of the byelaw work including the development of the Hand Working Permit Byelaw. There will be both additional officer work and BTWG work which is not shown in the table.

Table 1

Topic	Date/s Deadlines	Action/Event
Meetings/Decision Making	23 rd January 2020	B&PSC Meeting - Agenda items: <ul style="list-style-type: none"> Members to discuss officer set hand working bag limits and MCRS Members to action Hand Working Bag Limit consultation/Call for Information.
Hand Working	10 th February 2020	Start Hand Working bag limit/MCRS 4-week Call for information consultation
Meeting/Decision Making	11 th February 2020 TBC	B&PSC Meeting - Agenda items: <ul style="list-style-type: none"> Wrasse - Formal Comprehensive Review Consider the response from the sand eel permit condition consultation Potentially action the BTWG to finalise draft Mobile Fishing Permit Byelaw & 4 Categories of Permit Conditions
Hand Working	9 th March 2020	End of Hand Working Bag Limit Call for Information Consultation
Meeting/Decision Making	19 th May 2020 TBC	B&PSC Meeting - Agenda items: <ul style="list-style-type: none"> Members potentially “make” Mobile Fishing Permit Byelaw & approve accompanying IA Members potentially action the formal consultation relating to the Mobile Fishing Byelaw Members consider the content to date of the hybrid type of Hand Working Permit Byelaw
Mobile Fishing	5 th June 2020	<ul style="list-style-type: none"> Start of 6-week Formal Consultation on Mobile Fishing Byelaw/Permit Conditions Advertise in Newspapers
Mobile Fishing	17 th July 2020	End of 6-week formal consultation on Mobile Fishing Permit Byelaw
Meeting/Decision Making	13 th August 2020 TBC	B&PSC Meeting - Agenda items: <ul style="list-style-type: none"> Members consider notification to Defra about “making” Hand Working Permit Byelaw Recognise formal responses to Mobile Fishing Byelaw Discuss potential changes to Potting Permit Byelaw – 5 Year Review of Byelaw Discuss potential changes to Diving Permit Byelaw – 5 Year Review of Byelaw