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Reputation, perception and understanding

Some interesting themes have been discovered within the feedback.

The feedback in the pre-consultation was largely in favour of a total closure to netting within estuaries; however a significant amount of the respondents commented that licenced salmon netting (by the Environment Agency) was in their view totally acceptable. These EA licensed nets were perceived by a significant amount of respondents to be very well regulated and also a traditional practice to be preserved.

Should not the Authority aspire to meet if not surpass the management of the Salmon and Seatrout nets by the EA? Is it not possible to mirror a well-regulated salmon and seatrout net fishery with a well-regulated mullet fishery in estuaries?

Despite the use of various communication platforms to explain the role and responsibility of the IFCA, the byelaw review process and the current measures in place (legacy byelaws), it is the officers' views that:

- a) The background of netting within the District and the information presented during this consultation is not fully understood by all the respondents.
- b) The IFCA is possibly perceived as an inferior regulating body to the Environment Agency and unlikely to be able to manage the activity of estuary netting in a similar way as the licenced salmon nets. The potential to provide competent regulation via permit conditions has perhaps not been fully recognised. The activities of the illegal netters based in the Plymouth area may well influence how people view the IFCA's enforcement capabilities.
- c) Other forms of netting (other than salmon netting) is deemed by many to be either illegal already, an un-savoury/shady activity, un-regulated and generally unacceptable.
- d) Netting is perceived by many to be an un-desirable activity, not suitable for the estuaries within the district.
- e) There is a perception that closing all estuaries to netting will stop illegal activity.

Overview of current status

The charts enclosed in Annex 1 provide information on each of the estuaries within the district. The data shows the current IFCA restrictions, bass conservation measures, current and historic levels of fishing and available economic data on bass and mullet landings in each port. Further

analysis of the data would help identify what proportion of the bass was likely to have been landed from estuaries but it is likely that a large part of the mullet landings will have been achieved from fishing the estuaries and gives an indication as to the current value of the main fishery within estuaries.

Options for management –

1. Do nothing: This option was considered inappropriate given that IFCA's need to review the inherited byelaws.
2. Create a netting permit byelaw introducing a flexible, adaptive approach to management.
3. Review and remake byelaws using current model leading to the creation of a rigid byelaws which are unsuited to dealing with future management needs.
4. Voluntary measures: due to the nature of this issue and the associated risks it is unlikely that there will be sufficient voluntary compliance with the restrictive measures necessary to achieve the outcomes required by D&SIFCA.

The preferred option is Option 2. - Creation of a new permitting byelaw for netting.

The most obvious conclusion would be to prohibit the majority of netting activity within estuaries as part of the new permitting byelaw; however key elements of the Authority's purpose, strategy and principles should underpin the decision making process. Also the permit approach allows the management approach to be modified, if the limited access to the estuaries is not working then further restrictions or full closures can be applied.

Mission statement

The D&S IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.

From the mission statement, the full Authority and this working group has been able to identify key themes for the overall work of the IFCA and have established guiding principles to be taken into account during the Byelaw review process.

The officers' view is that allowing some form of access for netting within estuaries is a credible option to be explored. Quite clearly limited access would be subject to multiple conditions of use as set out in the associated permits that would accompany the new netting permitting byelaw. The specific detail of control measures would fall under the established sections with additional development of deeming clauses:

- Catch Restrictions
- Gear Restrictions
- Time Restrictions
- Spatial Restrictions

Each estuary would need to be examined on an individual basis to assess suitability. The view of the officers at this time is that only certain estuaries would be suited to this potential access in the first instant.

Development and advances in the D&SIFCA's ability to publicise and communicate the carefully regulated access could provide the platform to promote legitimate netting and change public perception related to the activity as a whole.

More detailed conditions appropriate to the above categories could potentially include:

- Provide access for sand eel and landing nets (Rod and Line)
- In the first instant only allow limited access to the Teign, Exe, Salcombe and the Taw/Torridge (These estuaries have locally based active netsmen)
- Seasonal opening to reduce risk to Salmon – no netting in any estuary 1st April to 31st October to avoid the identified presence of Salmon in estuaries.
- Seasonal closure on netting could be extended where BNA restrictions apply. April to December.
- No recreational netting in estuaries other than the use of sandeel seines and landing nets
- Mesh and length of net control – including tagging of nets used.
- Estuary sub-division for additional protection (such as sea grass)
- In attendance only (within 100m of the net) – for target species only removal
- "Daylight fishing only"
- "Designated authorised slipways" if trailer launched
- "Designated landing points" for estuary fishing
- Notification prior to fishing
- Use of existing and future technology/tracking
- Permitted fishermen to wear high visibility clothing whilst netting in estuaries
- High visibility numbers/symbols displayed on the fishing vessels
- Deeming clauses

Definition of nets to be used

Due to the different types of nets and how they can be used, defining them has always posed problems. If netting was to be permitted within the (chosen) estuaries, the officers' view is that the IFCA consider a different approach to the traditional approach of numerous detailed definitions.

Mesh and length of net would obviously form part of the requirements of use; however nets limited by other control measures could potentially be used in a manner chosen by the individual fishers. This could include the use of fixed nets. Attendance of the nets, as mentioned above, would most certainly be a condition of use.

Access- Netting within estuaries – SWOT analysis

An analysis of the potential strengths, weakness, opportunities and threats associated with allowing netting access to estuaries has been created (Annex2)

Illegal fishing

It should be understood that this will be a problem in reality, whatever the outcome of the decision making process. Whatever we do – access or closure- the IFCA will probably face criticism because of illegal fishing or people having the perception that it is happening, even if sometimes it isn't. Illegal netting happens now in closed areas and will continue to happen to some degree. Complete closure will place pressure on resources. Limited access has similar complications but may promote some increased compliance/self-policing from the sector of responsible fishermen. Without covert surveillance powers issued under the Regulation of Investigatory Powers Act 2000 dealing with this type of illegal activity is always going to present challenges. Having more eyes out on the water, with a shared interest in stopping illegal fishing may help the situation

Total closure may produce further criticism of the IFCA if it is felt or perceived we are not able to enforce it properly.

Intelligence

The recent National Enforcement Group meeting highlighted potential development and improvement in processing and using intelligence.

It is expected that greater effort will need to be placed on what constitutes good intelligence from the public/other sources. The IFCA may need to be more challenging/probing into received intelligence and may have to be more prepared to deflect poor intelligence, whilst encouraging continued engagement and information from stakeholders.

A vessel seen launching on an estuary slipway is not a guarantee of illegal netting within the estuary. This boat may be intending to fish outside.

A trailer carrying a boat with Plymouth PLN, parked at a burger cafe does not always mean illegal activity has happened or is going to happen.

Again, this leads back to perception and communication/publication. Promoting legitimate netting into a high visibility activity could be a concept worthy of development and implementation.

The addition of the new "communication" post agreed by the Authority has given this IFCA the opportunity to greatly improve this area of working.

Enforcement

- Continue with out of hours contact phone/answer phone line to inform IFCA of suspicious activity
- Develop much better intelligence sharing with EA/MMO/Police
- Improve reporting back to sources outcomes of their information
- Explore IFCA use/agreements/access of assets (boats) – Such as vessels that are already located on the estuaries but owned and operated by harbour authorities/estuary groups?

- The additional use of some private “security services” could be explored.

Additional Information

A survey was done in 2014 asking netters and potters questions on fishing methods and improvement measures. Some data and responses from the forms answered by commercial netters have been included in Annex 1.

Economic data for district wide catches of bass and mullet

Data has been compiled to show the total catches of both species. The data is shown port by port, with 11 ports used to calculate the totals.(Annex 3)

During 2014 and 2015 a total of 219 tonnes of bass were landed with a value of over £1.6 million.

During 2014 and 2015 a total of 60.8 tonnes of mullet were landed with a value of over £126,000.

End of report

20th November 2015