

Managing Hand Working Fishing Activity

Planning Document



For Members of the Byelaw & Permitting Sub-Committee

28th June 2018

2nd Edition

Contents

1. Background and Overview.....	2
Why is D&S IFCA focusing on managing hand working?	2
What is Hand Working?	2
The Proposed Plan	3
2. The Timeline for the Foundation Phase.....	5
3. Building the Foundation Information and the Evidence Base	6
4. Defining Crab Tiles	7
5. The Guiding Principles	9
6. Communications Plan Specific to Hand Working	10

Version Control

Authors	Date	Comment	Edition
Neil Townsend	26 th March 2018	Developed for discussion by the D&S IFCA Byelaw & Permitting Sub-Committee in April 2018	1
Neil Townsend	28 th June 2018	Refined to reflect changes in 2018/19 Annual Plan in readiness for discussion by the Byelaw & Permitting Sub-Committee in August 2018	2

1. Background and Overview

Why is D&S IFCA focusing on managing hand working?

The Marine and Coastal Access Act 2009 details the main duties of D&S IFCA. Section 153 specifies how the Authority for an IFC district must manage the exploitation of sea fisheries resources in that district. Section 154 specifies the responsibility of D&S IFCA in regard to Marine Conservation Zones (MCZs).

Different fishing activities present different risks to the MPA network. The management of Marine Protected Areas (MPA) has been identified as a key area of importance within several D&S IFCA Annual Plans. D&S IFCA is the appropriate authority to manage fishing activities within Marine Conservation Zones (which make up part of the MPA network). It is the IFCA's duty to further the conservation objectives of the MCZs.

There are currently fifteen MPAs designated in the D&S IFCA District. Some are European Marine Sites (EMS) and others are Tranche 1 and Tranche 2 MCZs. Several of the designations are co-located. In addition to these designations most estuaries in the district are also Sites of Special Scientific Interest (SSSI).

Hand gathering activities occur within several of the estuaries within the District, and within intertidal areas of coastal waters. In addition to officer's survey work, multiple stakeholders have raised concern over unlicensed, unregulated and potentially illegal shellfish removal from estuary locations.

On the 15th June 2017 members of the Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) identified hand gathering (now renamed Hand Working) as the next fishing method that should be subjected to a review of management by the D&S IFCA Byelaw and Permitting Sub-Committee.

What is Hand Working?

There are many methods that fall under the umbrella term "Hand Working" and this includes:

- **the use of crab tiles**
- **bait collection**
- **a mixture of methods that have been labelled as hand gathering.**

At this stage it is important to clarify that activities already managed via Regulating Orders granted under the Shellfish Act 1967 do not form part of this proposed plan. Regulating Orders remove the "Right of Public Fishery" from the area of the designated fishery and provides D&S IFCA with the powers to manage the area.

An example would include the Waddeton Fishery Order, where D&S IFCA has the management responsibility until 2026 and already imposes restrictions on the fishery for molluscan shellfish as well as shore crabs. Another important Regulating Order exists on the river Teign. This Order however is quite unusual as the grantees are Teign Musselmen's Association which consist of commercial shellfishermen that operate within the regulating order area.

However, as set out in sections 158 of the Marine and Coastal Access Act 2009, where a private fishery exists within a designated MPA then the management (if it was set out for

example in a Byelaw or permit conditions) can apply across the private fishery area without the consent of the private fishery. This could apply to some of the estuaries in Devon, such as the Exe and Dart.

The Proposed Plan

Officers have recognised that the work needed to review the management of identified hand working fishing activities will be complex and will extend into 2019. The task is so large that (in the view of officers) it is not a realistic expectation for Members to review the entire evidence base and other relevant information as a single entity prior to considering options for management that can include regulation.

The concept applied to this strategy is that the overall task of reviewing the many hand working fishing activities can be broken into smaller sections.

This planning report is intended to provide members with an overview of the task required and how officers propose to divide the required work into more manageable segments which will include decision making of members at defined intervals.

Initial considerations will include:

- ***Members to consider the implementation of this plan***
- ***Members to discuss and review the guiding principles for this review of management***
- ***Members to consider the communications plan specific to Hand Working***

This plan (as currently set out) will involve officers completing segments of work in-between the planned (or re-arranged) Sub-Committee meetings. The initial phase of this plan can be described as a foundation phase.

The foundation phase will be a prolonged period, but it will be conducted prior to the “options for management” phase where a choice will be made how to manage the many different activities being reviewed. The “options for management” phase of the process will be where members choose between options that as well as possibly creating a new byelaw, (or permit based byelaw) also include the potential of doing nothing, the use of voluntary measures or a mixture of these. The foundation phase does involve evidence collection, however if a Byelaw becomes the chosen option in the “options for management phase”, pre-consultation for byelaw making will be conducted.

Activity based approach

To date, the overall D&S IFCA strategy applied to the review of managing fishing activities/byelaw review has been an activity-based approach. It is proposed that an “activity based” strategy be applied for this review rather than a site by site approach; although the locations where the different activities are being conducted (in particular the Marine Protected Areas) may influence decision making.

Relevant information (and evidence) including the findings (or summary) of multiple environmental assessments will be produced and presented in batches rather than as a complete package. Other information and evidence can also be divided into manageable portions relevant to the sub-group of identified hand working fishing methods. Other information and evidence will include an overview of current legacy measures and the

identification of any weaknesses that exist within these. Attempts can also be made to evaluate the effectiveness of current voluntary measures.

- ***Report supplements will be produced which will assist the decision making of members as the project develops.***

Decisions taken at key stages will be documented in the minutes from meetings and all the information and evidence (supplements and minutes) can then be used to produce multiple editions of a reference document that will build throughout the on-going process and document the eventual outcome, regardless of what that might be.

Decisions taken relevant to the different elements of the foundation phase information and evidence can be documented and referred back to later. Different decisions taken at different times throughout the on-going process will influence the discussions taken many months (possibly a year ahead) in regard to the options for management phase.




- **The use of crab tiles will be the first fishing activity to be subjected to closer scrutiny**

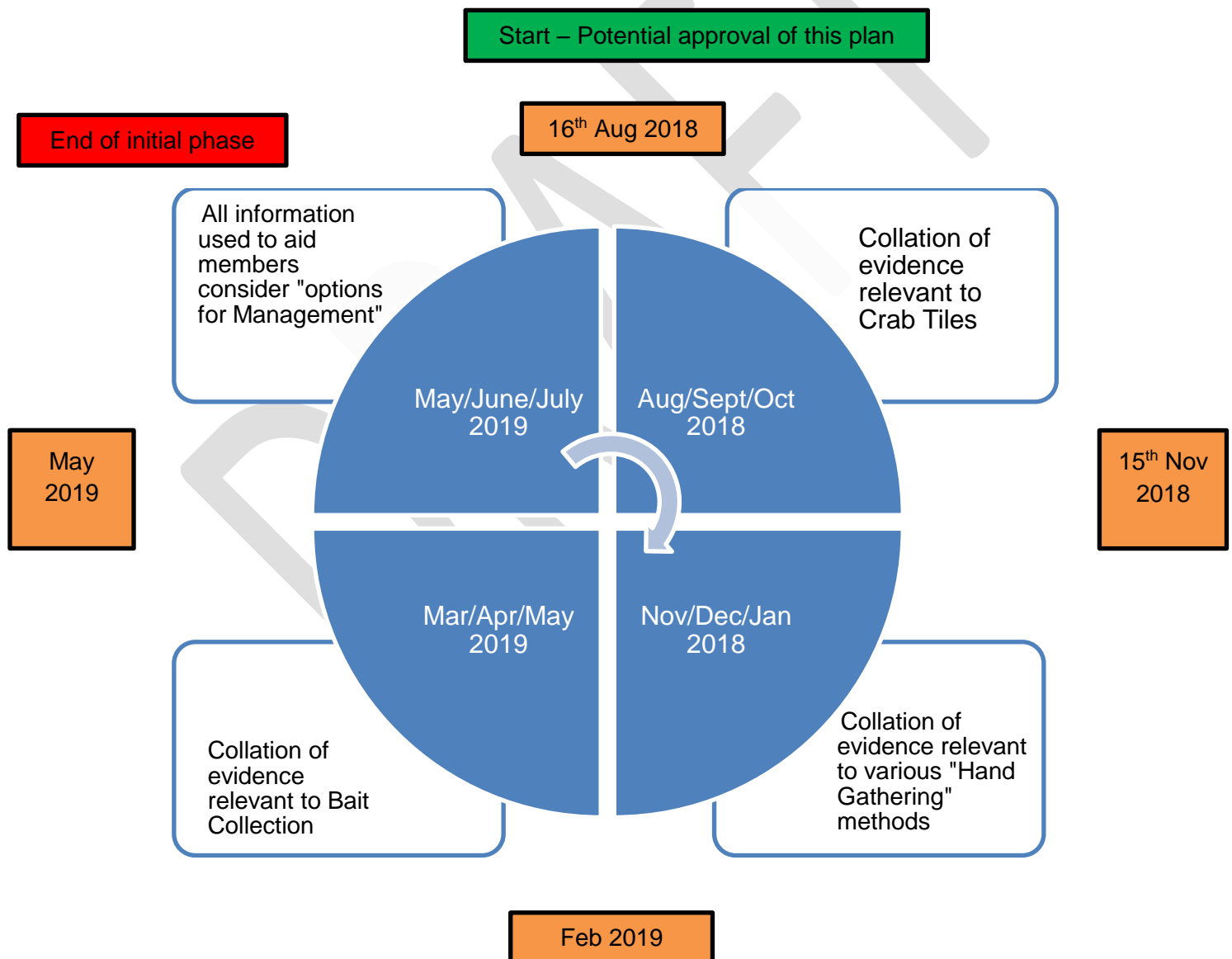
(intentionally blank)

2. The Timeline for the Foundation Phase

A clearer timeline can be established when work is underway. At each Sub-Committee meeting the compiled information relating to each sub-group of fishing activities can be discussed and considered. The conclusions at each stage will be documented in preparation for the future options for management decisions.

Key

-  Sub-Committee Meetings
-  Start of foundation phase
-  End of initial evidence collection (foundation phase) for all hand working methods



3. Building the Foundation Information and the Evidence Base

The strategy (as currently set out) is intended to help members evaluate information and evidence and then apply proportionate decision making at the appropriate times. There is a risk that too much information presented at any one time can present difficulties. In any eventuality a suitable level of foundation information needs to be collated and presented.

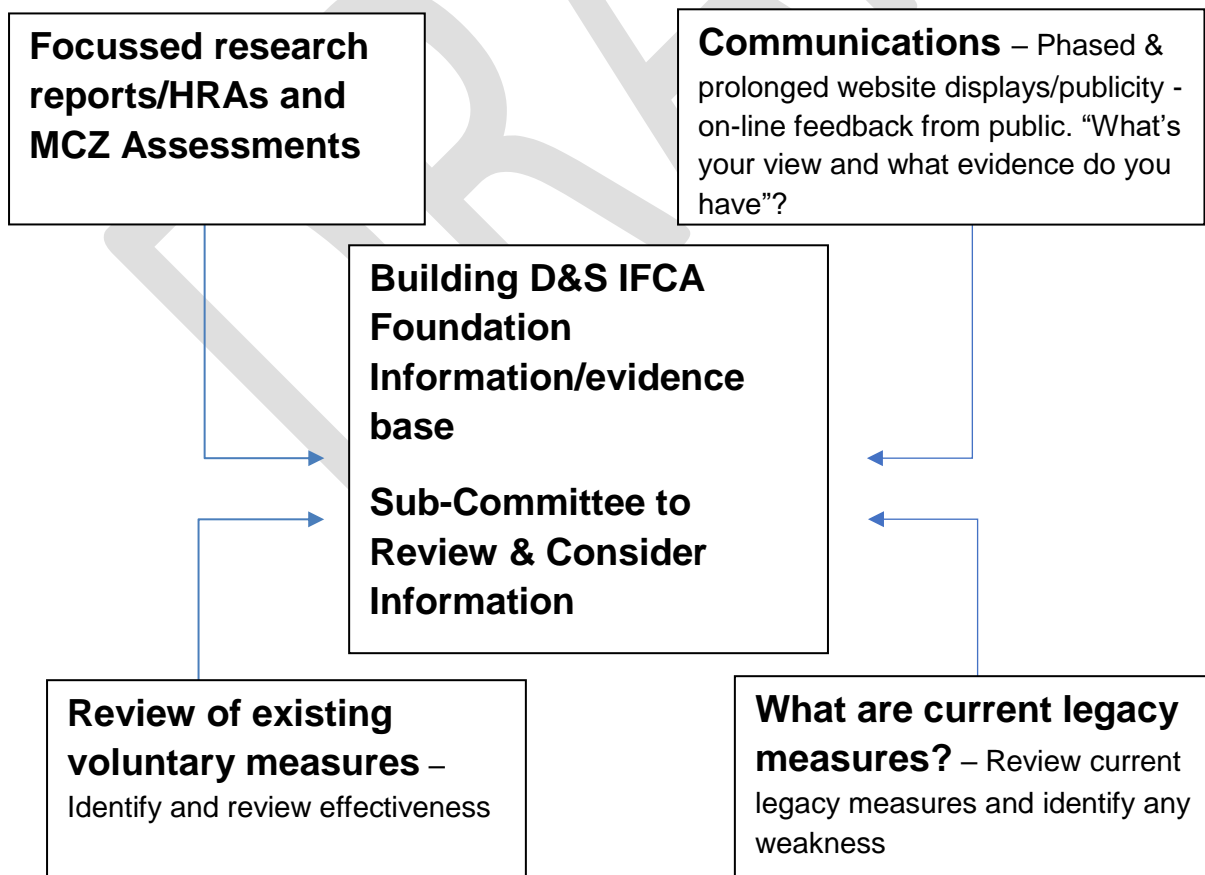
Foundation information may be varied (as it could be supplied by stakeholders) and initially may not be of sufficient quality to fully assist any future decision making. Foundation information will also include evidence such as completed (and reviewed) environmental assessments (summaries), that include documenting the current levels of hand working activity and the impact that this may have. Different phases of work will be required and incorporating D&S IFCA's communication strategy throughout this project will be a key element. If a byelaw becomes the chosen option for management, gaps in the foundation information can potentially be filled with the byelaw pre-consultation that will then be conducted.

There is a large range of fishing methods under the umbrella term "Hand Working"

Sub Groups

1. Crab Tiles
2. Hand Gathering Methods (there are many)
3. Bait Collection

Crab Tiles



4. Defining Crab Tiles

Crab tiling is a form of intertidal shore-based shellfish harvesting targeting shore crabs (*Carcinus maenas*) for use as fishing bait by anglers, this is carried out both recreationally and commercially. Like all other crustaceans, shore crabs moult their shells at intervals during their life cycle, during which they seek a refuge from predators. Crab tilers exploit this behaviour by providing artificial shelters such as roof tiles, guttering, drainpipes, chimney pots and tyres. Whilst sheltering under the tiles, the crabs are in the 'soft shell' state i.e. the hard shell has been shed and the new shell has not yet hardened. It is in this state that the crabs are collected for bait when the tiles are exposed during low water.



This method of bait collection has taken place in many of the estuaries throughout Devon for generations. Crab tiling currently occurs in eight estuaries in the District including; the Axe, Dart, Exe, Plym, Tamar, Taw Torridge, Teign, and Salcombe & Kingsbridge. In 2016 the number of crab tiles in the estuaries ranged from 105 in Salcombe & Kingsbridge, up to 23,835 on the Exe. See table 1 for more detail on crab tile numbers within the District.

Table 1 – Comparisons of crab tile counts in each estuary in the Devon and Severn IFCA District. ¹Devon and Severn IFCA District only

Estuary	2016	2012 (Noble, 2013)	2011 (unknown)	2008 (Lockett, 2008)	2003/04 (Black, 2004)	2000/01 (Black, 2004)
Avon	0	-	-	-	50	0
Axe	263	-	-	-	0	0
Dart	5,484	-	-	-	11,904	11,794
Erme	0	-	-	-	0	0
Exe	23,835	20,997	-	26,488	30,302	26,796
Otter	0	-	-	-	0	0
Plym	2,019	1,710	-	-	2,729	2,956
Tamar ¹	3,570	4,929	-	-	2,646	3,412
Taw Torridge	3,704	-	2,213	-	3,741	4,864
Teign	12,865	-	-	-	22,722	21,001
Salcombe & Kingsbridge	105	-	-	-	193	534
Sid	0	-	-	-	0	0
Yealm	0	-	-	-	0	0
Total:	51,845	-	-	-	74,287	71,357

5. The Guiding Principles

Key principles and best practice standards have been established for a review of management that has to date included mobile fishing, potting, netting and diving for the capture of crab, lobster and scallops.

Several principles can be considered as generic for the management of all activities and some have been established dependent on the activity to be managed. If a byelaw is the chosen management option eventually taken, then some specific principles and agreed Authority strategies become more relevant for discussions by the Byelaw and Permitting Sub-Committee. *Members have the opportunity to evaluate and amend the list set out below.*

Generic principles:

- To fully document the process
- To conduct a well communicated review with good consultation
- To consider alternative management approaches to legislation
- To remove laws which have become irrelevant from the statute book (Hampton Review)
- A pre-cautionary stance must be taken where required to secure compliance with the UK's international Treaty obligations
- To use emergency byelaws as a last resort
- To recognise that sustainable development is where the management of a fishing activity seeks to maximise the social, economic and environmental benefits in the medium and long term
- To balance the needs of various users and meet conservation duties
- To encourage legitimate activity and remove illegal, un-licensed and un-regulated fishing activity
- To drive behavioural change and high compliance
- To achieve consistency in management across IFCA boundaries

And if a byelaw is eventually considered appropriate:

- Use the wider byelaw making powers provided by MaCCA
- To make use of permits to manage identified hand working activities in a more flexible way
- Not to limit permit numbers
- To charge a £20 fee for permits until a completed suite of permit-based byelaws are in place
- When possible, make legislation easier to understand
- To correct inaccuracies and remove identified loop holes
- Draft legislation so it assists with enforcement
- Standardising the terminology used.
- To differentiate between commercial and recreational identified hand working activities by applying management measures
- To make best use of technology
- Not to separate commercial users, dependent on the issue of a fishing licence

6. Communications Plan Specific to Hand Working

The following information provides members with some communication ideas that can be discussed and developed.

Pre-foundation Stage

- Arrange interview/discussion with Keith Rossiter (Environment/Fisheries Correspondent, Western Morning News) and Sophie Pierce (BBC Spotlight/Radio Devon) with IFCA Officers to explain:
 - methods and status quo with Hand Working
 - the reasons for Hand Working overview
 - research and information gathering required/planned
 - timeline for process
 - possible outcomes
- Update and build D&S IFCA contact lists
- Circulate a press release with the above information (national, regional, special interest publications)
- Post information on the website (as above) providing an opportunity to register interest in either stakeholder participation or e-news updates on research as completed
- Publicise all above on social media and in IFCA e-Newsletters to Invite stakeholder participation and sign up for news updates

Publications and transparency

- Intentions to be documented in the revised D&S IFCA 2018/19 Annual Plan
- Overarching reference report developed and published throughout process
- Report supplements created for members to follow developments
- Environmental assessments and/or summaries used as evidence posted in website library
- Signage/posters/flyers developed for potential display/circulation?

Website

- Devoted and stable (for linking) website area for a prolonged engagement period
- Officer generated “news items” posted & updated to explain progress and stage of project
- Officer generated “news items” linked to other information/evidence/reports
- Links to on-line survey forms – “Tell us your story/concerns/experiences”
- Capture of contact information/register as an interested stakeholder

Facebook

- Mini articles posted with links back to website
- Re-fresher articles at different stages to reflect different sectors/different areas/different audiences

Twitter

- Regular tweets and mixture of photographs used

E Newsletters Press Release

- A new press release at different stages/ linked to more detailed information
- Stories inserted in electronic newsletter circulated to those who have registered interest and have details recorded on subscription list
- Information provided to estuary forums

Other

- Internal briefing to staff so they can effectively engage in a range of scenarios including estuary forum meetings
- Adding simple messages below D&S IFCA email signatures?

Completion of Foundation Stage

- Publicise findings and recommended way forward (Media, website, e-news updates, e-newsletter and social media)
- Invite Press discussion
- If required to enter byelaw creation process, start byelaw communications process

End of planning report