



Potting Permit Byelaw

Development and Management of the Live Wrasse Pot Fishery



Process, Decision Making and Changes to the Potting Permit Conditions as part of the 2017/18 Formal Review

Edition 2 – Final Report

July 1st 2018

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Version Control/Previous Editions

Author	Date	Comment	Edition
Neil Townsend, et al	1 st January 2018	Developed for consultation following discussions by the D&S IFCA Byelaw & Permitting Sub-Committee on November 13 th 2017	1
Neil Townsend, et al	1 st July 2018	Final edition compiled from information documented within previous version. The final edition includes the response (previously documented in a supplement) from the consultation. The Final edition also includes the outcomes of decision making taken by the Byelaw & Permitting Sub-Committee (12 th April 2018)	2 (Final Edition)

Executive Summary

“Live” Wrasse is used as cleaner fish in Scottish salmon farms to control sea lice populations. To meet demand, wild wrasse are being sourced from southwest England. In the Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) District, a small number of commercial vessels (operating from Plymouth) have been engaged in this fishery since 2015. The fishers use pots to capture the “live” wrasse which are then transported to Scotland and therefore the Potting Permit Byelaw provides D&S IFCA with the legislative means to manage this fishing activity.

D&S IFCA has monitored (and will continue to monitor) the emergence and development of this fishery. D&S IFCA has introduced management (regulation) via the Potting Permit Byelaw Permit Conditions and guidance and policy documentation as part of a fully documented fishery. This activity is not permitted for recreational potters.

In July 2017 amended potting permits were circulated to fishers with the caveat that a formal review of the fishery would take place in November 2017. The Formal Review began in 2017 with the decision-making process reaching its conclusion at the D&S IFCA Byelaw & Permitting Sub-Committee (B&PSC) meeting on the 12th April 2018. The process involved consultation and D&S IFCA B&PSC meetings. This process has resulted in changes to the Potting Permit Conditions (which come into force following their circulation in August 2018) and also amendments to the voluntary measures that are also used to manage the Live Wrasse Pot Fishery. Other changes have been made to the more generalised Potting Permit Conditions which is fully documented in a separate report.

New restrictions/amendments to the Potting Permit Conditions (specific to the Live Wrasse Fishery) are as follows:

- 1. The implementation of Potting Permit Conditions with amendments to the closed season for the Live Wrasse Pot Fishery to start on 1st May and end on 15th July;**
- 2. The implementation of Potting Permit Conditions with amendments to the slot size for corkwing wrasse to be 140mm to 180mm.**

Voluntary Measures:

D&S IFCA has developed Policy and Guidance for those engaged in the Live Wrasse Pot Fishery. As part of the Formal Review changes have been made to the voluntary measures to include:

- 1. Establishment of an Eastern boundary line to mark the extent of the Live Wrasse Fishery;**
- 2. Establishment of amended voluntary closed areas.**

This report (**Edition 2 - Final Report: Process, Decision Making and Changes to the Potting Permit Conditions as part of the Formal Review**) is a large document and it is recommended that readers use the contents page to navigate to the sections which they find most relevant. This report documents the complete process from the start to its conclusion. All relevant evidence and information¹ that has been used for deliberations by the D&S IFCA

¹ Within the scope of the D&S IFCA Data Protection Policy

B&PSC is contained in this single document. This report has been created by merging previous editions that were created throughout the process. This report and achieves the following:

- **Documents the findings of the consultations and the evidence base used for decision making**
- **Demonstrates how, when and why decisions have been taken**
- **Provides background information to all stakeholders about D&S IFCA and how the organisation functions**

Minutes are taken of all D&S IFCA B&PSC meetings and posted² on the D&S IFCA website.

1. Timetable of Key Events

Table 1

Date	Action/event	Comments
2014	D&S IFCA makes the Potting Permit Byelaw	Permit conditions introduced to manage potting activity for both commercial and recreational fishers
2015	Emergence of a Live Wrasse Pot Fishery	D&S IFCA monitors development of fishery
2017 (February to May)	D&S IFCA conducts consultation in regard to implementing Potting Permit Conditions and voluntary measures to manage the Live Wrasse Pot Fishery	D&S IFCA B&PSC consider options in their meeting on 15 th May 2017. Process documented in a report and published on the D&S IFCA website
July 2017	Amended Potting Permit Conditions and voluntary measures introduced	A Formal Review of the Live Wrasse Pot Fishery scheduled for November 2017
July to October 2017	Research/Evidence collection and collation	D&S IFCA environment officers conduct further research as part of the Fully Documented Fishery and monitor compliance of guidance and policy
November 2017	Meeting of the B&PSC	Focussed consultation actioned that began on 31 st January 2018
March 2018	Collation of consultation responses	All summarised responses documented in a supplement report
April 2018	Meeting of the B&PSC	Decision making process. Changes to the Potting Permit Conditions & voluntary measures agreed.
August 2018	Communication & Circulation	New Potting Permit Conditions & Voluntary Guidance issued

² When approved at the following meeting

2. The Start of the Formal Review

On 13th November 2017, members of the B&PSC were able to consider an extensive range of information and evidence that had relevance to the management of the Live Wrasse Pot Fishery.

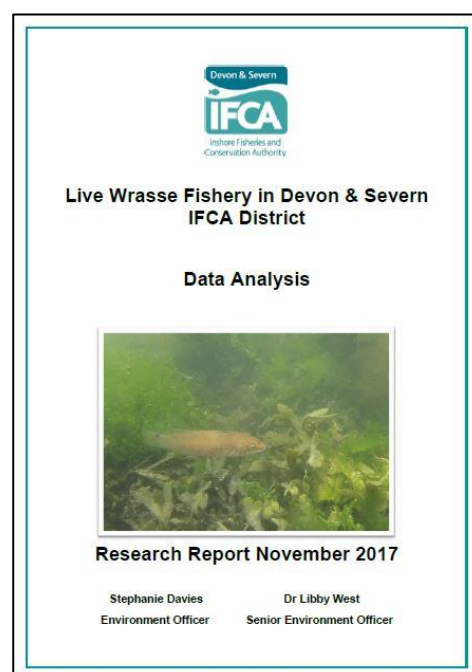
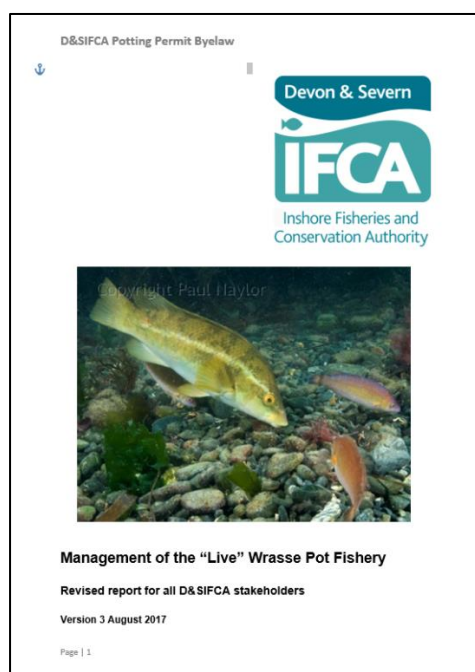
This section of the report demonstrates:

- **The extent of the information & evidence (specific to the Live Wrasse Pot Fishery) supplied by officers to members of the B&PSC on 13th November 2017;**
- **How the information & evidence was considered by members of the B&PSC and decisions taken in regard to further consultation**

The information that was provided to members included new evidence and also a re-cap of measures taken to date. Members were able to refer back to previous work (published in 2017) and also a Research Report (Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis) that had prepared for the meeting. Both the reports (covers shown below) are available to read on the D&S IFCA website.

[Potting Permit Byelaw – Management of the Live Wrasse Fishery – Version 3 August 2017](#)

[Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis Research Report November 2017](#)



Information was presented to members in the form of a supplement (24th October 2017). A transcript of the supplement is as follows:

A re-cap of the measures taken to date

The Full Authority considered five recommendations on June 15th 2017 with the minutes of the meeting now available for the general public to read.

Revised proposals:

- 1. To implement a fully documented fishery***
- 2. To implement a 120 pot limit per permit holder***
- 3. To require the marking of wrasse gear with 'WRA' and Vessel's PLN***
- 4. To establish a closed season from 1st April to 30th June for the Live Wrasse Pot Fishery***
- 5. To introduce minimum and maximum conservation reference sizes for five species of wrasse***

The above regulation and voluntary measures (as part of a fully document fishery) were agreed and have now been introduced by the Authority.

Regulation

All of the above Potting Permits were amended in July 2017 to include new conditions as follows (paragraph numbers reflect the numbering used within the permit):

Catch restrictions

- x. ballan wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin
 - xi. cuckoo wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin
 - xii. corkwing wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin
 - xiii. rock cook wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin
 - xiv. goldsinney wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail
- 1.4.3 A Category Two permit holder or named representative is not authorised under this permit to retain on board live wrasse that have been removed from a fishery within the District.

Gear restrictions

- 2.2 A permit holder or named representative is not authorised under this permit to use any pot unless all individual pots or each string or shank of pots is clearly marked by at least one floating marker (buoy or dahn). Each of these buoys or dahns shall be clearly marked with either the relevant fishing vessels registration (port, letters and numbers) of the vessel named on the permit or the permit number.
- 2.4.1 A Category One permit holder or named representative is not authorised under this permit, for the purpose of fishing for wrasse, to use a pot unless;
- (a) in addition to paragraph 2.2 above, each floating buoy or dahn is clearly marked with the letters 'WRA';
 - (b) the maximum number of pots used does not exceed 120;
 - (c) each pot is tagged with a tag issued by the Authority; and
 - (d) the retained live wrasse comply with the sizes as set out in paragraph 1.2 above.
- 2.4.2 when tags are lost, the Category One permit holder must submit a written request for replacement tags. If the original tag is subsequently recovered or taken possession of it must be returned to the Authority and must not be used on any pot again within the District.

Time restrictions

- 4.2 A Category One permit holder or named representative is not authorised under this permit to use a pot, for the purpose of fishing for wrasse, between 1st April and 30th June (inclusive).

Policy statement and guidance note

To supplement the amended permit conditions additional measures have been taken by D&S IFCA.

A policy statement was issued to clarify what is required from permit holders participating in the Live Wrasse Fishery. Under Paragraph 17 of the Potting Permit Byelaw, D&S IFCA can request relevant information to discharge its duties. In order to manage the Live Wrasse Fishery and as part of the fully documented fishery, the following information is required:

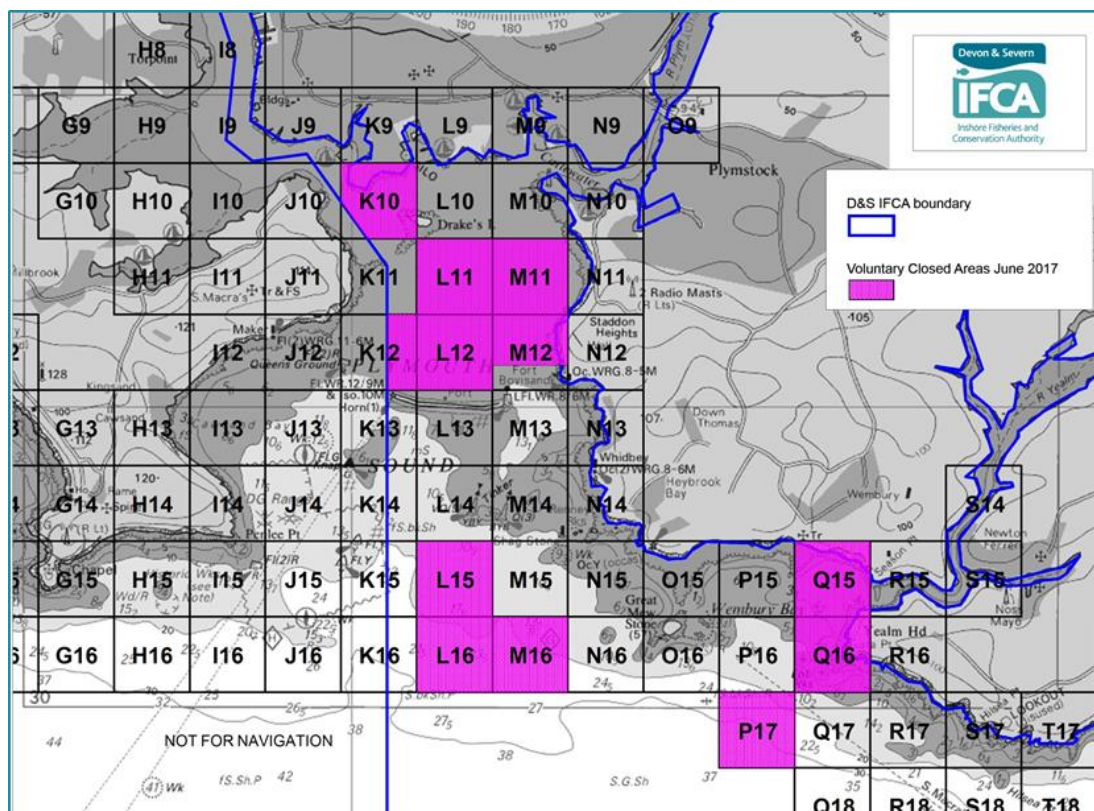
1. The name and contact details of the Salmon Farm company, agent or associated company who the fishermen are supplying live wrasse to.
2. Name and contact details of transport company.
3. Transport documents for all those consignments sent to the Salmon Farm company.
4. Number of pots actively being used in the Live Wrasse Fishery.
5. Completion of weekly returns including information on the dates and times of hauling, location of strings, number of strings hauled, number of pots hauled, and the number of wrasse retained on board per day.

Other requirements:

- Fishermen have also been required to allow D&S IFCA officers on board their vessels to collect catch data for the fishery.

Voluntary closed areas

A chart of voluntary closed areas was circulated to those engaged in the fishery as illustrated below:



Management Review Process

When implementing measures to manage the Live Wrasse Fishery the Authority clearly defined criteria to monitor the development of this fishery and review the initial decisions taken. The criterion is as follows:

- The Authority decided that if there was an increase in the number of vessels entering the live wrasse fishery this would trigger a review of the permit conditions for the Live Wrasse Fishery and may lead to further changes to the permit conditions, which may include a reduction in the number of pots per vessel.
- The Authority decided that a review of the management of the Live Wrasse Fishery will be undertaken in November 2017. Data collected from fishermen and on-board surveys will inform the review of the permit conditions for the Live Wrasse Fishery, and may lead to changes to these conditions.
- Failure to meet all conditions set out in an accompanying policy statement may also trigger a review of the permit conditions.

- In addition to formal management under the Potting permit conditions, the Authority may introduce further voluntary measures to support the management of the Live Wrasse Fishery. Failure to adhere to these voluntary measures may lead to a review of the permit conditions.

Summary of D&S IFCA Survey Work and Data Analysis

Wrasse are being targeted in Plymouth Sound for use as a cleaner fish. A fully documented fishery was implemented into the permit conditions of Devon and Severn IFCA Potting Permit Byelaw to include an intensive data collection program. The report³ (Hyperlinked in this supplement) presents the results of the data collection from the first full season of the fishery. The two main types of data presented are from landings data recorded by fishers from April to October 2017 and 20 on-board observed surveys carried out by IFCA Officers. On-board survey effort equated to 7.5% observer coverage of boats surveyed, or 5.5% of the entire fleet.

There was no consistent decline in Catch per Unit Effort (CPUE) or Landings per Unit Effort (LPUE). There were observed seasonal fluctuations in CPUE and LPUE and these could be attributed to spatial movements of fishers, fish behaviour or environmental changes. Continued data collection in the future is vital to determine changes in LPUE and CPUE over time and space.

Spatial fishing effort varied over time across Plymouth Sound. Goldsinny and rock cook represented the majority of catch for all vessels. The proportion of species varied considerably spatially and this can be attributed to species preference for exposure and depth, for example, corkwing were found in more sheltered, inshore areas. The majority of observed spawning took place between May to mid-July. The data indicated the current closed season from 1st April to 30th June covers the majority of the spawning season for goldsinny and rock cook.

The size frequency histograms illustrated the importance of Minimum and Maximum Conservation Reference Sizes (MCRS) for wrasse. The Min CRS (12cm) for goldsinny and rock cook allows a significant proportion of the catch to be returned and to spawn. The introduction of the Min and Max CRS (15-23cm) for ballan demonstrated an increased proportion of the catch returned to the sea from 4% to 28%, protecting both juveniles and mature adults. However, the current Min and Max CRS (12-23cm) for corkwing is allowing over 90% of the fish caught to be landed. Due to the complex life history of corkwing, there is a need to amend the slot size to allow a proportion of immature and mature fish to return to sea.

Conclusions from the Officer Comments

The results presented in the Data Analysis report highlight the importance of a fully documented fishery and the need to continue data collection to monitor the live-capture fishery for wrasse.

³ Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis - (3rd November 2017)

The Live Wrasse Fishery research undertaken has provided vital information and this together with data submitted by the fishers has led to a fully documented fishery. The data have been analysed fully and the following conclusions have been made from the research:

1. The on-board observer programme has been very successful and has allowed for the collection of an important dataset allowing analysis of the fishery. This should continue and should aim for coverage of 10% with a baseline of 5%.
2. The observer data and logbook data are crucial for understanding the causes of overall changes in CPUE and LPUE. Data collection must continue.
3. Further research and consideration into the ratios of R selected species (those that may be able to withstand exploitation and recover more quickly e.g. goldsinny) and K selected species (more likely to be impacted by exploitation. corkwing) may allow for the development for relatively simple measures for sustainability of the fishery in a spatially explicit area.

The analysis of data collected has allowed for testing of the measures implemented under the Potting Permit relating to wrasse fishery. The measures have been largely successful. However, there may be the need for amendments to be made to certain measures. The following observations have been made:

4. The current min CRS and max CRS for corkwing means that the majority of corkwing caught are retained and few are returned to sea. Changes to the corkwing MCRS are suggested. The fishery data analysis has included possible changes to the slot sizes and how these would influence the catches and protect more of the population. A slot size 14-18cm would protect the largest proportion of size ranges, including juveniles, females and large mature males.
5. The majority of observed spawning took place between May to mid-July, the current closed season from 1st April to 30th June protects the majority of the spawning period for goldsinny and rock cook. A possible suggestion could be to shift the closed season to further protect more of the spawning fish.
6. Whilst several of the fishermen are fully adhering to the voluntary closed areas further co-operation from fishers is required to have full compliance. Because the vessels are small open boats the fishermen often approximate their position. There is the opportunity to put small GPS units on the boats which could be used to monitor their spatial activity.

Decision making of the B&PSC (November 2017)

Members concluded that a six-week period of consultation should be conducted with focus on both a potential amendment to the closed fishing period and also a potential amendment to the slot size for corkwing wrasse. Based on the response and information and evidence submitted in the consultation response, decisions would then be taken in regard to what action should be taken in April 2018.

Minutes were taken of the B&PSC meeting which are available on the D&S IFCA website.

3. The Consultation

A six-week consultation began on 31st January 2018. Not only were the key items highlighted, but proposed amendments to the Potting Permit Conditions were also documented in the consultation reports that were produced. As fishing for Live Wrasse is a specialised fishery, D&S IFCA took the decision to conduct an individual consultation devoted to the management of the Live Wrasse Pot Fishery rather than combine this with other consultations relevant to more generalised potting permit conditions.

This section of the report demonstrates:

- **The information that was prepared for stakeholders so they could engage in the consultation**
- **The opportunities that existed for stakeholders to engage in the consultation**

All stakeholders, regardless of interest or fishing sector were given the opportunity to respond to the consultation. The D&S IFCA consultee list was used, with all stakeholders and interested parties directly notified about the consultation. Notification was also sent to all D&S IFCA members. All permit holders were either sent email notification or letters.

The direct notification letter/email provided key information such as:

- **What the consultation items were**
- **How to find more information (Background & Evidence Base)**
- **Notice of the D&S IFCA Publication Policy (Payment required for posting hard copies)**
- **How to respond and details of the multiple options that were available to provide a response**

The website was the main platform to display the consultation information, although face book and twitter were also utilised.

In regard to managing the Live Wrasse Pot Fishery, two items were the focus of the consultation. It was explained that in order to introduce changes in the proposed management of the Live Wrasse Pot Fishery, the current potting permits had been subjected to re-drafting. As a consequence of this re-drafting process and the legal advice taken during this exercise, the formatting of the permits had altered along with some of the wording and paragraph numbering. To aid stakeholders fully appreciate what the changes consist of and all the implications that they had, explanations (*in bold blue italics*) were provided. The following is an extract from the consultation report that was used:

Change to the closed fishing season:

The potting permit conditions (time restrictions) currently detail when pots are not authorised to be used for the purposes of fishing for wrasse. The proposal is to change the dates when this restriction (closed season) applies. It is anticipated that the amended relevant proposed potting permit conditions would take the following form:

4. Time Restrictions

- 4.2 A Category One permit holder or named representative is not authorised under this permit to use a pot, for the purpose of fishing for wrasse within the District, between 1st May and 15th July (inclusive).**

Explanation

The interpretations (definitions) in potting permit conditions have been amended to clarify which species are subject to the time restriction and also to clarify that this restriction is for those commercial fishers that are targeting Live Wrasse. The species included are ballan, corkwing, cuckoo, goldsinny and rock cook. Although not a new provision, section 1.5.3 of the potting permit prohibits Category Two permit holders (recreational fishers) from retaining live wrasse. This fishery is for Category One permit holders (commercial fishers) only.

Slot size (change to the slot size for corkwing wrasse)

The potting permit conditions currently contain a species list that are relevant to potting activity. The list includes five species of wrasse including corkwing wrasse. Paragraph 1.3 specified the size range (slot size) that a corkwing wrasse (and the other wrasse species) must be within in order to be removed from a fishery. The proposal is to narrow the size range for corkwing wrasse to 140mm to 180mm. The original slot size for corkwing wrasse was 120mm to 230mm. A change in the formatting of the permits has produced a change to section 1.3 and this is further explained below. To facilitate this proposed amendment in the slot size, it is anticipated that relevant proposed permit conditions would take the following form:

2.6 Additional Category One Gear Restrictions

- 2.6.1 A Category One permit holder or named representative is not authorised under this permit, for the purpose of fishing for wrasse, within the District to use a pot unless;**

- (a) in addition to paragraph 2.3 above (*which is a general gear marking provision*), each floating buoy or dahn is clearly marked with the letters 'WRA';**
- (b) the maximum number of pots used does not exceed 120;**
- (c) each pot is tagged with a tag issued by the Authority; and**
- (d) the retained live wrasse complies with the sizes as set out in paragraph 2.6.2;**

2.6.2 *A permit holder or named representative is not authorised to remove live wrasse within the District other than within the size ranges as set out in (a-e) below;*

- a) ballan wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin;*
- b) corkwing wrasse less than 140mm or greater than 180mm, measured from the tip of the snout to the end of the tail fin;*
- c) cuckoo wrasse less than 150mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin;*
- d) goldsinney wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail;*
- e) rock cook wrasse less than 120mm or greater than 230mm, measured from the tip of the snout to the end of the tail fin.*

Explanation

The re-drafting process has added the slot size restriction to specific gear restrictions rather a general catch restriction. Although this would appear to be at odds with the general formatting of the permit restriction categories, it does add clarity that this size restriction is linked to those fishers (Category One) that are authorised under the permit conditions to target the five species of Live Wrasse. Those fishers (Category One and Category Two) who use pots (not targeted towards Live Wrasse) are not subjected to either paragraph 2.6.1 or the slot sizes (2.6.2). The five species of wrasse can therefore be taken of any size and retained providing that the wrasse is not being kept alive for the purpose of supplying the Live Wrasse Pot Fishery. It is a fact that relatively small numbers of wrasse are caught and used as pot bait, and the permit does not prohibit this activity.

Responding to the Consultation

It was explained that all stakeholders, regardless of interest or fishing sector had the opportunity to respond to the consultation. The dates for the consultation were clearly set out as beginning on the 31st January 2018 and ending on 14th March 2018.

It was explained that the consultation was not a detailed questionnaire or a multi-choice exercise. Stakeholders had freedom to respond to all of the identified items as they wished.

Although a designated email was available to be used, stakeholders had other options to respond. It was explained that written responses (letters) would be collated. In addition, stakeholders had the opportunity to contact the office of D&S IFCA and arrange an appointment⁴ to discuss the consultation items.

⁴ Telephone session, or personal interview with an officer

4. The Consultation Response

The information (consultation response for the period 31st January to 14th March 2018) was collated and documented in a supplementary report which was presented to members of the D&S IFCA B&PSC in advance of their meeting on 12th April 2018.

The information relating to the received response that was presented in this supplementary report (15th March 2018), including the officer comments, has been transcribed below. This section of the report demonstrates:

- **The information supplied by stakeholders (the summarised response) from the consultation conducted between 31st January 2018 & 14th March 2018;**
- **The extent of the information considered by members including officer comments in April 2018.**

The Consultation Response (Transcription of Supplement)

Six written responses were received (email) that referred to the management of the Live Wrasse Pot Fishery, four of which were submitted from organisations. No responses were received via the on-line survey forms.

Response	Amended slot size	Amended closed season	Comments
Stakeholder 1	Supportive	Concern	Has observed well developed nests during April
Stakeholder 2	Concern	Concern	General concern raised. Suggested further research
Defra	Supportive	Supportive	Both proposals deemed to be appropriate
Marine Conservation Society	Supportive	No comment	
Natural England	Supportive	Concern	Supportive of extending the closed season but suggested caution be applied to a start date of 1 st May
Devon wildlife Trust	Supportive	Concern	Supportive of extending closed season but not a start date of 1 st May

Responses

The summary of response has been compiled from two written responses from individual stakeholders, written response from four organisations and notes taken by an officer who attended a meeting with fishers and an agent from a salmon farm on 18th January 2018.

Organisations

Defra

Defra acknowledged discussions with Cefas to formulate their response which referred to both the proposed change in the closed fishing season and also the change to the slot size for corkwing wrasse.

“we think the change in closed season seems appropriate and it is unlikely that the fishery would move significantly to immediately before the closure. Similarly, the change in slot size seems to be a beneficial measure, although it is difficult for us to quantify the level of stock protection”.

Marine Conservation Society

The Marine Conservation Society (MCS) stated that they were not fully aware of all the details behind the proposals but are supportive of the amendments to the slot size for corkwing wrasse. The response also demonstrated support for other (separate) consultation items relating to mobile fishing and also the general potting permit conditions.

Natural England

The response from Natural England (NE) contained detail in regard to all three of the recent consultations within one submission. The response demonstrated an examination of the D&S IFCA evidence base⁵ and acknowledged that based on this evidence the reduction in slot size for corkwing wrasse is an appropriate action to reduce pressure on stocks.

NE recognised the spawning data within the same D&S IFCA evidence base and stated that an extension to the closed fishing season would be justifiable however, concern was raised in regard to a new start date of 1st May. NE have urged caution when considering the 1st May proposal due to the lack of spawning data for ballan, corkwing and cuckoo wrasse that has been collated from a single season of data collection.

Devon Wildlife Trust

Devon Wildlife Trust (DWT) submitted a relatively detailed response in the consultation period which demonstrated an in-depth examination of the current D&S IFCA evidence base. DWT have stated that the data presented in the D&S IFCA Data Analysis Report (November 2017) would certainly support a change of slot sizes for corkwing wrasse as proposed in this consultation.

Concern was raised over the proposal to amend the closed fishing season. The proposed ending date of 15th July (representing an additional closure of 15 days) is welcomed however; the proposed start date of 1st May (instead of 1st April) is not. Insufficient data collected by D&S IFCA was cited as the one of their concerns. In addition to the broader

⁵ Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis Research Report – Nov 17

statements in regard to the two consultation items, DWT raised some concerns in regard to the D&S IFCA evidence base as follows (*please see officer comments below the bullet points*):

- The considerable discrepancy between live wrasse landed (46,497) and live wrasse transported (37,913), amounting to 8,584 wrasse (or 18.5% of total landings) is of great concern, although it is unclear what proportion of these were mortalities.

Discrepancy at the time of reporting was due to the different time scales of the returns' data collected. Officers will collect final figures for the 2017 fishery to update the report.

- The inability to carry out on-board surveys on Vessel 3 due to its small size is disappointing as this vessel had the highest number of fish both landed and transported of any of the vessels.

Unfortunately, there will always be limitations with survey work. It is believed that vessel 3 will be worked single handed for the 2018 season, which may allow space for an IFCA officer to go aboard. If this isn't the case then officers will endeavour to survey catches of this vessel by using a separate support vessel on which to undertake measurements.

- It is disappointing to observe that five of the 12 voluntary closed area grid squares were fished, including one (K12) heavily. While half the vessels respected the voluntary closed areas, half did not. This raises a question mark over the use of voluntary closed areas as a good method of spatially managing the fishery.

The voluntary closed areas were introduced as an additional tool that may support the management of the fishery. At that time little was known about the spatial effort and the preferences of areas to be used by the fishermen. IFCA officers have discussed the areas with the fishermen and they are currently being reviewed and the rationale behind their selection will be produced prior to the Byelaw and Permitting Sub-committee in April 2018. Spatial monitoring will be furthered through voluntary introduction iVMS on the vessels.

- Understanding of the impact of the fishery on stocks is unclear. While CPUE and LPUE do not show any reductions during the year, the four vessels moved around considerably within a large area over the course of the year. Vessels 1 and 2 started in one area and moved to another during the season and vessels 3 and 4 fished over a wide area throughout the season – with little overlap in areas between the four vessels. It is unlikely therefore that reductions in CPUE or LPUE would show up as new areas were being fished through the season. It is therefore essential that the same (or preferably greater) level of monitoring of any ongoing fishery is carried out during subsequent years. It is however of great concern that “reductions in CPUE in other wrasse fisheries which also occurred in limited geographic areas have been known to occur over a two-year time frame”. Devon Wildlife Trust would want reassurance that, if such a reduction was being seen during the second (or subsequent) year of the fishery, the fishery would be closed immediately.

In the D&S IFCA Wrasse Report 2017, officers have clearly stated the intention to maintain the current level of monitoring of the fishery including spatial effort mapping. Officers wish to maintain survey effort of 5% or more (as a percentage of the number of fishing days) – in 2017 8% was achieved. This is a good level of survey work effort, especially with reference to the staffing resources available.

- Understanding of spawning times in wrasse requires a high proportion of effort throughout the season. However over 80% of wrasse were not assessed for spawning during April and over 70% not assessed during May. This compares with approx. 95% assessed in June and July. While there is therefore sufficient data to support an extension of the closed season to mid-July, there is insufficient data to support moving the start of the closed season from 1st April to 1st May. The use of comparisons from Norwegian studies is likely to be misleading as there are clear differences in timing of spawning at different latitudes.

Data collection was limited in April and May due to the problems with readiness of the fishing vessels for the start of the season and a subsequent delay in starting the fishery for all vessels. D&S IFCA's research has looked at all available data from fisheries in Scotland, Ireland and Norway as a baseline for the introduction of management measures. On-going data collection will provide clarity on the local fishery and fish stocks in Devon and South West England.

- Interpretation of the temporal variation of the fishery species composition is severely limited as vessels fished in different areas through the season. Interpretation of geographical variation is similarly hampered.

This a common problem in fishery research, which is why the spatial data collection is important

- It is worrying that fishers are not always complying with their legal obligation to enable a fully documented fishery. Where this occurs repeatedly, Devon Wildlife Trust feels the D&SIFCA should be robust in revoking permits.

IFCA officers have discussed with the fishermen the filling out of return forms and the requirement to submit them in a timely and regular manner.

- Devon Wildlife Trust feels the fishery should be closed in areas where high numbers/proportions of k-selected species (corkwing) are found. This would most likely include the shallower areas of the fishery.

Some shallow areas are included in the voluntary closed areas, but the introduction of a more stringent slot size for corkwing will provide further protection to this wrasse species.

Individual stakeholders

1. Diver from the Plymouth (Wembury) area with an interest in marine conservation. This response suggested that D&S IFCA should use as protective an approach as possible. It was supportive in regard to the proposed change in slot size for corkwing wrasse and encouraged research and monitoring on the effect of the fishery on wrasse populations. The response welcomed the establishment of no-take zones. The response stated that much of the currently available information is from Scandinavia and may not be directly transferable to South West England.

Change to the closed fishing season

"I am concerned by the proposal to move the start of the closed season from 1st April to 1st May. It is not clear on what evidence this is based. I particularly want to note that corkwing wrasse start nest building in early April. My observations and those of Seasearch divers record well developed nests, courting behaviour and females ready to lay eggs in April around Plymouth and Wembury. The closed season with the proposed change would therefore not protect corkwing wrasse (at least) through the whole of their breeding time as I understand is intended".

This stakeholder also provided video footage as part of their response to demonstrate a male corkwing with a well-advanced nest. (video taken in the Wembury area on 23rd April 2017). This video footage is available for members to view if required.

2. Recreational angler with recreational potting permit.

"I would like to note that there has been a significant decline in the number of wrasse over the last few years with 2017 being an unbelievably poor year with very few fish of any size around even in the peak summer months. This may be a result of many different factors but allowing potting to collect a species in decline cannot surely be the right way forward. Further analysis of stocks and reasons for decline should be considered before allowing any increase in activity for this species".

Meeting with an officer

Concern expressed with the proposal to extend the closed season to 15th July

July is considered to be an important month in terms of the need for cleaner fish in the salmon farms. It was explained that as the water temperature increases from 10°C upwards, sea lice populations increase dramatically and the lice have maximum growth in July. Therefore, the need for cleaner fish during this time is paramount to the salmon farm operation and treatment of sea lice infestation.

It was highlighted that fishing is not conducted over the winter months. This is due mostly due to weather, wave exposure (increasing the risk of damage to the light weight pots), and the lack of availability of bait. The fishery is a non-event from December through to end of June which already provides a seven-month closure.

Concern expressed with the proposal to change the slot size for corkwing wrasse

The agent has read the CIFA wrasse report which describes that corkwing use upper reaches of estuaries for as nursery grounds where there is no fishing. He felt that there are nursery ground and adult areas for this species and this should be considered in the management.

D&S IFCA officers explained to the audience that concerns arose from the D&S IFCA research that was undertaken, which showed that a large proportion of the population in terms of size distribution are being removed from the fishery, allowing very few to be returned. This means that most of the adult population is being removed and this could impact recruitment going forward. It was suggested that perhaps some research was done to look at the full-size distribution of corkwing in the Plymouth Sound by closing the escape gaps. The agent explained that corkwing are very efficient at removing lice – second only to Ballan - and they are tough and robust and stay alive longer than other species in the salmon farm operation.

Other information

- The fishermen agreed in principle to have a tracking system on their vessels as marking where they actually fish using the grid is difficult.
- Fishermen have requested some changes to the voluntary closed areas.
- The agent from the salmon farm felt that D&S IFCA should have a limited number of permits for the fishery.

Officer Comments

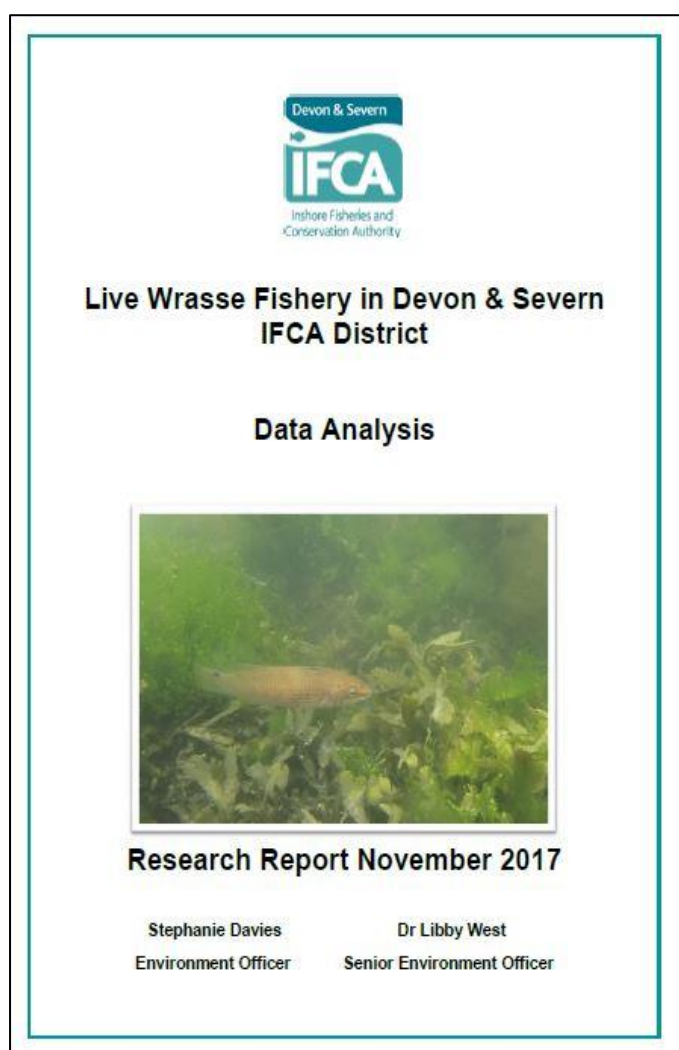
There will be four boats potential fishing in the D&S IFCA District this year. One of the previous boats is no longer supplying the salmon farm that has been sourcing the wrasse over the last year and will be fishing solely in the CIFA district. Tags for pots from this boat have now been returned to the D&S IFCA. A new boat is being brought in and will be operating out of the River Avon in the Bantham area. Although D&S IFCA has a principle not to limit permit numbers, the total effort directed towards the fishery is controlled via a pot limit.

In terms of longevity of the Live Wrasse Fishery, the agent for the salmon farm informed D&S IFCA that the fishery is likely to continue to the end of 2019 because of the scale of the project in developing hatcheries and rearing the wrasse has caused timing issues, and the schedule has been pushed back. It is the intention of this salmon farm that 80% of the wrasse used from 2020 onwards would be reared wrasse and 20% would come from the wild. This salmon farm has pulled out from Weymouth/Dorset area because the fishermen were selling ballan wrasse to another farm for a higher price whilst supplying the smaller species to them.

Some responses stated that the existing evidence base had not been fully examined prior to a response being submitted or it was unclear what evidence has been used to

formulate the proposed measures. In November 2017 Sub-Committee members highlighted some confusion in regard to some of the original content of the Live Wrasse Fishery Research Report. A revised edition was created with minor changes to table 3 and the addition of Figure 21. The amended report was used for the consultation and has been the only version posted on the public access area of the D&S IFCA website where it remains a fixture.

Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis Research Report November 2017



Members studied this report in November 2017 with some key information presented as follows:

The current min CRS and max CRS for corkwing means that the majority of corkwing caught are retained and few are returned to sea. Changes to the corkwing MCRS are suggested. The fishery data analysis has included possible changes to the slot sizes and how these would influence the catches and protect more of the population. A slot size 14-18cm would protect the largest proportion of size ranges, including juveniles, females and large mature males.

The majority of observed spawning took place between May to mid-July, the current closed season from 1st April to 30th June protects the majority of the spawning period for goldsinny and rock cook. A possible suggestion could be to shift the closed season to further protect more of the spawning fish.

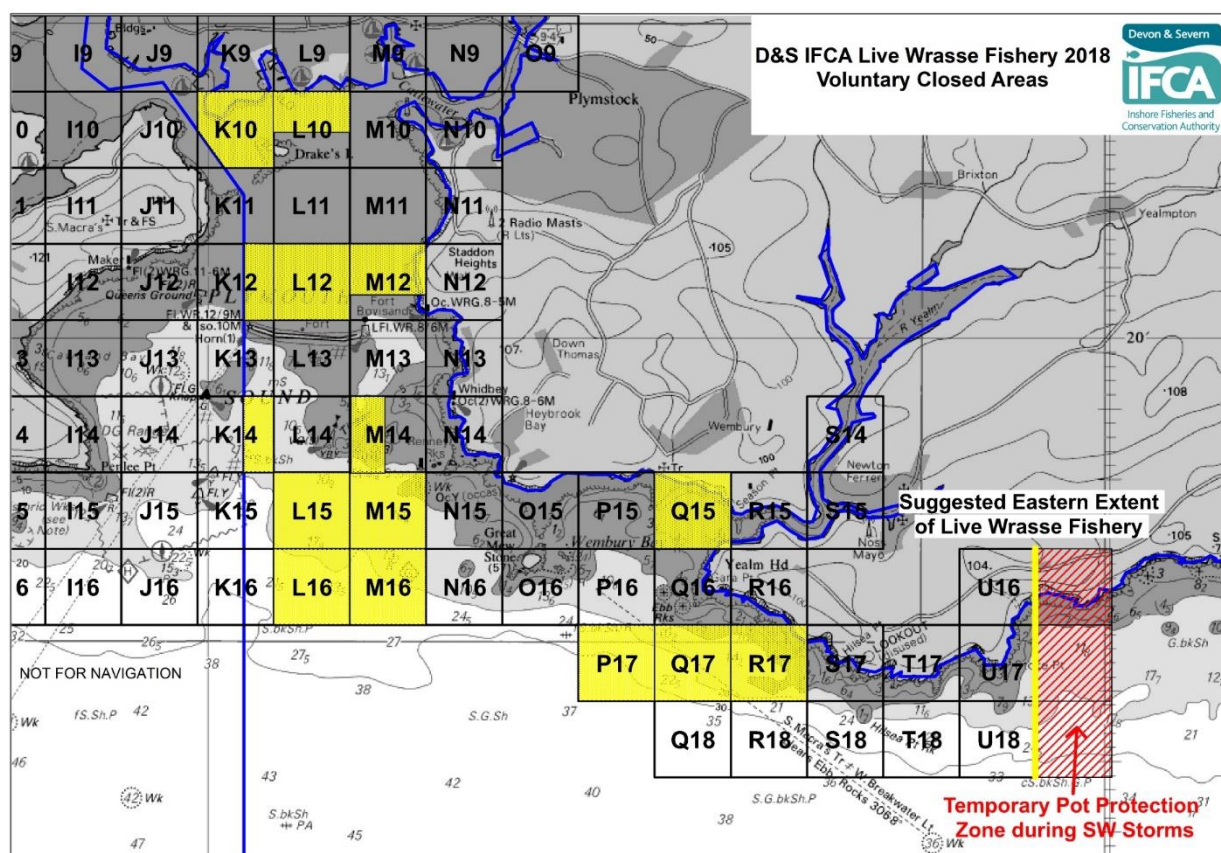
5. The Decision Making & Outcome of the Process

Minutes are taken of all D&S IFCA B&PSC Meetings. When agreed for accuracy (at the following meeting), the minutes are posted on the D&S IFCA website. On 12th April 2018 members of the D&S IFCA B&PSC agreed the following in regard to amendments to the Potting Permit Conditions (specific to the Live Wrasse Fishery):

- a. That D&S IFCA amend the potting permit conditions as proposed to amend the closed season to start on 1st May and end on 15th July
- b. That D&S IFCA amend the potting permit conditions as proposed to amend the slot size for corkwing wrasse to be 140mm to 180mm

Other Decisions

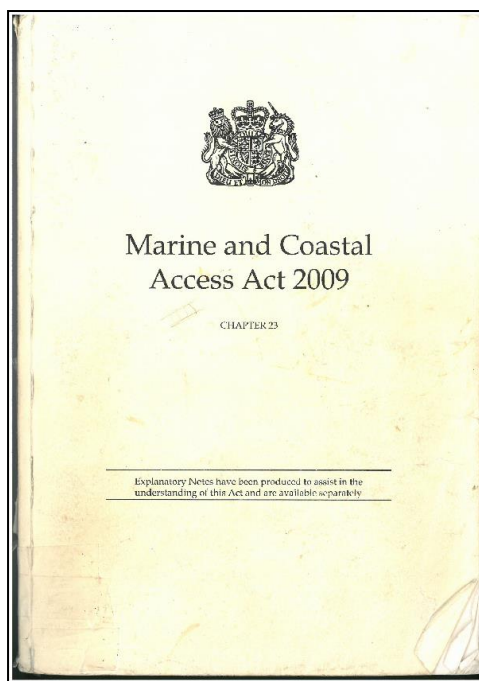
Members agreed that new Policy and Guidance should be created (and circulated) to reflect changes to voluntary measures that are also being used to manage the Live Wrasse Fishery. In addition, the Live Wrasse Pot Fishery will be subjected to continued monitoring and another Formal Review will be conducted in November 2018.



6. Background Information about D&S IFCA

The information in this section of this report was inserted into the previous reports and helps all stakeholders improve their understanding of D&S IFCA.

What is the D&S IFCA and what does it do?



The Marine and Coastal Access Act 2009 (MaCAA) introduced a new framework for managing the marine environment and providing greater access to it. This Act of Parliament replaced Sea Fisheries Committees with Inshore Fisheries and Conservation Authorities (IFCA's) and is fundamental to the work of D&S IFCA.

The D&S IFCA is the largest of the ten separate IFCA districts and has two separate coastlines. The area of the District is 4522km² and is defined in the Statutory Instrument (2010 No. 2212)⁶. The D&S IFCA District includes the areas of Devon, Somerset, Gloucestershire County Councils; Bristol City and Plymouth City Councils; North Somerset and South Gloucestershire Councils and all adjacent waters out to six nautical miles offshore or the median line with Wales.

“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”⁷

The Full Authority is comprised of 30 members drawn from relevant Local Authorities (Councillors), General Members (appointed to the Authority by the Marine Management Organisation (MMO) and Statutory Appointees representing the MMO, the Environment Agency (EA) and Natural England (NE). D&S IFCA is funded via several different funding Authorities (councils) with an additional contribution from central government. Officers are employed by D&S IFCA to conduct work on behalf of the Full Authority. D&S IFCA has ten full time officers and one part-time Office manager. The main office is situated in Brixham with one officer located in the Severn area of the district.

Core work undertaken

In meeting the main duties specified in MaCAA, the work of D&S IFCA is basically divided into different areas as follows:

⁶ The Devon and Severn Inshore Fisheries and Conservation Authority Order 2010

⁷ Mission statement for D&S IFCA

Enforcement

These duties include enforcing the byelaws implemented by D&S IFCA and also the enforcement of EU and domestic legislation. D&S IFCA currently has one 6.4 metre rigid inflatable boat to conduct enforcement work at sea. D&S IFCA works closely with other organisations such as other IFCAs, the MMO, the EA and the Border Force (BF) with which it shares assets. D&S IFCA is committed to the use of new technologies for enforcement purposes, particularly remote technology.

Research

Research and survey work conducted by D&S IFCA informs evidence bases subsequently used to manage fishing activities via the introduction of local management measures that can include legislation in the form of Byelaws. D&S IFCA currently has an 8-metre survey vessel used for independent survey work at sea. D&S IFCA works in co-operation with other organisations to conduct research work and takes environmental advice from NE. D&S IFCA research and survey work (and external research and advice) also informs longer term management that can be achieved via the permitting byelaws that contain flexible permit conditions.

Byelaw work

The Byelaw work is often a lengthy and complex process. It requires specialised skills and background knowledge. This Authority has created a Sub-Committee to conduct the byelaw work. The Byelaw and Permitting Sub-Committee is formed by a number of Full Authority members, each offering a different set of skills or background knowledge that is utilised to complete the required work. Officers prepare the material used by the Sub-Committee for their deliberations (meetings) and the Sub-committee's recommendations are then presented to the Full Authority at key stages. It is the Full Authority members that make the final decisions⁸.

There are a number of legacy byelaws in place that were inherited from Devon Sea Fisheries. All legacy byelaws must be reviewed. In addition to reviewing legacy measures, members of the Sub-Committee are also tasked with reviewing flexible permit conditions and providing recommendations to the Full Authority for potential changes to the permits.

All of the separate elements of the byelaw work are a team effort. Although the officers prepare the majority of the material (reports) required for the process, the officers do not take decisions at any time.

Why does D&S IFCA manage potting activity?

D&S IFCA must manage this fishing activity. MaCAA sets out how the management of inshore fisheries must be conducted and by whom. D&S IFCA is the responsible body to manage inshore fisheries within this district and therefore must manage the exploitation of sea fisheries resources in the district.

⁸ Delegated powers can be granted to the Sub-Committee for decision making

MaCAA details the responsibilities of the D&S IFCA which includes important mandatory duties as follows:

Section 153 (2)

- a) **Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,**
- b) **Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,**
- c) **Take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and**
- d) **Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.**

In addition, D&S IFCA has a duty for the protection of marine conservation zones (MCZ). This is specified within the Act as follows:

Section 154

- 1) **The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.**
- 2) **Nothing in section 153 (2) is to affect the performance of the duty imposed by this section.**

D&S IFCA would be failing in its duties if it did not manage fishing activities conducted within the district. Potting is conducted in the district and therefore must be managed appropriately.

How does D&S IFCA manage potting activity?

The D&S IFCA inherited legacy byelaws from its predecessor organisation the Devon Sea Fisheries Committee. Byelaws are local legislation used to manage different activities which include potting. There were several legacy byelaws that related to potting and D&S IFCA has had to consider its statutory duties and examine and review these legacy measures to see if they are fit for purpose. There is a separate guide⁹ to explain how D&S IFCA is conducting the required review of these inherited byelaws.

Byelaws are not the only control measures used to manage fishing activities and, in this case, potting activity and the species taken. Other EU and domestic legislation also places restrictions on fishers. Byelaws are local measures which support this other legislation. Byelaws can impose greater restrictions to suit local circumstances but they cannot remove any restrictions imposed by UK or EU regulations.

In 2014 D&S IFCA introduced the Potting Permit Byelaw to manage potting activity. The introduction of the Potting Permit Byelaw (or any byelaw) is not necessarily to prevent fishing activity, but rather to manage the activity sustainably. Many of the current restrictions were based on the older legacy measures set out in individual byelaws. The introduction of the Potting Permit Byelaw enabled some of the legacy byelaws to be revoked.

⁹ Displayed on the D&S IFCA website or available upon request.

Permits

The Potting Permit Byelaw differs from the older byelaw model. The Potting Permit Byelaw provides the D&S IFCA with the ability to issue permits which contain conditions of use for fishers and also enable different groups of fishers to be separated based on their specific needs. This is why permits are issued for commercial fishers (Category 1 permits) and recreational fishers (Category 2 permits). Different categories of permits can and do contain different conditions.

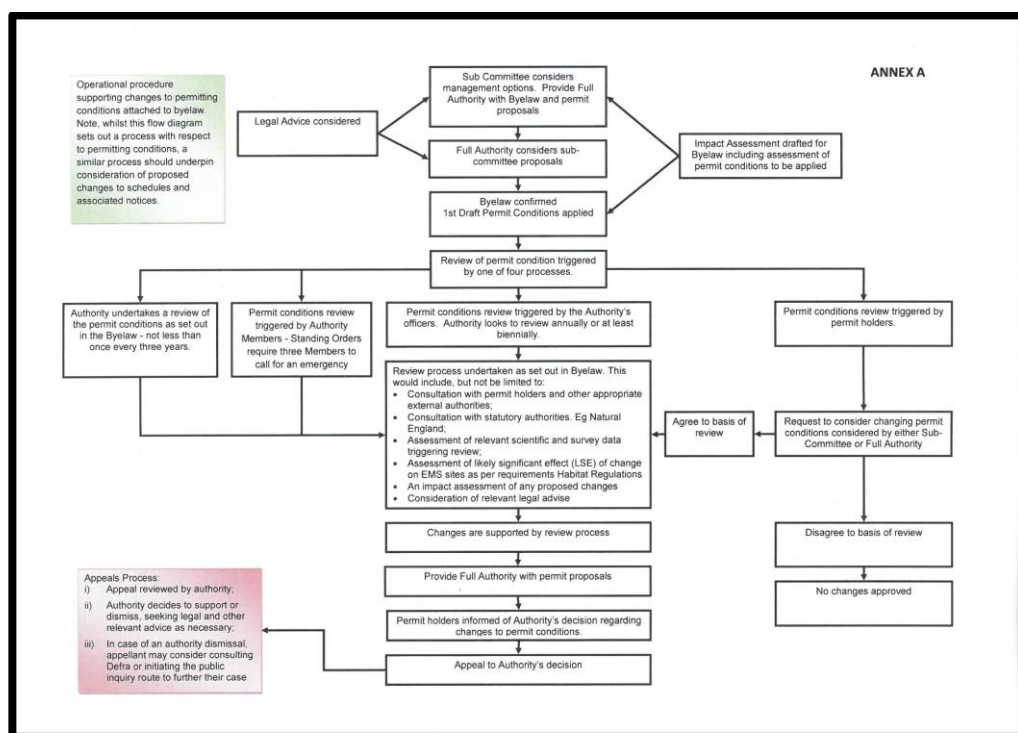
The permits that are issued include flexible conditions, which can be altered when there is a good reason for doing so. This flexibility enables D&S IFCA to react to changing circumstances far quicker than revoking a traditional style byelaw or introducing emergency measures via an emergency byelaw.

How are flexible permit conditions changed?

Changes are not considered or made just for the sake of change. There has to be good reason to change any of the flexible permit conditions and although there are occasions where D&S IFCA must take a pre-cautionary stance, it is quality evidence (rather than quantity) that strongly influences potential changes.

Section 27 to 29 of the Potting Permit Byelaw explains the review procedure to make any changes to the flexible permit conditions. There are several ways in which a review of permit conditions can be triggered, although a review of the flexible permit conditions must be conducted not less than once every three years.

Annex A table – Flowchart of review process



How is the review of flexible permit condition conducted?

Section 28 of the Potting Permit Byelaw details how the review of flexible permit conditions must be conducted. This is a thorough and robust process which includes consultation with permit holders. Information (evidence) is collected during consultation as detailed in Section 29 of the Potting Permit Byelaw. The evidence collected then informs the decision-making process.

The evidence that you provide is collated and will be presented to members of the Byelaw and Permitting Sub-Committee. There are four scheduled meetings of the Byelaw and Permitting Sub-Committee each year and additional meetings can be arranged when required. This three-year review will involve two separate phases of consultation. The first phase will be an “open” consultation where any stakeholder can respond with any issue relating to the Potting Permit Byelaw flexible permit conditions. The information provided in the consultation will be collated and discussed by the Byelaw and Permitting Sub-Committee. A second period of consultation will also take place but will be focussed on key issues relating to potential permit changes, if any.

7. Further Information

Imbedded Information (Hyperlinks to the D&S IFCA website)

Evidence base:

- [Potting Permit Byelaw – Management of the Live Wrasse Fishery – Version 3 August 2017](#)
- [Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis Research Report – November 2017](#)

The D&S IFCA Publications Scheme also documents the extent of the information that is available for stakeholders to read and in most cases this information is posted on the D&S IFCA website.

New Potting Permit Conditions (August 2018) and the associated Annexes are posted on the website. New Policy and Guidance (includes voluntary measures) for the Live Wrasse Fishery is also posted on the D&S IFCA website.

D&S IFCA has a privacy policy.

The information you provide for this consultation will be used to assist the Authority in decision making. All personal data submitted will be held securely at all times, and, as part of this review of permit conditions, used only by the Authority. All personal data will be anonymised and summarised for insertion into this development report. Personal data will not be held for longer than necessary. We may disclose your information if required by law.

End of report.