



Potting Permit Byelaw

Development and Management of the
Live Wrasse Pot Fishery & Changes to
the Potting Permit Conditions



**Process and Decision Making for the Three-Year
Comprehensive Review of the Live Wrasse Pot Fishery 2020**

Final Report:

18th August 2020

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Version Control

Edition	Author	Date	Comment
Final Report	Neil Townsend	18 th August 2020	Created to document the outcome of the decision making by the Byelaw & Permitting Sub-Committee related to changes to the Potting Permit Conditions valid from 10 th July 2020.

Executive Summary

D&S IFCA (the Authority) has monitored the emergence of the Live Wrasse Pot Fishery and has introduced management (regulation) via the Potting Permit Byelaw Permit Conditions along with guidance and policy documentation as part of a fully documented fishery. Potting for the capture of live wrasse is not permitted for recreational potters; however, the changes made to the Potting Permit Conditions (valid from 10th July 2020), as documented in this report, do apply to all fishers with a valid potting permit.

The Authority's Byelaw and Permitting Sub-Committee (B&PSC) formally review the management of the Live Wrasse Pot Fishery each year. This report focusses on the Three-Year Comprehensive Review of the fishery and the changes to the Potting Permit Conditions that were made as a result of that review.

On the 10th July 2020, amended potting permit conditions were circulated to existing permit holders with a version control of 24th June 2020.

Key Changes:

- 1. The removal of rock cook wrasse from a fishery within the District is prohibited***
- 2. The slot size (Minimum & Maximum Conservation Reference Size) for rock cook wrasse has been removed from the Potting Permit Conditions***
- 3. A schedule has been added to the Potting Permit Conditions to assist permit holders measuring their catch in accordance with the Potting Permit Conditions***
- 4. Policy and Guidance for the Live Wrasse Pot Fishery has been updated***

Along with the changes set out above, the Authority has reviewed five relevant Habitat Regulations Assessments and submitted them to Natural England for formal advice. The B&PSC will examine and discuss the formal advice in due course when it is provided by Natural England.

This report documents the complete process from the start of the Three-Year Comprehensive Review of the Live Wrasse Fishery (18th February 2020) to its conclusion, resulting in the issue of amended Potting Permit Conditions (10th July 2020). All relevant evidence and information¹ that has been used for deliberations by the Authority's B&PSC is contained in this single document which does include embedded information (hyperlinks).

This document lists and provides hyperlinks to previous byelaw development reports and research reports created prior to the Three-Year Comprehensive Review.

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

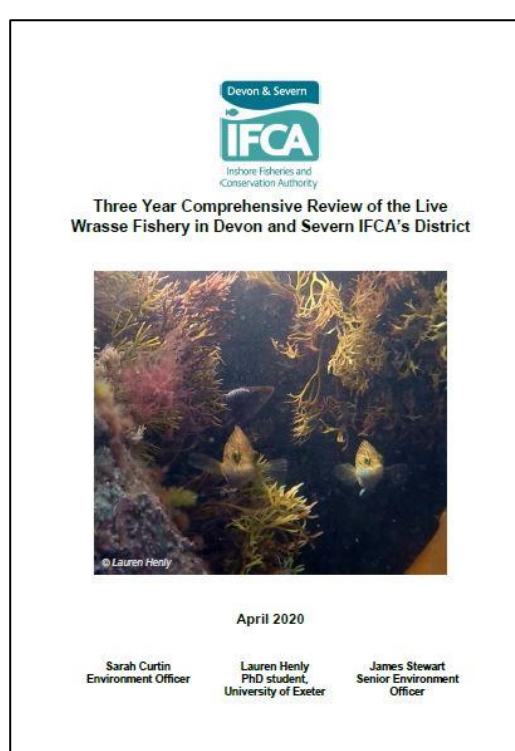
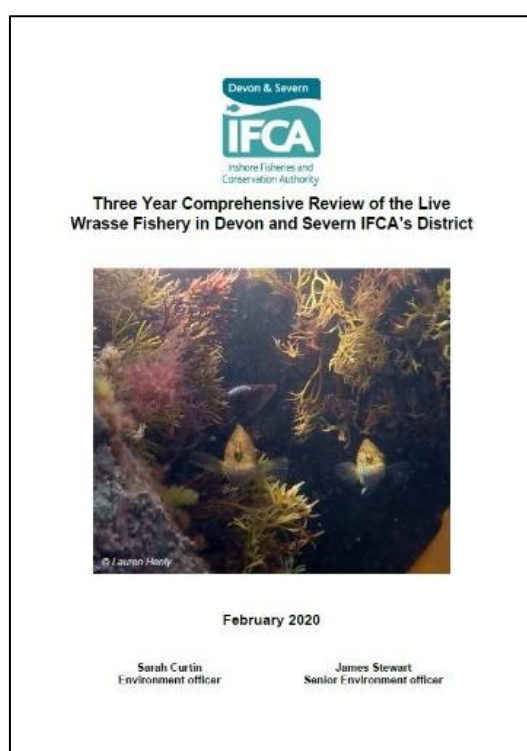
The Start of the Formal Review (Year 3)

On 11th February 2020, 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:

- 1. The extent of the information & evidence (specific to the Live Wrasse Pot Fishery) supplied by officers to members of the B&PSC on 11th February 2020**
- 2. How the information & evidence was considered by members of the B&PSC and decisions taken regarding further action**

A data analysis report (Curtin and Stewart - Three Year Comprehensive Review of the Live Wrasse Fishery in Devon and Severn IFCA's District Version 1.3) was presented to members.



The report (Version 1.3) can be read in full [here](#).

There was a data review and re-analysis of the report in April 2020 and the revised report (Version 1.6) now represents the best available evidence for this fishery.

The revised version of the report (Version 1.6) can be read in full [here](#).

Conclusions of the Comprehensive Review Report

The data analysis report (Curtin and Stewart - Three Year Comprehensive Review of the Live Wrasse Fishery in Devon and Severn IFCA's District Version 1.3) set out the following conclusions, which were later supported by the revised data analysis report (Version 1.6), which represents the best available evidence for this fishery:

The overall stability of fishery-level LPUE and CPUE during the 2017–2019 period suggests that the fishery is sustainable at the current level of effort, and that the current management

measures provide an effective way to manage the fishery. However, the fishery-level measures of LPUE and CPUE mask other patterns at the species level. LPUE has remained steady for ballan and corkwing (suggesting no detrimental effects of fishing effort) but declined for rock cook. LPUE has also declined for goldsinny, but the apparent stability of goldsinny CPUE suggests that fishing effort may not be adversely affecting goldsinny populations overall. CPUE has also remained stable for ballan and has increased for corkwing (again suggesting no detrimental effects of fishing effort) but has declined for rock cook. This report highlights that the declines in both LPUE and CPUE for rock cook give cause for concern, particularly as the fishery to date has been targeting larger size classes of this species.

D&S IFCA's close monitoring of this fishery has been imperative for being able to discern these trends. However, this monitoring is at risk due to repeated non-compliance issues, which relate primarily to a single fisher. This non-compliance also absorbs a lot of Officer time in chasing catch returns forms. Under Paragraph 17 of the Potting Permit Byelaw 'the permit holder shall provide any relevant fisheries information required by the Authority for the discharge of its functions.' This has been repeatedly communicated to the fishers and the salmon farm agent who deals with the fishers. This needs to be reiterated and enforced to ensure compliance with this Byelaw condition.

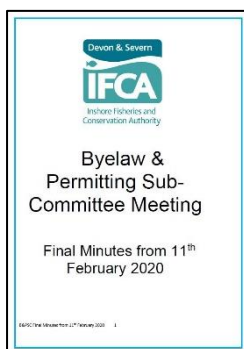
Overall, the fishery is showing promising signs of sustainability and productive management. Given the evidence outlined in this report, the following actions are recommended in order to maintain the environmentally, economically and socially sustainable nature of the live wrasse fishery in D&S IFCA's District:

- (i) Continue to manage the fishery as outlined in the D&S IFCA's Policy Statement and Potting Permit Conditions for the Live Wrasse Fishery (1st August 2018), except in the case of rock cook (ii, below)
- (ii) In the case of rock cook, all catch should be returned to the sea. Retention of rock cook on board for landing, transportation and/or sale should be prevented via an update to D&S IFCA's Potting Permit Byelaw Permit Conditions, and this change communicated to fishers and salmon farm agents to encourage compliance.
- (iii) Introduce a voluntary Code of Conduct for the live wrasse fishery, detailing D&S IFCA's preferred methods for returning non-landable wrasse to the sea (including rock cook). As outlined above, there are some concerns that returning live wrasse to the sea before their swim bladders have recovered (from the pressure change caused by removal from depth) may limit their survivability. A short period of retention in sea water on board the vessel prior to returning to the sea may alleviate this.
- (iv) Continue with at least the current level of on-board observer effort for this fishery, and
- (v) Make it a formal requirement for fishers to complete and return detailed and accurate landings forms, as detailed under Paragraph 17 of the Potting Permit Byelaw, and in so doing ensure better enforcement of these requirements.

B&PSC Decision Making 11th February 2020

After reviewing and discussing the findings of the report, the B&PSC recommended the following:

- ***That D&S IFCA continues to manage the Live Wrasse Pot Fishery using permit restrictions and the continuation of the Fully Documented Fishery (research), whilst having regard to changes in permit conditions relating to rock cook wrasse.***
- ***That the Potting Permit Conditions are to be examined by the BTWG and amended in such a way as to require all rock cook wrasse to be returned to the sea***
- ***To continue the onboard observer programme appropriate to the resources available to D&S IFCA and proportionate to the continued commitment to the conservation objectives of the fishery.***



The minutes from the B&PSC meeting held on 11th February 2020 can be read in full [here](#).

All B&PSC minutes (that have been approved for accuracy) can be examined by visiting [Section B of the Resource Library](#) on the Authority's website.

Extract from the B&PSC Minutes (11th February 2020)

Agenda Item 3 The Three-Year Comprehensive Review of the Live Wrasse Fishery

3.1 To consider the three-year Comprehensive Review of the Live Wrasse Fishery in D&S IFCA's District

The Chair thanked Senior Environment Officer (SEO) James Stewart and Environment Officer (EO) Sarah Curtin for producing a detailed report that would be used to inform the decision making of the members. The Chair explained that Sarah Curtin would be conducting a presentation to highlight the key aspects of the report and its conclusions.

3.2 To consider the findings of the Comprehensive Review (the report)

EO Curtin provided an overview of the third year of survey work and data collection. It was highlighted how similar coverage had been achieved with survey work, how the data had been collected and how analysis had been conducted and amended to reflect the statistics for the D&S IFCA District. EO Curtin explained that the report (February 2020) differs from those produced in the previous two years and excludes data relevant to the Cornwall IFCA District. Members were informed about limitations associated with the data including a lack of data from one of the four vessels engaged in the fishery. After demonstrating the differences between data collected from landings (fishers) and the on-board observer surveys the presentation focused on different elements of research and its findings.

It was explained by EO Curtin that the data for both the Landings Per Unit Effort (LPUE) and Catch Per Unit Effort (CPUE) would indicate that the fishery is sustainable when viewed as a whole, across a three-year period. However, the limitations of the data were explained to members and how the LPUE and CPUE can mask other patterns at the species level. The presentation then went into further detail for LPUE and CPUE for four species of wrasse.

Ballan and Goldsinny

Members examined the LPUE and CPUE graphs whilst EO Curtin provided background information on the data presented. When viewing the collated data for goldsinny wrasse, members commented on the reduced level of landings. EO Curtin explained that a high proportion of these species are returned and hence why landings may have declined slightly. Also fishing effort has reduced, therefore fishers are catching less and hence a smaller proportion of the catch will be landable.

Questions were asked about the resilience of goldsinny. Sarah Curtin explained that there is conflicting research regarding this. Two papers by the same author say two different things. One paper says that goldsinny are a more resilient species and will therefore recover quicker from overfishing and another paper states that it is corkwing that is the more resilient species. There is therefore a lack of knowledge of this subject. EO Curtin then explained that the survivability of returned wrasse is one of the unknown factors as there are no studies that have looked at this. It is believed from the literature that the hauling process may interfere with wrasse swim bladder function, limiting their mobility upon return to the sea, therefore increasing mortality due to predation. It was explained that Lauren Henly from Exeter University was expecting to examine other factors like temperature, but not mortality rates. DCO Clark explained that careful handling was an important factor to enhance survivability and the potential to develop a voluntary code is one of several conclusions of the report.

Rock Cook and Corkwing

The data assembled on Rock Cook was examined by members. It was explained how both the LPUE and CPUE had consistently declined during the three-year period of study. It was explained that the majority of rock cook are returned to sea and the causes for the reductions are unclear. Members enquired about the survival rates of the returned fish; however, EO Curtin explained that officers do not have enough information to determine this at this time. It was suggested to the members that the development of a voluntary code of conduct relating to a slower return to the water of the fish may be beneficial. It is envisaged that storing the fish onboard the fishing vessels in seawater tanks for a short period may allow for adjustment of the swim bladders. Regarding corkwing wrasse, it was demonstrated how there had been a consistent increase in both LPUE and CPUE. The number of fish being returned has also increased and these data would suggest that the narrowing of the slot size to 14cm – 18cm had produced an impact.

Spatial Effort

The next collection of slides helped to inform members regarding spatial effort of all fishers as compared to 2018 data. The location of pots, and the effort per grid square was highlighted along with some recorded non-compliance regarding the setting of pots in grid square M12. Although, when advised to move gear, the fishers did comply, members raised some concern that the voluntary code of conduct (closed areas) were a weaker form of management as compared to legally binding permit conditions. It was highlighted to members that although the fishers are generally working in the same areas as past years, there has been a decrease in the number of pots hauled per grid square. Slides demonstrating assemblage composition (2017-19), spatial catch composition (2018) and catch composition (2019) were discussed. David Saunders commented that the territorial nature of wrasse can result in very different catch composition even within relatively small areas. Sarah Curtin confirmed that this can be the case before focus was applied to spawning data.

Spawning Data

EO Curtin informed members that the research demonstrates a decline of 50% in the number of goldsinny observed spawning in 2019 compared to 2018 and no rock cook were observed spawning. This may be due to the temporal closure protecting the majority of spawning individuals. Spawning may have already happened prior to onboard surveys being conducted. Members were also advised that only one ballan was observed spawning during the surveys. External reports regarding spawning of ballan have conflicting results with one paper stating that in Norway, ballan were observed spawning in April to July whereas in Spain they were observed spawning from January to April. The results for corkwing were significantly different to the other species with a steady increase in spawning observations recorded over the last three years. EO Curtin therefore explained that year-round surveys would need to be conducted in order to establish whether the temporal closure is in fact protecting the majority of spawning individuals, however this is beyond the current resource of D&S IFCA.

Remaining Sections of Report

Before presenting the conclusions of the report, members were informed about levels of compliance with the fully documented fishery and the resource allocation associated with managing the fishery. The conclusions of the three-year comprehensive report were summarised and displayed in preparation for discussions regarding potential changes to the management of the fishery.

The Chair thanked Sarah Curtin for the presentation and all members congratulated both Sarah Curtin and James Stewart on the production of the detailed report. The Chair recommended that the report be published as a stand-alone research report after any minor errors in the version presented to B&PSC members are addressed. The Chair invited comments and questions from members to the officers.

In response to Rachel Irish, it was explained that the differences between the MMO landing data, the transport data and landings data was not completely as a result of missing data from vessel three; however it was confirmed that the data including vessel three would include catches taken inside the CIFCA District. Stephen Gledhill commented that the three-year data set has filled a lot of data gaps, but many remain over a longer term. In his view the principles of the fishery, the nature of a temporary fishery to solve a farming issue and the continuation of a fishery initially expected to last for no longer than two years was a concern. DCO Clark acknowledged that communication with the salmon farms to seek clarity on various issues had been challenging and it was unknown how long the business venture involving the removal of live wrasse was now expected to last.

In reaction to the resource allocation information, Stephen Gledhill took the view that a potential financial outlay by D&S IFCA of over £16,000 to monitor a fishery in the District that is worth approximately £33,000 is disproportionate. Sangeeta McNair also raised concern regarding D&S IFCA's resources and enquired if there was any scope to increase permit costs to a level similar to that imposed by CIFCA within their Live Wrasse Fishing (Limited Permit) Byelaw. In response to Sangeeta MacNair, ACO Mander explained that the approaches taken by D&S IFCA and CIFCA differ in several ways. The establishment of a private fishery (limited permits) would not be keeping with a core principle of D&S IFCA and rather than restricting permit numbers the total effort on the fishery is capped to the use of 480 pots, regardless of how many commercial fishers are active in the fishery. The alignment of permit costs to administration burden and not specific research or resulting enforcement activity also meets established byelaw working principles agreed by members.

In response to general concerns regarding use of resources, ACO Mander commented that during the last three years, the B&PSC had concluded to be less precautionary in its approach and base its decisions for on-going management on data assembled from the research. Although this work and the potential continuation of this work involves time and money, this

should not become the deciding factor for decision making. ACO Mander explained that the 2020-21 Annual Plan will be used to set out identified workstreams and enable Authority members to consider the potential needs and cost associated with outsourced work and services. The Chair added to the discussions on resource allocation and commented that it was more appropriate for the B&PSC to consider the statutory duties within MaCAA rather than D&S IFCA's financial issues and that the information presented to members suggested that, with appropriate management, there is evidence to suggest that the fishery is sustainable. The Chair asked members to consider the conclusions of the report as set out on page 43 as a basis for discussions about the future of the Live Wrasse Fishery.

3.3 To determine the future of the Live Wrasse Pot Fishery.

In reaction to the conclusions set out in the report, Jim Masters and Sangeeta McNair commented that the three-year time frame to collect data, coupled with the multiple unknown factors raise doubts over sustainability. SEO Stewart confirmed that this is the case; however, the evidence to hand doesn't suggest that the fishery is not sustainable when coupled with management measures. DCO Clark added that the unknown factors are not a key part of the report but that there are many. Members recognised that that if the fishery were to continue it was clear that as a minimum, the monitoring of the fishery must remain at current levels and there may be potential to add to the evidence base by utilising external research and its findings. The Chair highlighted that the conclusions of the report represent a series of relevant decision making that could add to existing management and that these conclusions could be recognised in a proposal relating to continuation of the fishery. Rachel Irish then proposed the following:

That D&S IFCA continues to manage the Live Wrasse Pot Fishery using permit restrictions and the continuation of the Fully Documented Fishery (research), whilst having regard to changes in permit conditions relating to rock cook wrasse.

Proposed:	Rachel Irish	Seconded: Jim Portus
In favour:	All	

3.4 To consider changes in management measures for the Live Wrasse Pot Fishery.

Rock Cook Wrasse

Before focussing on rock cook, Dave Saunders enquired about any conclusions relating to cuckoo wrasse. EO Curtin explained that there were no conclusions for this species as, although existing management (Potting Permit Conditions) includes cuckoo wrasse, the catches of the species in the three-year period were minimal and none were landed.

The second conclusion in the report relating to a legal requirement to return all live catches of rock cook was discussed by members. Using the landings data and known value of the species as a baseline, members including Jim Masters and Stephen Gledhill commented that further restrictions for rock cook would have a relatively small impact on fishers' potential earnings. DCO Clark estimated that the species represented about 10% of earnings, and there would be little financial incentive for non-compliance. Rachel Irish highlighted the potential to use a change in the slot size as an alternative to a landing or retention prohibition. SEO Stewart advised that this may be an effective alternative to consider and DCO Clark added that although the current MCRS (Permit Condition) is 12cm, the salmon farms have indicated that they may introduce a non-regulatory minimum landing size of 14cm in 2020. If the demand is only for the slightly larger fish of 14cm to 23cm, the earnings generated by sizable rock cook wrasse would be low.

Members could see the merits in a different approach but were clear that it would be inappropriate to rely on the speculative information from the salmon farms, rather than to take a legislative approach using the Potting Permit Conditions. ACO Mander explained that there would potentially be some enforcement complications associated with an increased landing size as the fishers operate in two IFCA districts potentially on the same day, and restrictions are different in the Cornwall IFCA District. Members recognised that complications in legal drafting and enforcement action may arise with either option, especially as the potential development of a voluntary code of conduct for the handling of returned fish was also to be discussed as part of the report conclusions. After deliberations a consensus was reached that a prohibition on retaining on board was a clearer message and this preferred option formed the basis of the proposal as follows:

That the Potting Permit Conditions are to be examined by the BTWG and amended in such a way as to require all rock cook wrasse to be returned to the sea

Proposed:	Rachel Irish	Seconded: Sangeeta McNair
In favour:	10	
Against	0	
Abstain:	1	

Introduction of a voluntary code of conduct

Both the Chair and Rachel Irish raised concern regarding the general effectiveness of voluntary measures. Members acknowledged the merits of promoting a controlled return of the species to protect swim bladders and discussed difficulties in practice associated with the territorial behaviour of wrasse and the fish being returned in locations as close as possible to where they were caught. Members had mixed views on whether to explore a regulatory route to achieve the objectives rather than a voluntary code of conduct and asked for some advice from officers. ACO Mander explained that either way, it may be problematic to achieve the objectives (as set out in the conclusions of the report) when balanced against the legal wording needed in the permit conditions to require the return of all live rock cook wrasse. Stephen Gledhill commented that D&S IFCA will have limited capacity to enforce this as a permit condition. Sangeeta McNair acknowledged the resource issue and a proposal was put forward.

That the Potting Permit Conditions are amended rather than the development of a voluntary code of conduct

Proposed:	Jon Dornom	Seconded: Dave Saunders
In favour:	3	
Against	8	

Members further discussed the issue and a second proposal was put forward as follows:

That the B&PSC recommend the development and implementation of a voluntary code of conduct for the controlled release of wrasse.

Proposed:	Jim Portus	Seconded: David Cuthbert
In favour:	9	
Against	2	

To continue with at least the same level of on-board observer effort

Members referred to their earlier deliberations associated with the resources required to continue with the workstream. Members agreed that considering the decisions already taken that it would be essential to continue collecting with the on-board observer effort, analysing it

and reporting to the B&PSC. Rachel Irish commented that partnership working may be one way to relieve some of the burden on D&S IFCA Officers.

ACO Mander explained that the 2020-21 Annual Plan is currently being developed and will provide a synopsis of the required workstreams, along with some areas of work where the potential use of D&S IFCA reserves can be used to support completion of the work. This could include physical survey work or support for desk-based work. ACO Mander explained that if the B&PSC identified the need for the continuation of the work then this would be documented and presented to members of the Authority.

Stephen Gledhill said he would be in favour of supporting a proposal to highlight that repetition of the current level of on-board survey work should be the absolute minimum requirement. Members considered different proposals to add weight to the conclusion as set out in the report. Jim Portus proposed the following:

To continue the onboard observer programme appropriate to the resources available to D&S IFCA and proportionate to the continued commitment to the conservation objectives of the fishery.

Proposed:	Jim Portus	Seconded: David Cuthbert
In favour:	8	
Abstain	3	

Formal Requirements for fishers to complete and return relevant information

The Chair commented that the provision to collect landings data from fishers is already stated in the Potting Permit Byelaw. ACO Mander explained that the provision in the Byelaw provides scope for different information to be collected and it is the way the information is requested that is the key issue. Members agreed that as the formal requirement for submission of information is already in place, this issue can be addressed and resolved internally with no need for a formal vote by the B&PSC.

Further Action

In order to potentially change the [Potting Permit Conditions \(version control August 2019\)](#), a process must be followed as set out in paragraph 28 of the overarching Potting Permit Byelaw. The Authority must consult with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options.

Following the B&PSC meeting on 11th February 2020, officers prepared information and planned communication initiatives to undertake the formal consultation.

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The Formal Consultation

A four-week formal consultation was conducted during April and May 2020. Information was assembled and circulated on 16th April 2020. The Authority's Website and Facebook pages were used to support the formal consultation which ended on 15th May 2020. The following is a transcript of the Mail Chimp circular used during the formal consultation:



Potting Permit Conditions

Formal Consultation

Amendments to the Permit Conditions to Manage the Live Wrasse Pot Fishery

What's the purpose of this Formal Consultation?

D&S IFCA is inviting you to respond to the formal consultation on proposed amendments to existing Potting Permit Conditions that are used to manage the Live Wrasse Pot Fishery.

- **The information gathering exercise ends on Friday 15th May 2020.**

We are directly contacting everyone on our (email) mailing list and are giving you options on how to respond. Due to the Covid-19 virus and our current working arrangements, we are not able to send this information directly to any permit holder that has only provided a postal address. Your view is important, and we encourage you to forward this information or notify others that may have an interest about the consultation.

- Information is posted on the D&S IFCA's website to support this direct email notification

<https://www.devonandsevernifca.gov.uk/Consultation>

All stakeholders can respond even if they do not conduct commercial potting for live wrasse within the D&S IFCA's District. The proposed changes relate to all potting permits.

This is not a long questionnaire. This information circular demonstrates why D&S IFCA proposes to amend the existing Potting Permit Conditions and how this will be achieved. This circular explains how you and others can participate in the process and provides some background information including some embedded information (hyperlinks).

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Background Information – The Live Wrasse Pot Fishery

Fishing with pots for live wrasse is highly regulated in the D&S IFCA's District and can only be conducted by commercial fishers. A total of 480 pots (that must be tagged) are authorised to be used within the entire D&S IFCA's District to catch live wrasse that are used as cleaner fish in salmon farms. Additional commercial fishers, with a potting permit, have an opportunity to join the fishery; however, this would trigger a review of the Potting Permit Conditions to determine how to divide the total effort.

The activity is restricted to an area of the D&S IFCA's District in and around Plymouth Sound. The tags are currently divided between four commercial fishing vessels (maximum of 120 tags each) that meet the required criteria to engage in the Live Wrasse Pot Fishery.

Currently, the Permit conditions include a closed fishing season (1st May to 15th July inclusive), gear marking and minimum and maximum size restrictions for five species of wrasse. In addition to permit conditions, under Paragraph 17 of the Potting Permit Byelaw, fishers must supply landing data to D&S IFCA and allow D&S IFCA Officers to conduct on board observations. Voluntary measures also contribute to the management of the fishery.

Research

D&S IFCA introduced management measures in 2017 and has closely monitored the fishery for three years. On 11th February 2020, members of the D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) were presented with the following report.

- ***Three Year Comprehensive Review of the Live Wrasse in Devon and Severn IFCA's District (February 2020) - Version 1.3.***

Outcomes of the Comprehensive Review

The results of the review suggest that the fishery, for most species, as a whole is sustainable. Catches per unit effort (CPUE) and landings per unit effort (LPUE) for wrasse species other than rock cook have been relatively stable across the three-year study period. This suggests that current management measures have, generally, been effective in preventing overexploitation and managing the fishery.

However, the report also highlighted that catches and landings of rock cook wrasse have declined over the last three years, especially in 2019 (based on CPUE and LPUE). The majority of rock cook wrasse that have been caught were below the Minimum Conservation Reference Size and therefore had to be returned.

After reviewing and discussing the findings of the report, the B&PSC recommended that the Potting Permit Conditions are amended. This formal consultation is a requirement of the process to make potential changes to the Permit Conditions.

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The Proposed Changes to the Potting Permit Conditions

Catch Restrictions:

The current Potting Permit Conditions do not prohibit the capture of rock cook wrasse.

The first proposal, under this consultation, is to prohibit the capture of rock cook wrasse by amending the Potting Permit Conditions as follows:

Proposed Change 1.

- 1.2 A permit holder or named representative is not authorised under this Permit to remove from a fishery within the District:
 - a) any 'V'- notched or mutilated lobster;
 - b) any berried lobster or berried edible crab;

- c) any part of an edible crab or lobster or spiny lobster which is detached from the carapace of the crab or lobster;
- d) any edible crab or lobster or spiny lobster that has recently cast its shell;
- e) any rock cook wrasse**

All such species falling within the above prohibitions must be returned immediately to the sea without further injury.

Proposed Change 2.

The minimum and maximum size of rock cook as stated in paragraph 2.6.2 of the Potting Permit Conditions would be removed, as it would no longer be applicable.

Proposed Change 3.

The Potting Permit Conditions include a list of minimum conservation reference sizes (MCRS) in paragraph 1.3. The explanation of how to measure a marine organism is linked to paragraph 1.3.2 which specifies Annex XIII Article 18(1) of Council Regulation (EC) 850/98.

This EU legislation has changed.

Rather than changing the provision to link to amended legislation, D&S IFCA intends to introduce a more user-friendly schedule to the Permit Conditions, with diagrams to help fishers understand how to measure different species that are regulated by the Permit Conditions.

Impacts on Potting Permit Holders

The change to paragraph 1.2 would mean that all fishers with a potting permit will not be permitted to remove rock cook wrasse from the fishery. D&S IFCA has taken the view that most potting permit holders will not be significantly impacted by this change as they do not target rock cook wrasse with pots and have no need to remove rock cook wrasse from the fishery.

Questions:

1. What interest do you have in the Live Wrasse Pot Fishery?
2. Do you have any comments on the proposed changes to the Potting Permit Conditions?
3. If you do not support the proposed changes, please set out your reasons?

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How you can have your say

1. Contact us via email – consultation@devonandsevernifca.gov.uk
2. Write to us

Devon and Severn IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, TQ5 8BA.

- **This information gathering exercise ends on Friday 15th May 2020.**

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What is the next step?

The findings of this consultation will be discussed by the Byelaw and Permitting Sub-Committee (B&PSC). The B&PSC will determine if the changes to the Potting Permit Conditions as proposed are to go ahead. The Potting Permit Conditions will potentially be amended and re-circulated free of charge in July 2020.

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What do we do with your information – Privacy Policy

We protect any personal data that you may provide. Any personal data submitted in this information collecting process will not be shared with others. The content of responses will be summarised and anonymised where appropriate for documenting in reports that will be presented to the Byelaw & Permitting Sub-Committee and published on our website.

D&S IFCA has a privacy policy which can be found by visiting our website (home page) www.devonandsevernifca.gov.uk

- You can change your preferences at any time.
- We have a duty to consult with D&S IFCA Permit Holders.

You can manage your preferences by contacting D&S IFCA.

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Links to Specific Documents

The following report was presented to the B&PSC on 11th February 2019 and can be read by using the link below:

- [Three Year Comprehensive Review of the Live Wrasse in Devon and Severn IFCA's District \(February 2020\) - Version 1.3.](#)

There was a data review and re-analysis of the report in April 2020. The revised version of the report (Version 1.6) can be viewed using the link below.

- [Curtin, Henly & Stewart - Three Year Comprehensive Review of the Live Wrasse in Devon and Severn IFCA's District \(April 2020\) - Version 1.6.](#)

[Current Potting Permit Conditions \(Version Control August 2019\)](#)

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Further Information & Links

Further detail about the D&S IFCA Byelaw & Permitting Sub-Committee, the work that they undertake and how it is possible to amend permit conditions via a review process can be found in our [guide](#) that is posted on the D&S IFCA website or available upon request.

Reports presented to and discussed by the Byelaw and Permitting Sub-Committee can be found on the D&S IFCA's website in Section B of the [Resource Library](#) or are available upon request.

The [Meetings Tab](#) of the D&S IFCA's website is also used to post information relevant to the most recent meetings.

Minutes of Byelaw and Permitting Sub-Committee meetings (when approved for accuracy) can be found on the D&S IFCA's website in Section B of the [Resource Library](#) or available upon request.

In addition to the Potting Permit Conditions, the Policy and Guidance notice (including voluntary closed areas) for the Live Wrasse Pot Fishery can be read here.

How to follow our work?

If you are not already on our mailing list, then you can get yourself added by [contacting D&S IFCA](#) or by using this [link](#). You will then be directly notified of all our consultations. You will also receive our free e-newsletter.

Keep an eye on our [consultation page](#) on our website for updates and details of how you can get involved and have your say.

Follow our [latest news items](#) displayed on our website or our Facebook page.

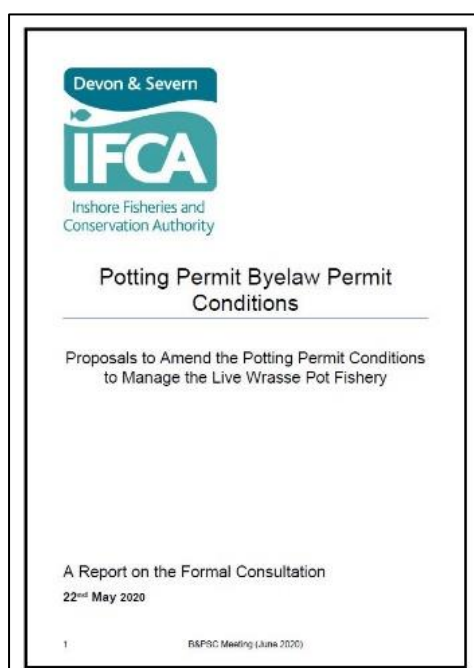
Explore our website [Resource Library](#) for an extensive range of our information and publications. It's all free.

End.

The Formal Consultation Response Report

The response from the formal consultation was documented in a report that was presented to the B&PSC on 18th June 2020.

- ***Potting Permit Byelaw Permit Conditions – Proposals to Amend the Potting Permit Conditions to Manage the Live Wrasse Pot Fishery – A Report on the Formal Consultation (22nd May 2020)***



The report can be read in full [here](#) or by visiting Section B of the [Authority's Website Resource Library](#).

The following is a transcript from the report:

Part 1 (of the transcribed report)

1. Aim of the Report & Content

This report (22nd May 2020) has been prepared for members of the Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA's) Byelaw and Permitting Sub-Committee (B&PSC) and for all stakeholders to examine via its publication on the D&S IFCA website.

This report should be used as reference material and read in conjunction with a separate resolution paper that officers have prepared for members to discuss prior to their decision making.

This report documents summarised and anonymised information from The Formal Consultation – Amendments to the Permit Conditions to Manage the Live Wrasse Pot Fishery (April 2020) that ended on 15th May 2020 and is divided into two sections.

Part One of the report provides background information to explain why the consultation was conducted and how it was conducted. Part Two of the report focusses on the findings from relatively small consultation response which includes mixed opinions provided by those individuals and organisations that did engage in the formal consultation. The report includes embedded information (Hyperlinks) that give readers access to additional information. All additional information embedded in this report is freely accessible within different sections of the [D&S IFCA Website Resource Library](#).

2. Process

As with any potential change to flexible permit conditions, a process must be followed as set out in the respective overarching permit byelaw.

The process includes consultation with permit holders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options.

Dependent on the decision making of members, the Potting Permit Conditions will be amended and circulated free of charge.

3. Background Information & Decision Making

On the 11th of February 2020, as part of the formal review of the Live Wrasse Pot Fishery, D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) examined a detailed report. The Three-Year Comprehensive Review of the Live Wrasse Fishery (version 1.3), set out detailed information about D&S IFCA's on-going research and a series of recommendations relating to the management of the fishery.

Two of the key conclusions, relevant to the formal consultation, were as follows:

- 1) To continue to manage the fishery as outlined in the D&S IFCA's Policy Statement and Potting Permit Conditions for the Live Wrasse Fishery (1st August 2018), except in the case of rock cook wrasse (2, below)
- 2) In the case of rock cook, all catch should be returned to the sea. Retention of rock cook on board for landing, transportation and/or sale should be prevented via an update to

D&S IFCA's Potting Permit Byelaw Permit Conditions, and this change communicated to fishers and salmon farm agents to encourage compliance.

Regarding the future of the Live Wrasse Pot Fishery, members of the B&PSC proposed and agreed the following:

That D&S IFCA continues to manage the Live Wrasse Pot Fishery using permit restrictions and the continuation of the Fully Documented Fishery (research), whilst having regard to changes in permit conditions relating to rock cook wrasse.

That the Potting Permit Conditions are to be examined by the BTWG and amended in such a way as to require all rock cook wrasse to be returned to the sea.

4. Drafting of Amended Potting Permit Conditions

Officers were able to prepare draft Potting Permit Conditions to recognise the expectations of the B&PSC to afford additional protection to rock cook wrasse, without the need of a full Byelaw Technical Working Group meeting.

The drafting work included:

1. Adding rock cook wrasse to an established list of species within the Potting Permit Conditions that are prohibited for removal from a fishery within the D&S IFCA District.
2. Recognising that the minimum and maximum size of rock cook as set out in the Permit Condition 2.6.2 (specific to those engaged in the live wrasse fishery) would no longer be applicable.

Other Changes & Impact

It was recognised during drafting work, that the opportunity existed to amend some other wording within the current [Potting Permit Conditions \(Version control August 2019\)](#) which relates to the Minimum Conservation Reference Sizes (MCRS) as set out within paragraph 1.3. The explanation of how to measure a marine organism is linked to paragraph 1.3.2 which specifies Annex XIII Article 18(1) of Council Regulation (EC) 850/98. This EU legislation has changed.

Rather than changing the provision to link to amended legislation, officers recognised the potential to introduce a more user-friendly schedule to the Permit Conditions, with diagrams to help fishers understand how to measure different species that are regulated by the Permit Conditions. This was explained in the consultation and formed one of the three proposals.

The changes to the Permit Conditions, in the way they are drafted, have a potential impact to all fishers using pots and not solely those commercial fishers that participate in the Live Wrasse Pot Fishery. The potential prohibition on the removal of rock cook wrasse would apply to all fishers with a Potting Permit. This potential impact was explained in the consultation.

5. How the Consultation was Conducted

The Formal Consultation – Amendments to the Permit Conditions to Manage the Live Wrasse Pot Fishery (April 2020) highlighted background information and demonstrated the proposed wording for amendments within the Potting Permit Conditions. A key aim of the exercise was

to provide the opportunity for feedback on the specific proposals that could be summarised and assist with further decision making of the B&PSC.

Electronic engagement formed the basis of formal consultation, and a Mail Chimp circular was sent directly to all those on the D&S IFCA consultation mailing list. Due to the Covid-19 virus and the restricted working arrangements at the time for D&S IFCA Officers, information was not sent in hard copy format to any permit holder that had only provided a postal address. Unlike other consultation work, the opportunity for stakeholders to visit the office and engage in one to one discussion with officers was also not an option that was deemed appropriate or possible due to Covid-19.


Recipients of the direct notification (via email) were encouraged to forward the information or notify others that may have an interest about the consultation.

Other Communication

D&S IFCA's website was used to support the formal consultation with information posted on the Consultation display page. News/Information items were also prepared and posted on the website and D&S IFCA's Facebook page. Options were provided to submit a response including a dedicated email address: Consultation@devonandsevernifca.gov.uk

Links to Consultation Information:

- [Pdf version of Mail Chimp Circular](#)
- [Pdf version of D&S IFCA Website & Facebook News Item](#)



Potting Permit Conditions

Formal Consultation

Amendments to the Permit Conditions to Manage the Live Wrasse Pot Fishery

What's the purpose of this Formal Consultation?

D&S IFCA is inviting you to respond to the formal consultation on proposed amendments to existing Potting Permit Conditions that are used to manage the Live Wrasse Pot Fishery.

- The information gathering exercise ends on Friday 15th May 2020.

We are directly contacting everyone on our (email) mailing list and are giving you options on how to respond. Due to the Covid-19 virus and our current working arrangements, we are not able to send this information directly to any permit holder that has only provided a postal address. Your view is important, and we encourage you to forward this information or notify others that may have an interest about the consultation.

- Information is posted on the D&S IFCA's website to support this direct email notification

<https://www.devonandsevernifca.gov.uk/Consultation>

All stakeholders can respond even if they do not conduct commercial potting for live wrasse within the D&S IFCA's District. The proposed changes relate to all potting permits.

This is not a long questionnaire. This information circular demonstrates why D&S IFCA proposes to amend the existing Potting Permit Conditions and how this will be achieved. This circular explains how you and others can participate in the process and provides some background information including some embedded information (hyperlinks).

Background Information – The Live Wrasse Pot Fishery

Fishing with pots for live wrasse is highly regulated in the D&S IFCA's District and can only be conducted by commercial fishers. A total of 480 pots (that must be tagged) are authorised to be used within the entire D&S IFCA's District to catch live wrasse that are used as cleaner fish in salmon farms. Additional commercial fishers, with a potting permit, have an opportunity to join the fishery; however, this would trigger a review of the Potting Permit Conditions to determine how to divide the total effort.

The activity is restricted to an area of the D&S IFCA's District in and around Plymouth Sound. The tags are currently divided between four commercial fishing vessels (maximum of 120 tags each) that meet the required criteria to engage in the Live Wrasse Pot Fishery.

Currently, the Permit conditions include a closed fishing season (1st May to 15th July inclusive), gear marking and minimum and maximum size restrictions for five species of wrasse. In addition to permit conditions, under Paragraph 17 of the Potting Permit Byelaw, fishers must supply landing data to D&S IFCA and allow D&S IFCA Officers to conduct on board observations. Voluntary measures also contribute to the management of the fishery.


1 16th April 2020

16th April 2020

Devon and Severn IFCA News

Formal Consultation – Potting Permit Conditions

D&S IFCA is inviting you to respond to the formal consultation on proposed amendments to existing Potting Permit Conditions that are used to manage the Live Wrasse Pot Fishery.



A formal consultation on proposals to amend the existing Potting Permit Conditions has begun. D&S IFCA is contacting everyone on its (email) mailing list with a circular that provides more detail and links to additional information and has posted information on its website [consultation page](#).

The proposed changes relate to all potting permits.

All stakeholders can respond even if they do not conduct commercial potting for live wrasse within the D&S IFCA's District. The consultation will end on 15th May 2020.

The Proposed Changes to the Potting Permit Conditions

There are three proposed changes to the Potting Permit Conditions which are summarised as follows:

1. To prohibit the removal from the fishery of any rock cook wrasse
2. To remove the provision in the Potting Permit (2.6.2) that relates to the minimum and maximum size of rock cook as this will no longer be applicable due to the first proposal.
3. To introduce a new schedule to the Permit Conditions, with diagrams to help fishers understand how to measure different species that are regulated by the Permit Conditions.

Why are these changes being proposed?

Fishing with pots for live wrasse is highly regulated in the D&S IFCA's District and can only be conducted by commercial fishers. A total of 480 pots (that must be tagged) are authorised to be used within the entire D&S IFCA's District to catch live wrasse that are used as cleaner fish in salmon farms. The activity is restricted to an area of the D&S IFCA's District in and around Plymouth Sound. Currently, the [Potting Permit Conditions](#) contain a range of restrictions to manage the Live Wrasse Pot Fishery and these conditions are supported by [voluntary measures](#).

Part 2: (of transcribed report) The Consultation Response

6. Summary

The response to the formal consultation was small and 11 responses were received by Friday 15th May 2020. Auto reply responses have been excluded. The response mainly consisted of those submitted by organisations, rather than individuals and none of these were Potting Permit holders.

The majority of responses indicated that they are supportive of the proposals, but not necessarily supportive of the continuation of the Live Wrasse Pot Fishery.

Devon Wildlife Trust, the Angling Trust (Wyvern Region), two angling clubs, the Wembury Advisory Group and Wembury Parish Council all indicated that it would be their preferred option if the fishery was further restricted or prohibited.

Other than the Devon Wildlife Trust, none of the responses recognised the other proposals including the intention to introduce a schedule to the Permit Conditions to explain how species should be measured.

A couple of the responses were simple messages of support and one response was non-committal on the proposals but did question the basis of sustainability and requested further information on the subject matter and how the Live Wrasse Fishery is enforced.

7. Who Responded?

Category	Number of Responses
Individually Crafted Responses	5
Sea Angling Clubs/Angling Trust	3
Other Organisations (Conservation)	3
Total	11

Organisations:

1. Devon Wildlife Trust
2. Wembury Advisory Group
3. Wembury Parish Council
4. Angling Trust Wyvern Region
5. Honiton Sea Angling Trust
6. DOE Sea Angling Club (Plymouth)

8. Opposition to the Fishery

A common theme within the responses was a desire to see the Live Wrasse Fishery further restricted or prohibited. The angling sector have found it surprising that the fishery is considered by D&S IFCA to be sustainable and, only if it is to continue, would welcome on-going research. It has been highlighted that wrasse, in particular ballan wrasse, are a good sport fish and also an important starter fish for many junior anglers that fish on a catch and release basis. Commercial fishing and a reduction of wrasse in the Plymouth area is, in their view, negatively impacting on recreational angling and there are fears by some that stock levels could deteriorate in a similar way to those experienced for bass.

Responses offered by organisations with a strong conservation interest were more detailed and favoured restrictions beyond those proposed in the formal consultation. Wembury Parish Council and the Wembury Advisory Group provided the same consultation response as follows:

1. *A significant proportion of the fishery occurs within the Marine Conservation Area and all of it is very close.*
2. *We are concerned that the removal of large numbers of fish that are territorial and of great ecological importance will damage the Marine Conservation Area.*

We wish to make the following points:

1. *We welcome IFCA's use of monitoring data to review and amend permit conditions in this way.*
2. *We welcome protection of rock cooks and therefore support the proposed changes.*
3. *Nevertheless, we continue to have serious concerns about the wrasse fishery because:*
 - *It targets territorial fish and can therefore strip them from particular areas*
 - *Wrasse are of great ecological importance, in food webs and as cleaners of parasites from other fish*
 - *There are serious animal welfare issues associated with capture and long-distance transport of live, sentient vertebrates*
 - *As noted in the fishery report, for such territorial species there is a risk that small scale adjustments to potting positions by fishers can misleadingly maintain Catch per Unit Effort results and mask real declines in wrasse numbers*
 - *Several local divers have reported seeing fewer wrasse than they have been accustomed to in fished areas over recent years*
 - *Several local divers and snorkelers (including myself) have noted an increase in fish lice infestation on wrasse and other fish such as pollack in the relevant areas over recent years*
 - *We are concerned that rock cooks could be early indicators of what will soon happen to other wrasse species*
 - *Of its impact on non-target species combined with the lack of data on bycatch. Pots seen underwater have contained significant numbers of territorial fish such as blennies and sea scorpions. Even if these are returned, they may, by then, have lost territories, nests, eggs etc*
 - *As noted in the fishery report, one of the four fishers failed to return any landings data. This is in contravention of permit conditions and would therefore be expected to result in permit withdrawal.*

Devon Wildlife Trust

This organisation provided a very detailed response. Although supportive of the proposals, this was not without a caveat. It was evident that the Three-Year Comprehensive Review of the Live Wrasse Fishery Report had been studied in detail by Devon Wildlife Trust (DWT) and their response questioned elements of the findings. The response has been transcribed as follows:

2a: To prohibit the removal from the fishery of any rock cook wrasse

We fully support the prohibition on removal of this species from the fishery. However, we have concerns over the method of doing this. There is little understanding on the mortality rates for returned fish, which means that simply returning unwanted catch may only have limited impact on this species. We agree with the 3-year review that a Code of Conduct (CoC) around method of return is essential, although we feel this needs to be mandatory as there are concerns around compliance with the voluntary measures that have been used for this fishery. In addition to the CoC we advocate removing from the fishery areas where catch composition includes a high proportion of rock cook – particularly squares O15 and O16 (Figure 34).

2b: To remove the provision in the Potting Permit (2.6.2) that relates to the minimum and maximum size of rock cook as this will no longer be applicable due to the first proposal.

We support this proposal.

2c: To introduce a new schedule to the Permit Conditions, with diagrams to help fishers understand how to measure different species that are regulated by the Permit Conditions.

We support this proposal.

Question 3: If you do not support the proposed changes, please set out your reasons?

N/A

The consultation provided an opportunity for further comments and DWT provided many as follows:

Precautionary Principle

Devon Wildlife Trust has repeatedly asked that the precautionary principle be followed regarding this fishery due to the lack of understanding around wrasse populations and ecological impacts of large-scale wrasse removal. The 3-year review adds further weight to the arguments for at least a moratorium of this fishery while questions are answered. The 3-year review states:

*“Understanding how CPUE and LPUE relate to abundance is extremely difficult in this fishery both overall and on a species-by-species basis, in part because the association of wrasse with reef habitat may result in a complex relationship between fisher behaviour and stock dynamics (Ross 2016). **It may, therefore, be difficult to identify unsustainable fishing practices underlying apparently stable CPUE patterns.** For example, the CPUE may remain high despite an overall reduction in the wrasse population, because fishers move from reef to reef to maintain catch levels. This is known as hyperstability”.*

This is the clearest argument yet for a closure of this fishery using the precautionary principle. Until a wider ecological understanding of wrasse in this area can inform how CPUE and LPUE can be used to monitor wrasse populations (and therefore any potential declines), this fishery cannot be managed sustainably.

In addition, the following are specifically mentioned within the 3-year review as data that are needed but are not available, and are unlikely to become available due to a lack of resources:

- Mark-release-recapture studies to establish if CRS is an effective tool due to impacts of returned fish mortality
- Impacts of environmental drivers on local wrasse abundance
- Surveys to more accurately detect spawning activity
- Studies to assess whether this fishery is being sex-selective

While we recognise, value and support the D&S IFCA's considerable efforts to monitor this fishery, making it one of the most monitored fisheries in the UK, it is clear that the lack of key data may be hampering the ability to detect unsustainable practice and stock declines, with resulting wider ecological impacts within the Plymouth Sound and Estuaries MPA. If the fishery's unsustainability only becomes apparent once LPUE and/or CPUE are declining for a species – e.g. rock cook – it is likely to be too late, with a significant effect on the MPA potentially already having occurred. Hyperstability (at various scales) may be masking severe declines that are already occurring.

We welcome the IFCA's further effort and investment in establishing of a PhD to assess some wider impacts of the fishery, but with so many uncertainties around the sustainability of this fishery, we recommend it must be closed until these can be answered.

HRA

We have not assessed the detail of all the HRAs for this fishery but make the point that many of the comments in this letter echo those in Natural England's letter to the D&S IFCA (dated 21 February 2018 sent in response to the HRA submissions by D&S IFCA) and therefore raise concerns as to whether this fishery is breaching Habitats Regulations. The points around data and a fully monitored fishery are key to the HRA, as they are how NE is satisfied that the fishery is taking the precautionary principle. Dealing effectively with non-compliance is also clearly highlighted as is the effectiveness of the voluntary closed areas.

We would ask that Natural England review this report against their previous letter and review their position.

Non-compliance.

It is clear that one vessel has consistently been non-compliant with the byelaw requirement to enable a fully documented fishery by not supplying returns information over multiple years. This clearly puts this vessel in breach of the byelaw, as it has been consistently throughout the life of this fishery - and yet it appears from the 3-year review that no enforcement action has occurred. This is made worse by the figures showing that this vessel is responsible for 40% of the 2019 landings, leading to seriously impoverished evidence around this fishery.

It is essential that byelaws are rigorously enforced by the D&S IFCA to avoid the risks of undermining the purpose and success of this byelaw, and further non-compliance by other fishers. This non-compliance has also taken up considerable officer time in following up, time which is therefore not available for other duties.

This same vessel has not received observer surveys due to boat size, meaning that landings data are currently the only option for monitoring 40% of this fishery. It is essential that a clear message is sent out by the D&S IFCA and we would strongly recommend that, where there is consistent and ongoing non-compliance, revoking the potting permit for this fishery (for this fisher/vessel) is considered.

There is clearly a need for alternative methods of observation where boats are too small e.g. chest cameras and iVMS. Such options should be investigated to enable better monitoring and use of D&S IFCA officer time.

Lack of data

The justification originally given for this fishery proceeding - when there were and are so many questions around sustainability and so little understanding about wrasse in Plymouth Sound - was that it would be a fully monitored and documented fishery. This was the D&S IFCA's approach to the precautionary principle. While we recognise the considerable effort of the D&S IFCA in pursuing this, it is apparent that this has not been achieved.

The following demonstrate this lack of data:

- Vessel 3 provided no landings data to the D&S IFCA. Vessel 3 represents 40% of landings (from MMO transport data) for this fishery in 2019 and has consistently failed to supply data throughout the fishery. This means the evidence is impoverished and introduces risk of errors for 2019 and for any trends over the life of the fishery.
- There are clearly discrepancies between landings data supplied to the D&S IFCA and the transport data supplied to the MMO (Table 2 versus Table 3), with either lack of recording or under-recording by all but one vessel in the landing data supplied to the D&S IFCA. As above, this casts doubt over the conclusions derived from the incomplete D&S IFCA dataset.
- The target of observing 12% of the fishery has been substantially missed. One vessel (Vessel 3) received no observations, while another vessel (Vessel 2) received only 2 observations (of 47 days fished). While there is no data on number of days fishing for Vessel 3, these two vessels represent 68% of the landings (from MMO transport data) for this fishery. This means that more than two-thirds of the fishery received only two observations. The remaining two vessels (representing 32% of landings) did reach the target of 12%.
- The 3-year review does not include data for Cornwall IFCA and suggests there is no data available for CIFCA waters for 2019. This leaves one side of Plymouth Sound vulnerable to being 'fished-out' while undetected, with impacts on the whole system on both sides of the Sound.

These represent critical data deficiencies and, with LPUE and CPUE being derived from these data, it is impossible to obtain accurate results by year or for the life of the fishery. This means that the fishery is not fully monitored and documented and so the justification for this 'fully documented' fishery cannot be supported.

Conclusions drawn from this data must be treated with caution and have appropriate caveats. Suggesting that "*catch and landings are sustainable for most species*" are not based on complete data and so may be inaccurate. Indeed, the data does not wholly support this conclusion (e.g. Figure 33).

DWT welcomes the PhD study that has started investigating some wider effects of this fishery (e.g. sea temperature, and catch data), but it is critical that impacts of this fishery on the wider ecology are studied. Anecdotal diver reports suggest a reduction in sightings of wrasse in fished areas, together with an increase in fish lice infestations seen on wrasse and other fish species. With Plymouth Sound designated as a SAC, the potential of large-scale alteration of ecosystems must be assessed.

Returns mortality and related effectiveness of CRS

It is noticeable that, for the whole fishery, the CPUE average is approx. 1.5 (Figure 3) while the LPUE average is approx. 0.7 (Figure 2), meaning approximately half the catch is returned. Broken down by species this is:

- Ballan – 38% returned
- Goldsinny – 74% returned
- Rock Cook – 79% returned
- Corkwing – 80% returned
- Cuckoo – 100% returned

The 3-year review highlights the case of rock cook - *“therefore, the cause of reductions in rock cook LPUE(fc) and CPUE is currently unclear. **The mortality of wrasse caught but returned to sea is not yet known**, though mark-release-recapture surveys may aid the understanding of this”*. It is very concerning that such a large proportion of the catch is returned as part of conservation measures for this fishery and yet the effectiveness of returning wrasse as a conservation measure has not been assessed.

It is important to understand the level of mortality for returned wrasse. The CRS is a key measure in protecting wrasse populations in this fishery, but if returned fish have high mortality, this would undermine the effectiveness of this measure. It is essential that a study is carried out to understand returns mortality in wrasse if the CRS measure is to continue.

As mortality is unknown, as a minimum, we recommend that further measures are put in place. We agree with the 3-year review that a Code of Conduct (CoC) around method of return is essential, although we believe this needs to be mandatory as there are concerns around compliance with the voluntary measures that have been used for this fishery. For controls on specific species, in addition to the CoC, we advocate removing from the fishery areas where catch composition includes a high proportion of that species (e.g. for rock cook squares O15 and O16).

Having identified a significant knowledge gap, we do not believe it is helpful to infer that catch and release would not be associated with high mortality (e.g. *“it appears unlikely that simple catch and release would be associated with high mortality”*).

In addition, the observed numbers of goldsinny within the CRS has declined considerably – 7% of overall catch, but this represents a 26% decline of goldsinny within the CRS. This represents a loss of larger individuals from the population. This could impact on future population dynamics and the wider ecological impacts are not understood.

Reduction in fishing effort

There is no explanation regarding why effort decreased by two thirds from 2017 to 2018 (with this lower effort continued in 2019). This effort decrease is mirrored in the landings data from the MMO - while there were 17,537 fish landed in 2019, this is a third of the 46,497 landed in 2017. It would be helpful to understand if the reduction was driven by demand or supply.

There is a considerable discrepancy between the effort figures in terms of days fished from observer data (362 in 2017, 116 in 2019) which shows a reduction in effort of 68% and that of pot hauls from wider data (4,322 in 2017, 2,334 in 2019) which shows a reduction in effort of approx. 54%. The latter figure would be alarming if accurate, as effort has halved while landings have reduced by 62% suggesting a fall in catch. Once again, this figure for effort does not include Vessel 3 while the landings (MMO) figure does, meaning the situation could be significantly worse.

Spawning/closed season

The 3-year review states that corkwing spawning levels are increasing, although timing is not mentioned for this species in the report. When were corkwing observed to be spawning? This is good news, but it is critical to know when spawning occurs to ensure the closed season supports conservation measures for this species. Reports based on anecdotal observations from divers see activity in April. Other studies also showing that ballan spawn in April, once again gives weight to our request for the closed season to be extended to include April.

Voluntary closed areas

We have previously raised concerns around fisher compliance with voluntary closed areas, which is a critical measure in protecting vulnerable habitats. We raise these again here as they appear under-reported in the 3-year review. While only 3 strings were observed to overlap with the closed part of grid cell M12, landings reports suggest between 1174 – 2334 pots were hauled in this cell. Additionally, between 216 – 524 pots were hauled in grid cell L10. While both these cells are only partially closed, these are very large numbers of pots that could be totally or partially within the closed areas, and these figures do not account for the activity of Vessel 3. Both these cells contain known seagrass beds and one observed string in M12 appeared to be right over the seagrass.

The Natural England letter accompanying the HRAs for this fishery clearly states that closed areas around seagrass beds are particularly vulnerable to damage – which makes such incursions very concerning, and potentially in breach of Habitats Regulations. Once again, we would challenge the effectiveness of the voluntary closures, particularly taking account of the unknown activity of Vessel 3. We would instead advocate mandatory closures with clear penalties associated, including revoking of permits.

We would also like to understand whether observers on board Vessel 4 observing strings overlapping the closed area, informed the fisher and reiterated that this was a closed area?

Falling populations

We welcome the proposal to prohibit the removal from the fishery of any rock cook wrasse, as data indicates a decline in the population of this species. However, we raise concerns that observer data (shown in figure 33 in the 3-year review) suggests that other species could also be experiencing declines. Figures are approximate as these are shown only in graph form and we recognise that this is based solely on observed data, with this being a small proportion of the total fishery.

- Goldsinny have reduced from a catch of over 800 in 2017-18 to a catch of just over 500 in 2019 – an approx. 38% decline.
- Ballan show a drop from approx. 150 in 2017 to approx. 80 in 2019 – an approx. 47% decline.
- Rock cook shows an approx. 77% decline.

These are direct figures from the sample of observer surveys not adjusted for effort, and so effort should not be relevant. These declines are deeply concerning.

In addition, while corkwing have increased (approx. 250 in 2017, 410 in 2018 and 420 in 2019) this appears to show a large increase in 2017-18 with a plateauing effect in 2018-19. It will be important to understand how corkwing numbers perform in future years as this flattening out of numbers may serve as an early warning of decline.

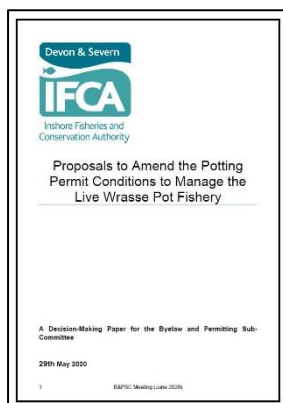
We call into question the interpretation of the data in the 3-year review. For example, the review states on page 38: *“suggesting that the landable portion of the catch has decreased but that this has not had a wider impact on goldsinny”*. The facts paint a very troubling picture: the landable portion of the catch has decreased by approx. 26%; the total observed catch of goldsinny has reduced markedly (>800 - >500 or over 37%), the impacts on the population and sustainable yields is not known; and it is premature to draw any conclusions on the ecological impacts this reduction will have.

While we recognise the considerable effort of the D&S IFCA in putting in place the potting permit byelaw conditions for this fishery and the significant resource and expenditure in monitoring the fishery and reviewing the byelaw based on the evidence gained, we continue to have grave concerns around the sustainability of the live wrasse fishery in Plymouth Sound.

Officers' Proposals to the B&PSC

Along with the formal consultation response report, officers presented a separate report to the B&PSC on 18th June 2020. The report provided an analysis of the consultation response and a series of proposals for the B&PSC to consider.

- ***Proposals to Amend the Potting Permit Conditions to Manage the Live Wrasse Pot Fishery – A Decision Making Paper for the Byelaw and Permitting Sub-Committee (29th May 2020)***



The report can be read in full [here](#) or by visiting Section B of the [Authority's Website Resource Library](#).

The following is a transcript from the report:

Introduction

This officer paper has been prepared for members of the Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA's) Byelaw and Permitting Sub-Committee (B&PSC) and for all stakeholders to examine via its publication on the D&S IFCA website.

The Formal Consultation – Amendments to the Permit Conditions to manage the Live Wrasse Pot Fishery consultation response has been set out in a separate report and provides the backdrop for the resolutions set out in this paper. The task for the B&PSC is to consider both documents prior to voting.

Overview

The proposals developed for the formal consultation were relatively simple with the main focus being a proposed change in the Potting Permit Conditions to add rock cook wrasse to an established list of species that (as set out in the Potting Permit Conditions) are prohibited for removal from a fishery within D&S IFCA's District.

The consultation response was low in terms of numbers, but significant regarding the general theme of the response. Although responses contained differing levels of detail and reasoning for the views taken, the general theme was that there is support for the proposals, but not support for the continuation of the Live Wrasse Pot Fishery.

It was clear from the response provided by Devon Wildlife Trust (DWT) that the Three-Year Comprehensive Review of the Live Wrasse in Devon and Severn IFCA's District Report had been studied in depth. The detailed response that was provided to D&S IFCA challenged different aspects of the evidence base used for decision making and the position taken by D&S IFCA to continue with the management of the Live Wrasse Pot Fishery.

Officers' Analysis

On receipt on Devon Wildlife Trust (DWT) response to the formal consultation, D&S IFCA officers have considered the points that have been raised and have set out information in this report to provide clarification on the specific points. In doing so, the officers' analysis also recognises the underlying concerns highlighted in other responses submitted during the formal consultation.

Precautionary Principle

DWT cites D&S IFCA's statement that it may "be difficult to identify unsustainable fishing practices underlying apparently stable CPUE patterns" due to a phenomena referred to as hyperstability, and DWT letter suggests that this uncertainty is indicative of a need for a moratorium on this fishery, on the basis of the Precautionary Principle. D&S IFCA refers to this hypothetical situation regarding hyperstability occurring in Plymouth Sound in recognition of the fact that there may be underlying processes which are not possible to detect or measure; such processes occur in most fisheries and management scenarios but are not in themselves immediate cause for concern. D&S IFCA's report on the Three Year Comprehensive Review states that hyperstability appears to be unlikely due to relative consistency in the areas fished between years, with the added caveat that it is possible that the 1 km grid square resolution at which fishing effort is quantified may be too coarse to detect fine scale changes that may contribute to hyperstability. The report explains that there are also other drivers which may influence wrasse abundance (and therefore catch and/or landings per unit effort). D&S IFCA recognises that whilst it will never be possible to have perfect knowledge of the dynamics underlying this or any other fishery, D&S IFCA has collaborated with a PhD student at the University of Exeter who is undertaking fine scale analyses of the wrasse fisheries along the south coast of the UK. This researcher is independently investigating a range of relevant topics, from drivers of catch and landings per unit effort, to the population genetics of wrasse and their relative ecological niches. Findings from these studies may be directly relevant to the management measures used by D&S IFCA, and its permit-based management system remains adaptive and agile enough to respond to new evidence as and when it becomes available.

D&S IFCA relies on evidence-based decision making for marine management, which is underpinned by sound evidence, monitoring and evaluation. In pursuing this approach, D&S IFCA must seek to ensure that our decisions can be justified objectively and take account of all relevant environmental, social and economic matters. In reaching decisions based on the best available evidence, D&S IFCA must take a risk-based approach that allows for uncertainty and that is in line with sustainable development policy, including consistent application of the Precautionary Principle while seeking to balance its statutory duties as set out within the Marine and Coastal Access Act 2009. . It is in this context that D&S IFCA has already introduced management measures and is proposing changes in management which are appropriate. A thorough literature review was undertaken, and the initial management measures introduced in 2017 were based on best evidence and practice from the literature. Some of these initial measures have now been amended through D&S IFCA's permit-based approach to the fishery, which allows for rapid changes to management in response to analysis of all data collected. In the past, D&S IFCA's adaptive management measures have included changes to the minimum and maximum conservation reference sizes and the closed season.

Non-Compliance

D&S IFCA is aware of the repeated non-compliance associated particularly with Vessel 3, which DWT highlights as contributing 38% of landings in 2019. Enforcement action against the offending vessel took place in 2019. The vessel owner was prosecuted on three breaches of Live Wrasse permit conditions. These offences, which included not marking his fishing gear correctly and two instances of not having tags on his pots were heard in the Magistrates' court in August and September 2019 and fines of £2,532 were issued.

D&S IFCA Officers held a meeting with fishers and the salmon supply agent in March 2020 to reiterate the importance of submitting landings forms and allowing observers on board, in addition to providing the sales notes. At this meeting, and in a follow-up letter dated 7th April 2020, D&S IFCA advised that if fishers do not provide this documentation they will be in breach of Paragraph 17 of the Potting Permit Byelaw and made all fishers aware of their obligations to provide relevant data as requested and the implications of non-compliance, which would be investigated and could result in prosecution. DWT points out that Vessel 3 did not receive observer surveys due to the small size of the vessel. In 2019 D&S IFCA developed a method of observing this vessel and its catch using our enforcement vessel. This will continue to allow observer surveys to be carried on this vessel in 2020, provided that sea state is reasonable. In addition, fishers have agreed to complete a sub-sample of the first 20 pots hauled on one day per week of fishing in order to complement the observer surveys and fishers' landings forms. These different data collection methods should increase the evidence provision of the IFCA and lead to greater compliance. However, DWT suggests alternative methods of monitoring vessels' activity and compliance, through IVMS or chest cameras. Whilst these are reasonable suggestions, they will not provide D&S IFCA accurate catch and landings data nor detail of size distributions of the different species.

Lack of Data

D&S IFCA Officers have managed a considerable monitoring effort for this fishery in the D&S IFCA's District, and have collected data which have, through robust statistical treatment, provided a more thorough understanding of the wrasse fishery in the District.

It remains a concern that Vessel 3 has a history of non-compliance regarding landings forms, and that this vessel has not been adequately monitoring via on-board surveys. It has been outlined above how this is to be addressed for 2020, and that failure to comply with the obligation to provide the requested data would be investigated and could result in prosecution.

DWT describes the discrepancies between the transport data provided to the MMO and the data provided via landings forms to D&S IFCA. D&S IFCA highlights this in the report, and the fact that there are several sources of this variability: i) the transport data provided to the MMO include those wrasse caught and landed from the Cornwall IFCA side of Plymouth Sound (these data are not included in landings forms provided to D&S IFCA), ii) the sales information from the MMO only provides data to October 2019, whereas fishers were fishing and providing landings forms until early December, iii) the landings data do not include data from Vessel 3.

The Three-Year Comprehensive Review does not include data from CIFCA's District because (i) D&S IFCA's management can apply only to the D&S IFCA's District and (ii) the data available to D&S IFCA from CIFCA's District are variable between years and may therefore provide spurious inter-annual comparisons. Therefore, whilst D&S IFCA is supportive of an

ecosystem-based approach to monitoring and management, it was determined that the Three-Year Review would be of most use to the Authority if it contained the most robust data and comparisons that were available for the D&S IFCA's District.

The coverage of observer surveys reduced in 2019 due to an issue with D&S IFCA's insurance. This meant that no onboard observer surveys could be conducted at the start of the year prior to the closed season. However, surveys commenced after the 15th July 2019 when the fishery re-opened. Two surveys a week are rostered for this specific fishery, but this is subject to officer availability, weather and vessel availability. The D&S IFCA's Environment Team that carry out the on-board observer surveys consists of two full-time and two part-time officers, who also have substantial commitments to additional survey work during the same time of year, including multiple intertidal shellfish surveys, as well as many other workstreams, which are detailed in the D&S IFCA's Annual Plan. Limited resource was recognised by the B&PSC in February 2020 and although continuation of the on-board survey program was recommended, it would be done so having regard to the resources available.

Returns Mortality and Related Effectiveness of CRS

While D&S IFCA acknowledges that the mortality of fish caught and returned to the sea is unknown, D&S IFCA states in the report that "it appears unlikely that simple catch and release would be associated with high mortality". This inference is based on the best available evidence – the transport documents indicate that, of the 18,120 wrasse supplied in 2019, 108 were dead on arrival. This indicates a survival rate of 99.4% between holding pens and their final destination in Scotland after a long road journey and is based on a sample size larger than any study of catch and release mortality of which D&S IFCA is aware. In addition, anecdotal reports suggest low mortality of fish retained in holding pens between capture and transport. Fishers in the District are aware of the potential for the process of fishing to induce barotrauma if fish are brought up from depth too quickly and undertake their pot hauling in such a way to avoid this.

DWT suggests that grid cells O15 and O16 should be closed to protect rock cook. However, it is important to note that catch composition per grid square has varied substantially over the last three years, as can be seen in Figures 25, 29 and 30 in the report. This highlights a degree of uncertainty in the relative space use of specific species, which would undermine the specification of closed areas on this basis. In addition, D&S IFCA must seek to be proportionate in the management response, and take into account all environmental, social and economic impacts. These include, for example, the landings and income of vessels 2 and 6, which focus a large proportion of their effort in, and likely achieve a high proportion of their income from, these areas. Under D&S IFCA's proposed change in management to prohibit the removal of rock cook from the fishery this will negate the need to close grid cells to protect rock cook.

Whilst the Three-Year Comprehensive Review report drafted some recommendations for future management, it is not always possible for these to be implemented. For example, it is unlikely to be possible to encourage a short period of retention of non-landable fish on-board the vessel to allow for recovery of swim bladder function in affected fish, prior to returning them to the sea. This activity would be in contravention of the current byelaw conditions which prohibit retention of fish of certain size classes or species. A contradictory code of conduct would make the byelaw conditions impossible to adequately enforce.

The Potting Permit Conditions are structured in such a way to enable effective enforcement action. The provision that requires the immediate return of prohibited species that cannot be removed from a fishery provides the required clarity for both fishers and enforcement officers. Attempts to amend permit wording to allow short term retention on board, rather than immediate return, would be challenging, if not impossible to achieve without introducing significant weaknesses to control measures. Inspections at sea and their effectiveness would be compromised if prohibited species were able to be retained on board for short but non-defined periods before controlled release. A landing prohibition cannot be applied for rock cook wrasse as vessels fish in both D&S IFCA's and Cornwall IFCA's Districts, where control measures are different. Vessels engaged in potting for live wrasse, in both Districts, can and do land their catch in Plymouth.

Reduction in Fishing Effort

The large reduction on overall fishing effort from 2017 to 2019 in the D&S IFCA's District has been caused by a combination of mechanical issues with vessels, individual's circumstances (fishers not fishing as much for personal reasons), fishers targeting CIFCA's waters within Plymouth Sound during the D&S IFCA's closed season, and remaining there once D&S IFCA's waters reopened. Fishing effort is also affected by the weather conditions within Plymouth Sound. During 2019 a prolonged period of high winds resulted in damaged pots and fishers not fishing within Plymouth Sound. These poor weather conditions also reduced the number of observer surveys that could be conducted during this time.

In addition, the closed season to protect spawning individuals was amended after the second year of the fishery. In 2017 the closed season was from 1st April to 30th June. In 2019 this was amended to 1st May to 15th July, resulting in a shorter season over the summer months, during which weather conditions tend to be more conducive to fishing. This shorter fishing season over the summer may have also contributed to the reduction in LPUE as previous studies (Darwall *et al.* 1992, Gjørseter 2002) have shown catch to be positively correlated to water temperature.

DWT also raises a concern that the number of days fished, and the number of pots hauled do not decrease in the same proportions between years. This is likely to be simply due to changing fishing patterns in terms of the number of pots fished per day between years. DWT also state that a reduction of 54% in potting effort combined with a 62% fall in landings over the same period (2017 – 2019) should be a cause for concern. However, as highlighted above, the change in potting effort refers only to D&S IFCA's District, while the overall landings data from the MMO refers to the landings from both D&S IFCA's District and CIFCA's District. Therefore, the two figures are not suitable for the comparison that are made in DWT's response. In contrast, within the Three-Year Comprehensive Review report, analysis of LPUE and CPUE over this period (2017 – 2019) for D&S IFCA's District concluded no significant change in either LPUE or CPUE over this period for the fishery as a whole. As highlighted by DWT, the figures do not include data for Vessel 3, however this will be rectified for 2020 by the return of landings data and collection of observer data (or by increasing punitive action for this vessel).

Spawning/ Closed Season

In their response, DWT questions the spawning times of corkwing. Unfortunately, D&S IFCA's Officer had not clarified in the report that the corkwing reported as spawning were showing signs of blue around the anal fin (between July and October), but showed no evidence of milt or eggs. This blue colouration is a somewhat subjective measure of this species being near to spawning season and is unlikely to be entirely reliable on its own. As reported in the Three-Year Comprehensive Review, a small number of corkwing were observed spawning in 2017 – these individuals showed evidence of milt or eggs. In 2017, approximately 80 additional individuals were showing blue colouration around the anal fin. In 2018, D&S IFCA undertook additional fishery-independent surveys during the closed season, which included collection of spawning data. This allowed collection of data during May and June, which is normally not possible. All corkwing that showed evidence of milt or eggs in 2018 did so during May and June, with the only tangential evidence of spawning outside of this time coming from blue colouration. Previous studies have also indicated that the spawning period for Corkwing is from May to mid-June (Halvorsen *et al.*, 2016, Matland 2015, Skiftesvik *et al.*, 2015).

In terms of Ballan wrasse, few have been observed to be spawning during the on-board observer surveys over the last three years. D&S IFCA is aware of some research CEFAS has been involved in looking at the spawning period of ballan wrasse in the Dorset area. Early indications from this research would suggest that ballan spawn as early as April but this is yet to be confirmed. D&S IFCA has requested a report from CEFAS on several occasions but this has not been forthcoming. Should there be evidence to suggest that a substantial proportion of ballan wrasse spawn in April in the D&S IFCA's District then amendments to the closed season will be discussed by D&S IFCA's Byelaw and Permitting Sub-Committee.

Voluntary Closed Areas

Fishers have complied well with the voluntary closed areas, with the exception in 2019. However, these fishers were informed of their non-compliance and strings were then moved accordingly. Given the general compliance of the voluntary closed areas it would undermine the fishers to make the closed areas mandatory. Having voluntary closed areas allows D&S IFCA to involve the stakeholders resulting in a valued co-management approach that is thought to improve compliance over entirely top-down imposition of management measures. Several studies (Costanza *et al.*, 1998, Rodwell *et al.*, 2014, Ostrom, 1990), suggest that this type of management of inshore fisheries management leads to a sustainable fishery and helps promote a shift in the incentive structure from defensive to proactive (Arlinghaus *et al.*, 2019).

Following DWT's letter, which pointed out strings in grid cell M12 near to seagrass, D&S IFCA's Officers have plotted these using GIS. The resultant chart can be seen in Figure 1 below, which shows that the strings (red) were not over the known distribution of the seagrass (green), as provided by Natural England:

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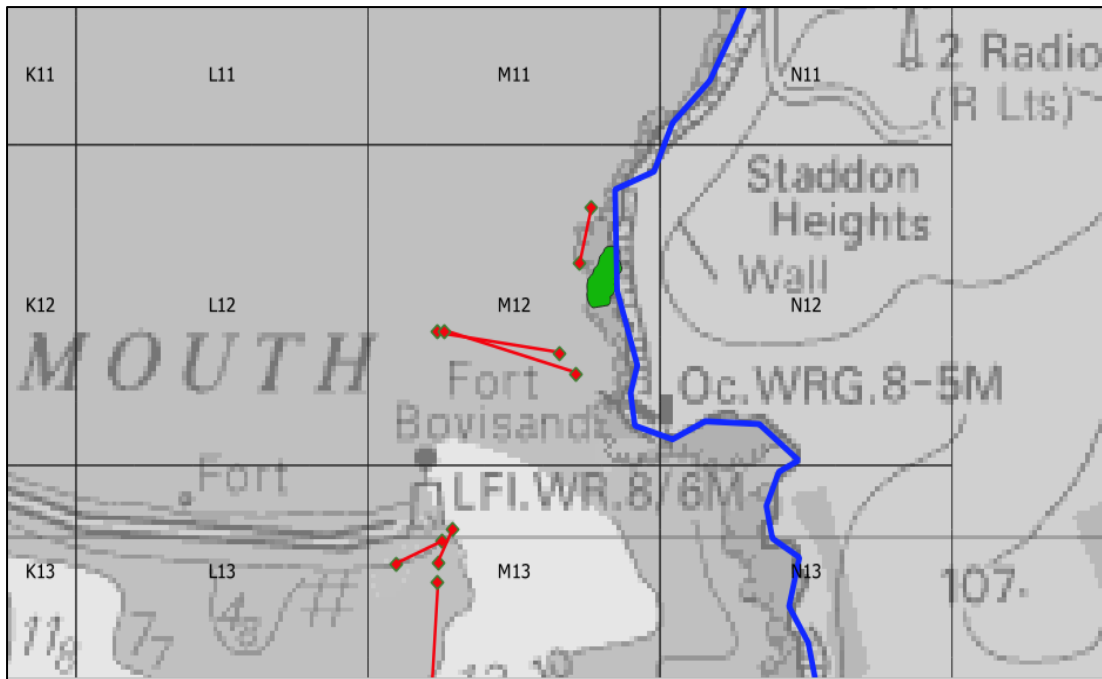


Figure 1 Fishers' stings of pots in relation to seagrass

In addition, as part of monitoring recommended by Natural England in its formal advice relating to the HRA carried out by D&S IFCA on the possible interaction of potting on seagrass, D&S IFCA has been conducting patrols to monitor this potential gear: feature interaction, and our report is available online at <https://www.devonandsevernifca.gov.uk/Resource-library/H-Environment-and-Research> under the section "European Marine Sites > Plymouth Sound and Estuaries EMS > Monitoring of Potting on Seagrass". This report is specific to the patrols undertaken and does not include the GIS locations of potting in the wrasse fishery.

Falling Populations

DWT raises concern regarding population declines. The direct comparisons that DWT quote in this section of its response (e.g. catch of > 800 goldsinny in 2017 vs > 500 in 2019) are not corrected for fishing effort. D&S IFCA acknowledges in the report that overall effort declined substantially over the 2017 – 2019 period. It is therefore inappropriate to draw the interannual comparisons that DWT has made and incorrect to state, as it does, that the "effort should not be relevant". In these analyses, it is always relevant to consider effort: it is not possible to begin to understand trends in catches and landings without acknowledging the effect that variation in effort has on these figures. The patterns DWT suggests for other species, including the "plateauing" of corkwing and a decline in ballan wrasse (and a later reference e.g. to a 37% decline in goldsinny catch), are similarly skewed by not considering effort. This is why the results that D&S IFCA presents throughout the Three Year Comprehensive Review report are based on fish caught and/ or landed *per unit effort*. Using this unbiased approach D&S IFCA has shown that, over the fishery as a whole, landings per unit effort and catch per unit effort have remained stable over the 2017–2019 period, indicating that the fishery as a whole is not overexploited and that the current management measures are an effective way to manage the fishery. While the same is largely true on a species-by-species basis, these measures have declined for rock cook. It is on this basis that D&S IFCA has suggested the prohibition on the removal of rock cook from the fishery, which DWT has indicated its support for in its response.

Habitat Regulation Assessment (HRA)

With reference to the points DWT makes regarding the HRA and Natural England's formal advice as detailed in their letter dated 21st February 2018, Natural England has stated that: 'It is our understanding that an assumption has been made within the assessment that as long as wrasse stocks are maintained within the SAC, then whatever ecological function they do perform will continue to be carried out. Doing this will ensure important attributes such as species composition of the SAC reef communities (and therefore the Conservation Objectives of the site) will be maintained. The assumption that maintaining wrasse stocks within the SAC is important, despite the current lack of evidence base that wrasse are essential to maintaining a healthy reef ecosystem, appears to be a suitably precautionary approach to take when managing this fishery.' The results of the survey work and the comprehensive review show that analysis of landings and catch per unit effort (LPUE and CPUE) over this period (2017 – 2019), as a whole for D&S IFCA's District, concluded no significant change in either LPUE or CPUE.

Where there have been concerns highlighted through the analysis of data, D&S IFCA has implemented changes to the management measures through the Potting Permit conditions, for example, changing the slot size for corkwing and the recommendation for the prohibition of the removal of rock cook from the fishery in 2020. The use of this adaptive management mechanism has been highlighted in Natural England's advice where they suggest the close monitoring of LPUE and CPUE and size distribution should inform management decisions and would be an essential part of managing the fishery to avoid adverse impact. Natural England also supports the continued annual review of the fishery using all year's data, which would give confidence that management changes should be introduced should there be any indication in the current level of exploitation not being sustainable.

D&S IFCA agrees with DWT's point that having a fully monitored fishery is essential in meeting Natural England's recommendations and D&S IFCA has implemented measures to ensure that continues. Natural England has been involved and supported the changes in management measures introduced to date, which have been highlighted through the data analysis undertaken each year and detailed in the 'Three Year Comprehensive Review of the Live Wrasse Fishery' report. DWT suggests that NE reviews the HRA, however the process for reviewing the HRA lies with D&S IFCA. Five HRAs, on the interaction of fish traps on features of the Plymouth Sound and Estuaries SAC, were completed in January 2018 and sent to NE for their formal advice. As this was over two years ago and a Comprehensive review of the fishery has taken place, with changes in management of the fishery implemented over time, it may now be an appropriate time for D&S IFCA Officers to revisit the HRAs, review them and request revised formal advice from Natural England. If the Authority decide that it is appropriate to revisit the HRAs to determine if they are still valid after the Three-Year Review, then officers can undertake this task and request advice from NE prior to reopening of the fishery.

Officers' Resolutions

Based on the consultation response and the officers' analysis of the responses, including the response from Devon Wildlife Trust, the officers' resolutions for voting have been set out below.

HRA Assessments (HRAs)

It is the view of officers that these should be reviewed and sent to Natural England for formal advice. Natural England will have 28 days to respond.

Resolution 1:

That the Habitat Regulation Assessments, relevant to the Live Wrasse Pot Fishery are reviewed by officers and submitted to Natural England for formal advice.

Changes as proposed to the Potting Permit Conditions

Updated advice from Natural England may have a bearing on the future management of the Live Wrasse Pot Fishery. The closed fishing period for live wrasse is from 1st May to 15th July (inclusive). The default position will be that the Potting Permit Conditions are amended before the start of the live wrasse fishing season, to afford additional protection to rock cook wrasse. Based on the findings of the consultation, officers also recommend that the other D&S IFCA proposals that relate to the Potting Permit Conditions are applied.

Resolution 2:

That the proposals for amendments to the Potting Permit Conditions are applied and amended permits circulated before 15th July 2020

Future management of the Live Wrasse Pot Fishery

The advice received from Natural England relating to the HRAs may have a bearing on the longer-term continuation of the Live Wrasse Pot Fishery. If required, the findings will be presented to the B&PSC as soon as possible to enable discussions and potential decision making that may result in changes to management. If future changes to management are required, that involve further amendment to the Potting Permit Conditions, this will involve drafting and at least four weeks of consultation (as part of process). Completion of this process and any subsequent decision making is not achievable for several months.

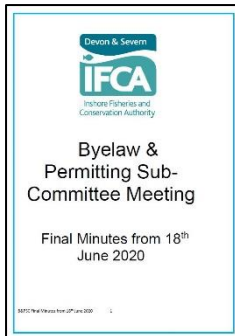
Resolution 3:

That the formal advice received from Natural England is considered by the B&PSC at the earliest opportunity.

B&PSC Decision Making 18th June 2020

After reviewing and discussing the findings of the reports, the B&PSC agreed the following:

- ***That the Habitat Regulation Assessments, relevant to the Live Wrasse Pot Fishery, are reviewed by officers and submitted to Natural England for formal advice.***
- ***That the proposals for amendments to the Potting Permit Conditions are applied and amended permits circulated before 15th July 2020.***
- ***That the formal advice received from Natural England is considered by the B&PSC at the earliest opportunity.***



The minutes from the B&PSC meeting held on 18th June 2020 can be read in full [here](#).

All B&PSC minutes (that have been approved for accuracy) can be examined by visiting [Section B of the Resource Library](#) on the Authority's website.

Extract from the B&PSC Minutes (18th June 2020)

Action Item

Agenda Item 3 Proposals to Amend the Potting Permit Conditions to Manage the Live Wrasse Pot Fishery

3.1 To consider the responses to the formal consultation summarised in the report (Potting Permit Byelaw Permit Conditions – Proposals to Amend the Potting Permit Conditions to Manage the Live Wrasse Pot Fishery – 22nd May 2020)

The Chair highlighted that the agenda item would involve examination of two separate reports that had been produced by officers. The first detailed the consultation response and the second contained the proposals that could be considered by members prior to formal voting. F&AM Pepper shared the decision-making document on the screen during the discussions that followed.

ACO Mander explained that the consultation document provided an overview of the proposals for changes to the Potting Permit Conditions and the summarised responses that had been received during the formal consultation, including a detailed response submitted by the Devon Wildlife Trust (DWT). As well as containing proposals, the second document contained officers' analysis of the response provided by DWT. The Chair thanked officers for producing both reports and asked members to comment or raise questions relating to both documents.

Cllr Hawkins raised concern regarding the continuing use of a voluntary code of conduct to limit the placement of pots in the Plymouth Sound and surrounding areas, rather than restrictions within the Potting Permit Conditions. ACO Mander commented that there is some value to retain voluntary measures with a pot storage area for fishers being one such reason why the measure had been introduced via a code of conduct. ACO Mander also informed members that although there is a continuing option to review management, the consultation and changes in management highlighted within the formal consultation had been as a result of the decisions taken by B&PSC members in February 2020. It was at this time the Live Wrasse Pot Fishery - Three-Year Comprehensive Review Report had been examined and discussed by members.

James Marsden highlighted the concerns raised by DWT in the consultation response and shared their concern regarding aspects of on-going management, in particular the absence of on-board monitoring and data collection relevant to the vessels engaged in the fishery, as documented in the Three-Year Comprehensive Review Report. As he was not present at the B&PSC meeting in February when on-going management was discussed, James Marsden commented that, in his view, there should be more consideration from the B&PSC regarding a more precautionary approach being taken, especially as it is now the view of officers that

updated advice from Natural England should be sought relating to updated Habitat Regulation Assessments (HRAs).

Deputy Chief Officer (DCO) Clark explained to members that work had begun reviewing five HRAs, in preparation to send to Natural England, but the returning advice would take at least 28-day days after the submission to Natural England. Although updated advice was not yet available, the decision-making document did highlight how many of the issues raised by DWT had been addressed by officers with counter views set out. ACO Mander commented that when the advice is received from Natural England it can be discussed by the B&PSC, but it would only represent advice, and this advice would not necessarily have to be followed.

Members including Richard White and Jim Masters asked for some clarification on what form of precautionary action could be taken in theory in the shorter term, before formal advice is received. PPO Townsend responded by explaining that the process to date had led to specific proposals to amend the Potting Permit Conditions in line with the previous decision making of the B&PSC and that the officers' proposals reflect that decision making. In the shorter term, the proposals by officers already provide a potential way forward as new protective measures for rock cook wrasse would be introduced before the fishery begins after a closed fishing period on 16th July.

Whilst members had the option to consider a more precautionary approach and further changes to the Potting Permit Conditions, this would not be achievable in practice in the shorter term. Although the permit condition mechanism offers flexibility, it is not an immediate process. A consultation process would have to be repeated with the findings presented back to the B&PSC at a future meeting for additional decision making. To delay decision making relating to the proposed immediate changes to the Potting Permit Conditions until updated formal advice was received from Natural England would be counterproductive.

Whilst appreciating the process that must be followed, Richard White asked Sangeeta McNair if she had any immediate feedback on what the advice from Natural England is likely to be.

Sangeeta McNair commented that the time needed by Natural England to respond is likely to exceed 28 days as the Covid-19 pandemic has created staff constraints for Natural England with many key staff reallocated into other Defra departments. Richard White enquired if Sangeeta McNair had any of her own thoughts on the Live Wrasse Pot Fishery prior to the formal advice being provided. Sangeeta McNair responded that although a Natural England representative had been present at many B&PSC meetings over the last three years, this had been Andrew Knights and not herself. Although she had followed more recent development, Sangeeta McNair did not feel able to comment from her own perspective until she had more time to consider all the information made available. The Chair commented that the pressures on Natural England due to Covid-19 are totally understandable and if the formal advice can be produced as quickly as possible it would be appreciated by all members of the B&PSC.

Simon Toms asked questions related to the developments of wrasse hatcheries in different parts of the UK. DCO Clark responded and explained that there was little information available that had not already been provided to the B&PSC. DCO Clark offered to source further information from the Salmon farms and report back to the B&PSC. Simon Toms thanked DCO Clark for this offer and commented that a regular update on hatchery developments would be beneficial for future discussions. This was noted as an action.

Action 1

DCO Clark	To seek additional information on the development and production levels of hatcheries and report back to the B&PSC
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Referring to the consultation response report, Simon Toms enquired if there was any more details available regarding the opinions of recreational anglers and the Angling Trust. PPO Townsend commented that the responses provided by these stakeholders were not as detailed as that provided by DWT, but a similar theme was present. It was the view of those that responded that the proposed new restrictions are welcomed, but ideally, they would go further than those being proposed.

ACO Mander commented that unless members wished to raise further comments, it would be beneficial to return to the process being followed and the immediate issues to be resolved. In summary, ACO Mander commented that four vessels are active in the fishery with the maximum level of gear directed towards the fishery being 480 pots/wrasse traps. The officers' proposals include adding a restriction for the removal of rock cook wrasse that would apply to all fishers with a valid potting permit and in addition the need to review five relevant HRA Assessments being fully recognised.

The Chair asked all members to examine the officers' proposals set out in the decision-making report and form motions for voting.

That the Habitat Regulation Assessments, relevant to the Live Wrasse Pot Fishery, are reviewed by officers and submitted to Natural England for formal advice.

<i>Proposed:</i>	<i>Jim Masters</i>	<i>Seconded: Richard White</i>
<i>In favour:</i>	<i>All (12)</i>	

That the proposals for amendments to the Potting Permit Conditions are applied and amended permits circulated before 15th July 2020.

<i>Proposed:</i>	<i>Cllr Hellyer</i>	<i>Seconded: Cllr Hawkins</i>
<i>In favour:</i>	<i>All (12)</i>	

At this point, Cllr Hawkins had to leave the meeting.

That the formal advice received from Natural England is considered by the B&PSC at the earliest opportunity.

<i>Proposed:</i>	<i>Richard White</i>	<i>Seconded: Jim Portus</i>
<i>In favour:</i>	<i>All (11)</i>	

The Chair requested that as soon as the advice from Natural England becomes available, it could be circulated to members via email, prior to the next B&PSC meeting being used to discuss the issue and prior to any officer papers being prepared for that meeting.

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Timeline of Key Events to Manage the Live Wrasse Pot Fishery

Table 1: 2014 to 2018

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 the Live Wrasse Pot Fishery
2017 (February to May)	D&S IFCA conducts consultation regarding implementing Potting Permit Conditions and voluntary measures to manage the Live Wrasse Pot Fishery.	D&S IFCA's B&PSC to consider options in their meeting on 15th May 2017.
15 th May 2017	Meeting of the B&PSC. A report was presented to the B&PSC that set out background information on the Live Wrasse Fishery, the evidence base available at that time, the findings of the consultation and proposals for management.	Decisions Taken: <ul style="list-style-type: none"> • Implementation of Fully Documented Fishery • 120 Pot limits per permit holder. • Gear marking "WRA" required. • Closed Season – 1st April to 30th June. • Introduction of Min & Max sizes as set out in proposals. • Issue of a Policy Statement. • Requirements for fishers to allow officers aboard for surveys. • Voluntary Closed Areas Introduced.
July 2017	Amended Potting Permit Conditions and voluntary measures introduced.	A Formal Review of the Live Wrasse Pot Fishery is 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. (Start of formal review of the Live Wrasse Pot Fishery)	<p>B&PSC presented with Live Wrasse Fishery Data Analysis Research Report (November 2017) by Dr Libby West & Stephanie Davies.</p> <p>Specific Proposals were formulated including proposed amendments to the Potting Permit Conditions:</p> <ul style="list-style-type: none"> • Change to closed season to be 1st May to 15th July inclusive. • Change in the slot size for Corkwing Wrasse to be 140mm to 180mm. <p>Consultation actioned to begin in January 2018.</p>

Table 2: 2018

Date	Action/Event	Comments
January 2018	Consultation period.	Potential changes to the Potting Permit Conditions highlighted.
March 2018	Collation of consultation responses.	All summarised responses documented in a supplement report for the B&PSC.
April 2018	Meeting of the B&PSC. The B&PSC were presented with a report – A summary of Response from the Focussed Consultation Items and Permit Condition Proposals (15 th March 2018)	Decision making process. Changes to the Potting Permit Conditions & voluntary measures agreed. <ul style="list-style-type: none"> • Potting Permit Conditions to be implemented to amend the closed season to be 1st May to 15th July each year. • Potting Permit Conditions to be implemented to amend the slot size for Corkwing wrasse to be 140mm to 180mm. • New guidance to be issued (voluntary closed areas). A date set for another review to begin in November 2018.
April to October	Research/Evidence collection and collation of data.	D&S IFCA Environment Officers conduct further research as part of the Fully Documented Fishery and monitor compliance of guidance and policy.
August 2018	Communication & Circulation.	New Potting Permit Conditions & Voluntary Guidance issued.
November 2018	Meeting of the B&PSC.	Members of the B&PSC begin the 2nd Formal Review by studying the assembled research data presented at the meeting in a Supplement Report and a detailed Data Analysis Report (Nov 2018) by Dr Libby West & Sarah Curtin.

Table 3: 2019

Date	Action/Event	Comments
November 2018 to February 2019	Additional evidence collated	D&S IFCA environment officers conduct further analysis of data and prepare an Addendum to the November 2018 report.
February 2019	Meeting of the B&PSC	<p>Addendum Report presented to the B&PSC. Decision making process based on information presented to members.</p> <ul style="list-style-type: none"> • B&PSC concluded that the existing management measures for the Live Wrasse Pot Fishery were to be maintained. • The B&PSC agreed that a comprehensive review of the Live Wrasse Pot Fishery will be conducted to reflect the three years of data that will have been collected and collated.

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Table 4: 2020

Date	Action/Event	Comments
February 2020	Meeting of the B&PSC	<p>Members of the B&PSC begin the Three-Year Comprehensive Review of the Live Wrasse Pot Fishery by studying the assembled research data presented at the meeting in a Report:</p> <p>(Curtin and Stewart) – Three Year Comprehensive Review of the Live Wrasse Fishery in Devon and Severn IFCA's District (Version 1.3)</p> <ul style="list-style-type: none"> • Members recognised the findings of the report and concluded that additional protection was required to protect rock cook wrasse. • A consultation was actioned on the proposed changes to the Potting Permit Conditions.
April 2020	There was a data review and re-analysis of the Three-Year Comprehensive Review of the Live Wrasse Fishery in Devon and Severn IFCA's District Report in April 2020.	<p>The revised report (Version 1.6) now represents the best available evidence for this fishery. The revised version of the report (Version 1.6) can be read in full here.</p>
June 2020	Meeting of the B&PSC. A Consultation Report and a Decision-Making Report was presented and discussed.	<p>Members of the B&PSC concluded that the Potting Permit Conditions should be amended as proposed and circulated before 16th July 2020.</p>

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Amended Potting Permit Conditions (valid 10th July 2020)

The following is a transcript from the Potting Permit Conditions with a version control (for administration) of 24th June 2020 and valid from 10th July 2020.

Devon and Severn IFCA Potting Permit Byelaw

The Permit Conditions:

Interpretations

In the following Flexible Permit Conditions:

“the Authority” means the Devon and Severn Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Devon and Severn Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2212);

“berried edible crab” means any edible crab carrying any spawn attached to the body or some other exterior part of the crab, or which is in such a condition as to show that at the time when it was taken it was carrying spawn so attached;

“berried lobster” means any lobster or spiny lobster which is carrying any spawn attached to the tail or some other exterior part of the lobster, or which is in such a condition as to show that at the time it was taken it was carrying spawn so attached;

“co-ordinate” means a co-ordinate on the World Geodetic System 1984 Datum (WGS84);
“the District” means the Devon and Severn Inshore Fisheries and Conservation Authority as defined in articles 2 and 3 of the Devon and Severn Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2212);

“fishing” includes searching for sea fisheries resources, shooting, setting, towing, hauling of a fishing gear, and taking sea fisheries resources on board;

“mutilated lobster” means a lobster or spiny lobster where any of the five flaps of the tail fan is missing or mutilated in such a manner that could hide or obliterate a V-notch;

“pot” means any folding or rigid cage device or structure with one or more openings or entrances capable of capturing any sea fisheries resources;

“V notched lobster” means a lobster or European spiny lobster with an indentation in the shape of the letter “V” or resembling the shape of a “V” made in any one or more of the five flaps on the tail fan.

Species:

“bass” means a fish of the species *Dicentrarchus labrax*;

“ballan wrasse” means a wrasse of the species *Labrus bergylta*;

“corkwing wrasse” means a wrasse of the species *Symphodus melops*

“cuckoo wrasse” means a wrasse of the species *Labrus mixtus*;

“edible crab” means a crab of the species *Cancer pagurus*;

“goldsinny wrasse” means a wrasse of the species *Ctenolabrus rupestris*;

“green crab” means a crab of the species *Carcinus maenas*;

“lobster” means a lobster of the species *Homarus gammarus*;

“rock cook wrasse” means a wrasse of the species *Centrolabrus exoletus*

“scallop” means a scallop of the species *Pecten maximus*;

“spider crab” means a crab of the species *Maja spp.*;

“spiny lobster” means a lobster of the species *Palinurus elephas*;

“velvet swimming crab” means a crab of the species *Necora puber*;

“whelk” means a whelk of the species *Buccinum undatum*;

The Permit Conditions

1 Catch Restrictions

As provided by paragraph 24(a) of the Devon and Severn IFCA Potting Permit Byelaw, the following permit conditions apply:

- 1.1 A permit holder or named representative is not authorised to fish under this Permit if the Permit Holder or Named Representative has retained on board or has in their possession any catch that does not comply with any of the catch restrictions set out in paragraphs 1.2 to 1.5.4 inclusive.
- 1.2 A permit holder or named representative is not authorised under this Permit to remove from a fishery within the District:
 - a) any ‘V’-notched or mutilated lobster;
 - b) any berried lobster or berried edible crab;
 - c) any part of an edible crab or lobster or spiny lobster which is detached from the carapace of the crab or lobster;
 - d) any edible crab or lobster or spiny lobster that has recently cast its shell;
 - e) any rock cook wrasse.
- 1.3 A permit holder or named representative is not authorised under this Permit to remove from a fishery within the District:

- a) a female edible crab less than 150mm measured across the broadest part of the carapace;
- b) a male edible crab less than 160mm measured across the broadest part of the carapace;
- c) a scallop less than 100mm measured across the broadest part of the flat shell;
- d) a whelk less than 45mm measured along the length of the shell, except when Table 1 in paragraph 4.3 applies;
- e) a lobster less than 90mm measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace;
- f) a spider crab less than 130mm measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace;
- g) a spiny lobster less than 110mm measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace;
- h) a velvet swimming crab less than 65mm measured across the broadest part of the carapace;
- i) a bass less than 42cm measured from the tip of the snout to the end of the tail fin.

1.3.1 All such species falling within the above prohibitions in paragraphs 1.2 and 1.3 must be returned immediately to the sea without further injury.

1.3.2 The measurement of the size of a marine organism will take place in accordance with the provisions set out in the Schedule that accompanies the Category One and Category Two Permit Conditions.

1.4 Additional Category One Catch Restrictions

1.4.1 A Category One permit holder using a named vessel without a shellfish fishing entitlement set out in Section 3 of the vessel's General Fishing Licence is not authorised to remove from a fishery within the District in any calendar day more than:

- a) a total of five lobsters, however comprised, from the species of lobster or spiny lobster, and
- b) a total of twenty-five crabs, however comprised, from the species of edible crab, spider crab, velvet swimming crab and green crab.

1.5 Additional Category Two Catch Restrictions

1.5.1 A Category Two permit holder or named representative is not authorised under this Permit to remove from a fishery within the District in any calendar day more than:

- a) a total of two lobsters, however comprised, from the species of lobster and spiny lobster, and
 - b) a total of three crabs, however comprised, from the species of edible crab and spider crab.
- 1.5.2 Subject to the restrictions imposed under paragraph 1.5.1 (a) & (b), a Category Two permit holder or named representative is only authorised under this Permit to remove sea fisheries resources for personal consumption.
- 1.5.3 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.
- 1.5.4 Where a Category Two permit holder fishes under multiple permits issued by the Authority the total number of crabs, lobster and bass-that can be removed from a fishery within the District in any calendar day must not exceed the limits set out in 1.5.1 (a) & (b).

2 Gear Restrictions

As provided by paragraph 24 (b) of the Devon and Severn IFCA Potting Permit Byelaw, the following permit conditions apply

- 2.1 During the period specified in section 4.1, a permit holder or named representative is not authorised under this Permit, to use for the purpose of fishing for crab, lobster or spiny lobster, within the District any pot where the entrance or entrances to the pot or internal chamber of the pot are constructed from netting and are designed to prevent shellfish exiting unless;
 - a) the pot is fitted with an escape gap or;
 - b) where a chamber is present, the chamber is fitted with an escape gap.
- 2.1.2 Any escape gap must;
 - a) be located in the exterior wall of the pot or in the case of a multiple chambered pot each individual chamber must have an unobstructed escape gap located in its exterior wall;
 - b) be of sufficient size that there may be passed through the gap a rigid, box shaped gauge, 84 millimetres wide by 46 millimetres high and 100 millimetres long; and
 - c) be fitted in such a way that the longest side of the gap is parallel to the base of the pot and is located in the lowest part of the chamber as is practically possible, other than in the bottom.
- 2.2 Within the estuaries to the landward of the coordinates set out in the attached Annex 3 of this Permit, a permit holder or named representative, is not authorised

under the Permit, to use any pot for the purposes of fishing, with an entrance at its narrowest point of 85mm or less in width unless;

- a) the entrance to the pot at its narrowest point is fitted with a ring constructed of a rigid material and;
- b) the ring is fitted across the narrowest part of the entrance to the pot and is the same width as the narrowest part of the entrance to the pot.

2.3 A permit holder or named representative is not authorised under this Permit to use any pots, for the purpose of fishing, within the District 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 Where a tag issued by the Authority has been lost, a permit holder or named representative must;

- a) must report as soon as practicable the loss of a tag and;
- b) if a lost tag is subsequently recovered it must be returned to the Authority and must not be used on any pot and;
- c) any request for a replacement tag must be in writing to the Authority

2.5 Bait

2.5.1 A permit holder or named representative is not authorised under this Permit to use any edible crab for bait within the District whilst fishing for crab, lobster and spiny lobster.

2.5.2 A permit holder or named representative is not authorised under this Permit to use any shellfish as bait within the District unless it meets the minimum sizes for shellfish set out in section 1.3 of the Flexible Permit Conditions above.

2.6 Additional Category One Gear Restrictions

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

- a) in addition to paragraph 2.3 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 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-d) 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 fin.

Additional Category Two Gear Restrictions

2.6.3 A Category Two permit holder or named representative is only authorised to haul pots within the District that are identified by tags issued to the Permit Holder by the Authority.

2.6.4 A person being a Category Two permit holder, or a named representative nominated by a Category Two permit holder is not authorised under this Permit to use for the purpose of fishing within the District more than five pots in any day within the District.

2.6.5 A Category Two permit holder is not authorised to use for the purpose of fishing within the District a pot unless the pot is fitted with a tag issued by the Authority.

2.6.6 A Category Two permit holder or named representative is not authorised under this Permit to use any container or any other device to store any crab, lobster or scallop in the sea or in an estuary within the District.

2.6.7 A Category Two permit holder or named representative is not authorised under this Permit to land any sea fisheries resources removed from a fishery within the District other than on the day of their capture.

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3 Spatial Restrictions

As provided by paragraph 24 (c) of the Devon and Severn IFCA Potting Permit Byelaw, the following permit conditions apply:

- 3.1 In the areas as defined by the coordinates set out in the attached Annex 1 of this Permit (Knoll Pins area at Lundy Island), a permit holder or named representative is not authorised under this Permit to remove any sea fish resources or use any container or any other device for the purpose of storing sea fish resources.
- 3.2 In the areas as defined by the coordinates set out in the attached Annex 2 of this Permit (Lundy, Skerries Bank and Surrounds, and Bideford to Foreland Point Marine Conservation Zones), a permit holder or named representative is not authorised to remove any spiny lobster.
- 3.3 In the estuaries to the landward of the coordinates set out in the attached Annex 3 of this Permit, a permit holder or named representative is not authorised to use any pot for the purpose of fishing, with an entrance at its narrowest point of 85mm or less in width except where paragraph 2.2 (a) and (b) applies.
- 3.4 In the areas as defined by the coordinates set out in the attached Annex 4 of this Permit (Lundy Island No Take Zone), a permit holder or named representative is not authorised to remove any sea fisheries resources.

4 Time Restrictions

As provided by paragraph 24 (d) of the Devon and Severn IFCA Potting Permit Byelaw, the following permit conditions apply:

- 4.1 A permit holder or named representative is not authorised under this Permit to use a pot within the District, for the purpose of fishing for crab, lobster and spiny lobster between 1st April and 31st December (inclusive) unless it is used in accordance with paragraph 2.1 above.
- 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 live wrasse within the District, between 1st May and 15th July (inclusive).
- 4.3 A permit holder or named representative is only authorised to remove from a fishery within the District, whelk of a size specified in Table 1 as measured along the length of the shell.

Table 1

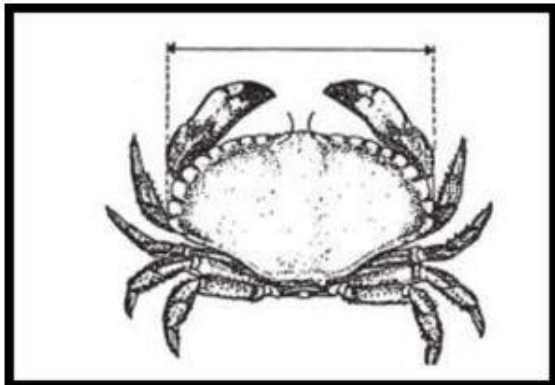
Date	Size
1st November 2018	55mm
1st November 2020	65mm

Schedule 1: Guidance on the Measurement of a Marine Organism

The following explains how shellfish and fish are measured and the size they must be in order to be removed from a fishery within the District. The schedule should be read in conjunction with the catch restrictions set out in the Potting Permit Conditions.

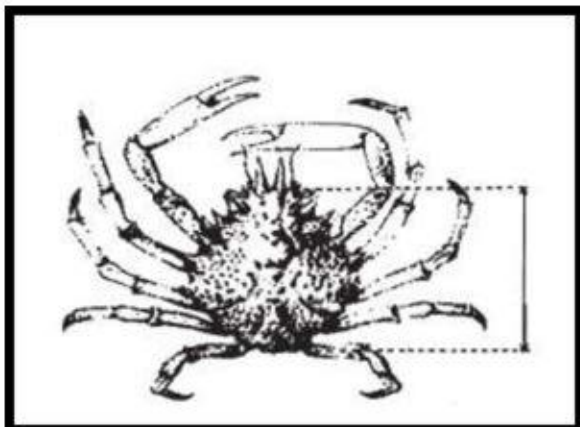
Edible Crab and Velvet Swimming Crab

1. A female edible crab is measured across the broadest part of the carapace and must be 150mm or more.
2. A male edible crab is measured across the broadest part of the carapace and must be 160mm or more.
3. A velvet swimming crab is measured across the broadest part of the carapace and must be 65mm or more.



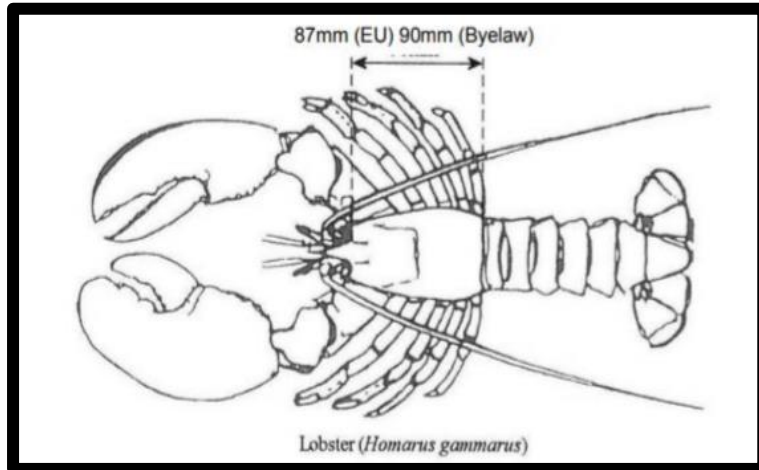
Spider Crab

4. Male and female spider crabs are measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace and must be 130mm or more.



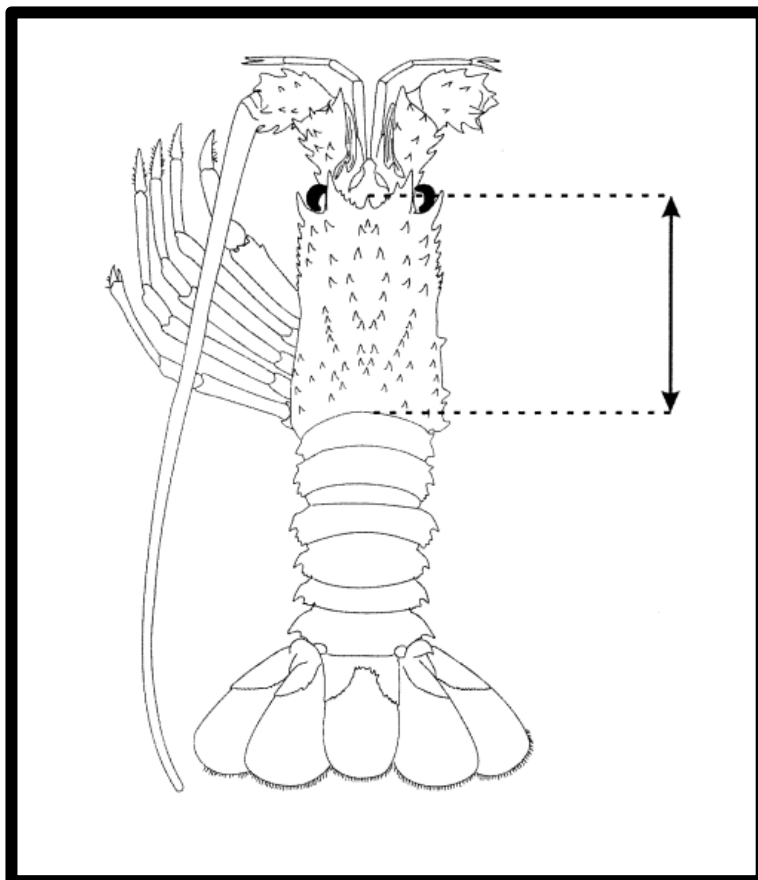
Lobster

5. A lobster is measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace and must be 90mm or more.



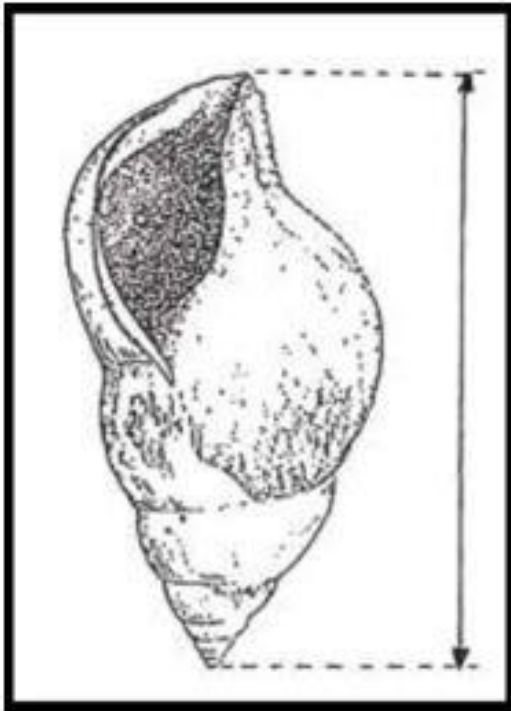
Spiny Lobster

6. A spiny lobster is measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace and must be 110mm or more.



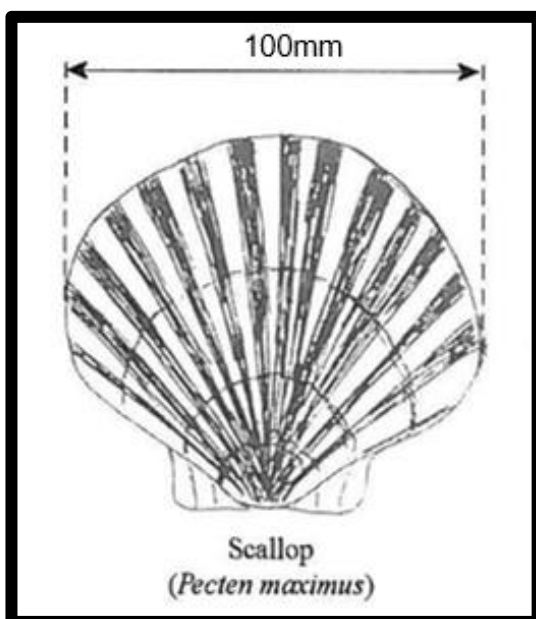
Whelk

7. A whelk is measured along the length of the shell. The size has increased from 45 mm in accordance with paragraph 4.3 (Table 1) of the Potting Permit Conditions. As from November 2020, whelk must be 65mm or more.



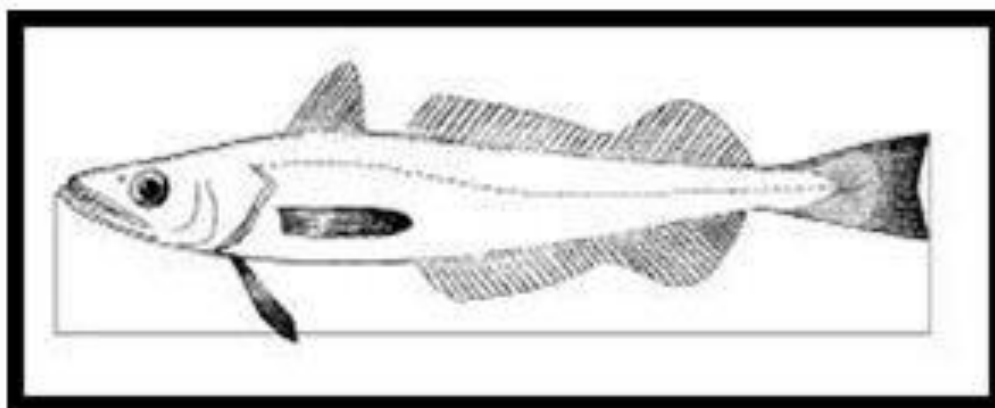
Scallop

8. A scallop is measured across the broadest part of the flat shell and must be 100mm or more.



Finfish

9. Finfish are measured from the tip of the snout to the end of the tail fin.



- Bass must be 42cm or more in length.

Please note that fishers engaged in the Live Wrasse Pot Fishery are subjected to specific permit conditions that relate to a slot size for live wrasse species.

- ballan wrasse must be between 150mm and 230mm in length.
- corkwing wrasse must be between 140mm and 180mm in length.
- cuckoo wrasse must be between 150mm and 230mm in length.
- goldsinney wrasse must be between 120mm and 230mm in length.

Revised Policy & Guidance for the Live Wrasse Pot Fishery 2020

The following is a transcript from the Policy Statement for the Live Wrasse Pot Fishery with a version control (for administration) of 24th June 2020 and valid from 10th July 2020.

Policy Statement & Potting Permit Conditions for the Live Wrasse Fishery

Potting Permit Byelaw Permit Conditions have been introduced to manage the Live Wrasse Fishery within D&S IFCA's District. D&S IFCA is tasked with managing a sustainable marine environment and inshore fisheries to ensure healthy seas, sustainable fisheries and a viable industry. In addition to the Potting Permit Conditions, voluntary measures have also been introduced to fulfil this remit.

The following management measures form part of the Potting Permit Conditions:

- A 120-pot limitation for each permit holder
- A requirement that all strings of pots used in the Live Wrasse Fishery are marked with 'WRA' and the vessel's PLN

- A requirement that each pot used in the Live Wrasse Fishery is fitted with a tag supplied by D&S IFCA
- A closed season from 1st May to 15th July for the Live Wrasse Fishery
- The removal of rock cook wrasse from a fishery is prohibited
- Minimum and maximum conservation reference sizes for four species of live wrasse:

Ballan Wrasse	150mm - 230mm
Corkwing Wrasse	140mm - 180mm
Cuckoo Wrasse	150mm - 230mm
Goldsinny Wrasse	120mm - 230mm

D&S IFCA has introduced a Fully Documented Live Wrasse Fishery and 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 Pot 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 Pot 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 are required to allow D&S IFCA officers on board their vessels to collect catch data for the fishery.

Management Review Process:

- The Authority has decided that if there is an increase in the number of vessels entering the Live Wrasse Pot Fishery this will trigger a review of the Permit Conditions for the Live Wrasse Pot Fishery and may lead to further changes to the Potting Permit Conditions, which may include a reduction in the number of pots per vessel.
- The Authority undertakes a regular review of the management of the Live Wrasse Pot Fishery. Data collected from fishermen and on-board surveys will

inform the review of the Potting Permit Conditions that are used to manage the Live Wrasse Pot Fishery.

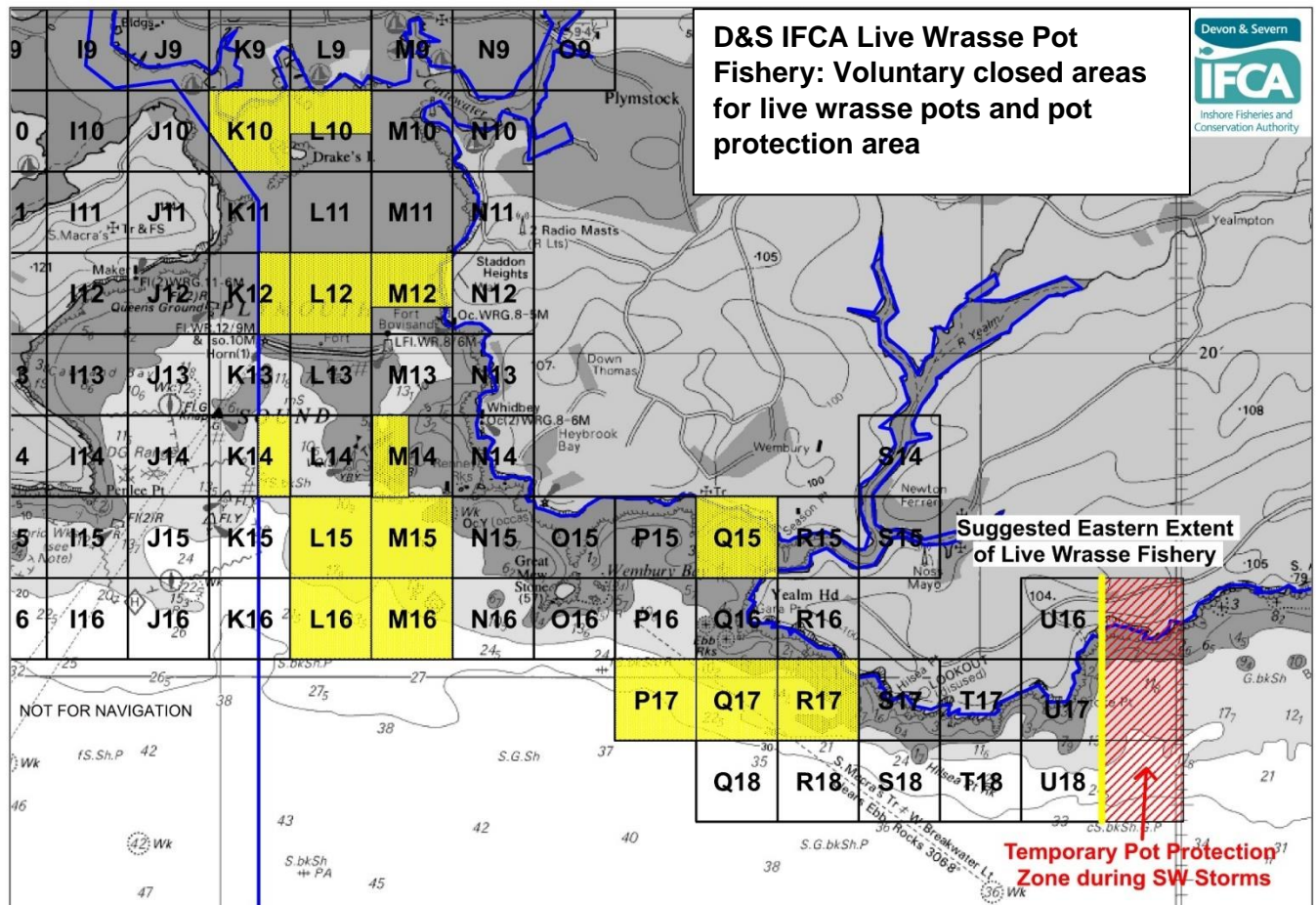
- Failure to meet all conditions set out in this policy statement may also trigger a review of the Potting Permit Conditions.
- In addition to formal management under the Potting Permit Conditions, the Authority may introduce further voluntary measures to support the management of the Live Wrasse Pot Fishery. Failure to adhere to these voluntary measures may lead to a review of the Potting Permit Conditions.

Guidance Note

Further to these regulatory conditions, D&S IFCA has developed additional guidance to support these measures and the fishery. This guidance is in the form of voluntary measures to be adopted by those fishermen participating in the Live Wrasse Pot Fishery.

1. The Live Wrasse Pot Fishery currently takes place within the Plymouth Sound and Surrounds SAC and in a small area at the western end of the Start Point to Plymouth Sound & Eddystone SCI (Bigbury Bay reef area). It is not occurring in the other multiple Marine Protected Areas in the District.
2. A series of small closed zones to the Live Wrasse Pot Fishery or 'No Wrasse Pot Zones' have been identified through discussions with the fishermen. These areas lie within the fishery area in the Plymouth Sound and associated area and include reef habitat known to be favoured by the wrasse species fished. From research in Norway such areas have been found to afford protection for wrasse species that have high site fidelity and small home ranges/territories. Figure 1 shows the areas to be closed.
3. A small area east of Stoke Point has been allocated as a zone for the fishermen to place wrasse pots, for protection against potential gear damage during south westerly storms. Fishermen should notify the IFCA when they will be placing pots in this area and when those pots are removed.
4. Mount Batten Breakwater is known to be a popular angling mark and in order to remove any conflict with anglers in this area, fishermen are requested to keep their pots 30 metres from the pier.

Figure 1: Voluntary Closed Area 2020



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Hyperlinks to Additional Information

Previous Final Byelaw Development Reports

- Management of the Live Wrasse Pot Fishery (Version 3 August 2017)
- Development and Management of the Live Wrasse Pot Fishery – Edition 2 – Final Report (July 1st, 2018)
- Development and Management of the Live Wrasse Pot Fishery 2018/19 (17th June 2019)

Wrasse Research Reports

- 2017: Live Wrasse Fishery in Devon & Severn IFCA District – Data Analysis – Research Report November 2017 (Stephanie Davies & Dr Libby West)
- 2018: Live Wrasse Fishery in Devon and Severn IFCA District – Research Report November 2018 (Sarah Curtin & Dr Libby West)
- 2019: Addendum to the “Live Wrasse Fishery in Devon and Severn IFCA 2018 Research Report” (Sarah Curtin & Dr Libby West)
- 2020: (Curtin and Stewart) - Three Year Comprehensive Review of the Live Wrasse Fishery in Devon and Severn IFCA’s District (Version 1.3)
- 2020: April 2020 (Curtin, Henly & Stewart) – Three Year Comprehensive Review of the Live Wrasse Fishery (Version 1.6)

Consultation Response Reports (2017 – 2020)

- D&S IFCA Potting Permit Byelaw – Report for the D&S IFCA Byelaw and Permitting Sub-Committee – May 2017
- A summary of Response from the Focussed Consultation Items and Permit Condition Proposals (15th March 2018)
- Potting Permit Byelaw Permit Conditions – Proposals to Amend the Potting Permit Conditions to Manage the Live Wrasse Pot Fishery – A Report on the Formal Consultation (22nd May 2020)

Other Information (Hyperlinks)

- Potting Permit Conditions (version control August 2019)
- B&PSC meeting minutes from 11th February 2020
- Formal Consultation Circular – Potting Permit Conditions & Wrasse Fishery (April 2020)
- Proposals to Amend the Potting Permit Conditions to Manage the Live Wrasse Pot Fishery – A Decision Making Paper for the Byelaw and Permitting Sub-Committee (29th May 2020)
- B&PSC Meeting minutes from 18th June 2020
- Potting Permit Conditions (version control 24th June 2020/Valid from 10th July 2020)

End of Report.