



# Byelaw & Permitting Sub- Committee Meeting

Final Minutes from 11<sup>th</sup>  
February 2020

## Version Control and Drafting

Date	Comments
19 <sup>th</sup> February 2020	1 <sup>st</sup> Draft of minutes completed for circulation to officer's present at the meeting for potential internal amendment and or additions.
24 <sup>th</sup> February	Amendments highlighted by ACO applied
25 <sup>th</sup> February	Final edit & draft minutes circulated to members
22 <sup>nd</sup> June 2020	Minutes finalised with minor amendments applied to pages 6, 11 & 14 to reflect the comments of members at the meeting held on 18 <sup>th</sup> June 2020.

## Key Contents:

The 3-Year Comprehensive Review of the Live Wrasse Pot Fishery	Pages 3 to 8
Progression of the Review of the Mobile Fishing Permit Byelaw	Pages 8 to 14

Minutes of the Byelaw and Permitting Sub Committee Meeting  
Held on 11<sup>th</sup> February 2020 at Larkbeare House, Exeter

Present:

Professor Mike Williams (Chair)		
Jim Portus	Rachel Irish	David Morgan
Dave Saunders	Jim Masters	David Cuthbert
Sangeeta McNair	Stephen Gledhill	Felicity Sylvester
Jon Dornom		

Present (officers): ACO Mander, DCO Clark, PPO Townsend, SEO Stewart, EO Curtin

Apologies: Cllr Hawkins, Cllr Hellyer, Simon Toms, Richard White, James Marsden

### Introduction, announcements and apologies

The Chair welcomed members to the meeting and thanked them for their attendance. It was noted that Jim Masters and Felicity Sylvester were attending their first Byelaw and Permitting Sub-Committee (B&PSC) meeting. Senior Environment Officer James Stewart and Environment Officer Sarah Curtin, who would be presenting at the meeting, were welcomed by members.

### Agenda Item 1 To consider and approve minutes of the Byelaw and Permitting Sub-Committee meeting held on 23<sup>rd</sup> January 2020. (Circulated by email)

The Chair invited those who were present at the last meeting to raise any issues associated with the accuracy of the draft minutes. The minutes were examined page by page. Rachel Irish highlighted a paragraph on page 4 relating to Teignmouth Harbour Works and Marine Licencing. Rather than being the “lead” on conducting research as stated in the draft minutes, Rachel Irish commented that she would be trying to gain some clarification on the current national situation. A missing word on page 8 was noted. It was noted that those not present at the previous meeting would abstain from the vote that followed.

*That the minutes (as amended) provide a true and accurate record.*

**Proposed:** Stephen Gledhill **Seconded:** Rachel Irish

**In favour:** 8

**Abstain:** 3

### Agenda Item 2 Business Arising

There was no business arising from the minutes

### 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***

<b>Proposed:</b>	<b>Rachel Irish</b>	<b>Seconded: Sangeeta McNair</b>
<b>In favour:</b>	<b>10</b>	
<b>Against</b>	<b>0</b>	
<b>Abstain:</b>	<b>1</b>	

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***

<b>Proposed:</b>	<b>Jon Dornom</b>	<b>Seconded: Dave Saunders</b>
<b>In favour:</b>	<b>3</b>	
<b>Against</b>	<b>8</b>	

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.***

<b>Proposed:</b>	<b>Jim Portus</b>	<b>Seconded: David Cuthbert</b>
<b>In favour:</b>	<b>9</b>	
<b>Against</b>	<b>2</b>	

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.***

<b>Proposed:</b>	<b>Jim Portus</b>	<b>Seconded: David Cuthbert</b>
<b>In favour:</b>	<b>8</b>	
<b>Abstain</b>	<b>3</b>	

#### 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.

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Lunch Break

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#### **Agenda Item 4      Mobile Fishing Byelaw**

Before addressing the agenda items the Chair informed members that Jon Dornom had brought with him a sand eel trawl so non-fishing members could get a greater understanding of its typical size and light weight construction. Jon Dornom explained the different parts of the trawl and gave a detailed explanation of how his trawl would be typically towed for 15-minute periods with the footrope on the seabed and the headline roughly 4ft above the footrope. Members were made aware of how vulnerable the lightweight trawl would be to damage if it were towed with too much force or on a surface other than smooth sand. The members thanked Jon Dornom for the detailed presentation.

##### **4.1      To consider the information presented in the Sand Eel Trawling – *Discussion & Decision-Making Report (29<sup>th</sup> January 2020)*.**

The Chair thanked officers for producing the report and asked members if they had any questions. Some clarity was required regarding the landing obligation, its relationship to the activity of sand eel trawling and the consultation proposal that only sand eel could be retained. Rachel Irish informed members that the landing obligation applies to specific species which, subject to specified gear in certain sea areas, must be landed if caught. Jon Dornom added that the trawl would typically be towed at a slow speed of less than 2 knots, and although most fish would not be caught in the trawl, there is always the possibility that some could and in his experience he had caught small bycatches of species such as dabs and plaice. The Chair commented that the wording in any eventual permit condition would be examined by the Byelaw Technical Working Group (BTWG) and the landing obligation and potential implications for fishers will be a factor. Rachel Irish offered her support and said that she will discuss the potential implications of the landing obligation and the potential of exemptions to the landing obligation with her colleagues in the MMO and report to the BTWG.

##### **4.2      To consider permit conditions for use in Category 3 and Category 4 Sand Eel Permit Conditions that relate to the following:**

- a) [Catch Restrictions as set out in pages 7 to 9.](#)
- b) [Gear Restrictions as set out on pages 10 to 13](#)
- c) [Spatial Restrictions as set out on pages 13 and 14](#)
- d) [Time Restrictions as set out on pages 14 and 15](#)



### Catch Restrictions

Members examined the relevant pages of the report. Regarding the first consultation proposal (**Only sand eels to be retained**) members were satisfied that the matter had already been resolved and that the BTWG would investigate the use of appropriate wording for a permit condition. The remaining consultation proposals, responses and other information relating to catch restrictions were examined and discussed in turn, beginning with proposal b.

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### **Proposal (b): A recreational fisher with a Category 4 permit can catch up to 25kg of sand eel per calendar day.**

Jon Dornom commented that he was sympathetic to responses such as that offered by the South Devon (AONB) Partnership regarding a balance between setting a daily bag limit verses a potential increased frequency of fishing activity due to a daily limitation. In his experience recreational fishers will be more inclined to fish when they require sand eels for their own angling activity and will store any excess for a separate occasion. It was highlighted that a recreational fisher if faced with a large catch will have difficulty handling the weight of a trawl when hand hauling and in the view of Jon Dornom, the fisher would be likely to return high levels of catch not needed for use in the short term or for additional storage. That said, it was also not unreasonable to set a catch of 15kg to 20kg per day which is still a reasonable quantity of sand eels which would be per permit holder and not per vessel.

David Cuthbert commented that in his commercial fishing experience approximately eight scoops of sand eel could be enough for a day's fishing with 400 hooks. Jon Dornom estimated that there could be somewhere between 100 to 200 sand eels in a catch of 10 to 20kg.

Jim Masters, attending his first B&PSC meeting, inquired about the known levels of effort in the District by those conducting recreational sand eel trawling. ACO Mander commented that it is thought to be relatively low but introducing a permit mechanism (with details needing to be provided to gain a permit) enables D&S IFCA to know who is conducting the fishing activity and to learn more about the locations it is conducted and the frequency of the activity.

Sangeeta McNair and other members recognised that the consultation responses could be used to assist in their decision and asked PPO Townsend for some more information regarding the interests of those that responded, and the levels of detail provided in the responses. PPO Townsend explained that the responses had been categorised into groups (sectors of interest) from the information provided, but the background knowledge of all those that did participate was impossible to ascertain. The information presented to members is summarised information and represented the best attempt of officers to extract the key information.

Sangeeta McNair highlighted that three of the responses had suggested a 10kg bag limit per day, and in her view a 10kg to 15kg per day demonstrated a balanced between the mixed consultation responses. Sangeeta McNair added that whatever level is set for a bag limit, an important factor not to be overlooked is that the permit condition management approach introduces flexibility and bag limits set initially at a specific level could be changed in the future if required via the review process.

It was the view of Sangeeta McNair that further information on this keystone species may better inform decision making in the future. A proposal was formulated for a vote as follows:

***That a recreational fisher with a Category 4 Sand Eel Permit may retain up to 15kg of sand eel per calendar day.***

<b>Proposed:</b>	<b>John Dornom</b>	<b>Seconded: Dave Saunders</b>
<b>In favour:</b>	<b>All</b>	

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**Proposal (c): A recreational fisher with a Category 4 permit will not be able to sell their catch.**

DCO Clark highlighted that page 8 of the report contained a typing error and should have stated Category Four and not Category Three.

Members were all agreed that recreational fishers should not be able to sell their catch as their needs are different to commercial fishers. The Chair informed members that although a form of words had been suggested in the consultation and in the officer paper, it was his view that the meeting needn't be used to conduct legal drafting work. Members recognised that the B&PSC had created a subgroup called the Byelaw Technical Working Group (BTWG) to conduct this type of work on their behalf and formulated the following proposal:

***That a provision which reflects the principle to prohibit the sale by a recreational fisher with a Category 4 Sand Eel Permit is drafted by the Byelaw Technical Working Group (BTWG).***

<b>Proposed:</b>	<b>Sangeeta McNair</b>	<b>Seconded: Stephen Gledhill</b>
<b>In favour:</b>	<b>10</b>	
<b>Abstain</b>	<b>1</b>	

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**Proposal (d): A commercial fisher with a Category 3 Permit will have no limit on the amount of sand eel that they can catch.**

ACO Mander introduced this discussion and added detail to the officer comments set out in the report. It was explained that D&S IFCA does not generally restrict the total catches of commercial fishers with the use of permit conditions and this form of fisheries management is regulated by the Marine Management Organisation. Members including Jon Dornom, David Morgan and David Cuthbert agreed that the needs of commercial fishers are different to recreational fishers and they can be subjected to quotas or catch restrictions (managed by the MMO) if there is a national requirement based on evidence.

David Cuthbert commented that there are well documented concerns regarding the sand eel stocks in the North Sea, but to his knowledge these are the Greater sand eel species used for fish meal and not the Lesser sand eel species which are more commonly targeted in the D&S IFCA District.

Felicity Sylvester commented that she had attended a recent fisheries conference and there are national concerns regarding sand eel populations. More information and research may assist future decision, and, in her view, the approach being taken to introduce permits for sand eel trawling will help to collect additional information about the activity within the District. Jim Portus and David Morgan highlighted that the formation of the commercial permit conditions segregated into catch, gear, spatial and time restrictions can all be utilised when and if there is a need to do so to manage the activity on a local basis and a proposal was put to a vote.

***That a catch limit is not set for commercial fishers with a Category 3 sand eel Permit.***

<b>Proposed:</b>	<b>David Morgan</b>	<b>Seconded: David Cuthbert</b>
<b>In favour:</b>	<b>All</b>	

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### Gear Restrictions

Members examined pages 10 to 13 of the report that related to gear restrictions.

#### **Proposal (e):**

##### **A sand eel trawl used by recreational and commercial fishers can have a maximum mesh size (cod end) of 16mm**

Members agreed that the rationale for this provision was well explained in the report and as it was based on EU Regulation (2019/1241) it was not something that needed any further discussion. A proposal was formulated to demonstrate support for the proposal.

***That a maximum trawl mesh size (cod end) of 16mm will apply in a Category 3 and Category 4 sand eel permit***

**Proposed:**                      **Jon Dornom**                      **Seconded: Dave Saunders**  
**In favour:**                      **All**

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#### **Proposal (f): There will be no limit of the overall dimensions of the trawl gear.**

Referring to his presentation earlier, Jon Dornom pointed out the gear being used is lightweight and suited to relatively small fishing vessels. Jon Dornom agreed with the points raised in the consultation about potentially balancing a potential overall trawl size dimension with other factors such as vessel size or in his view engine power. PPO Townsend explained that a proposed trawl size had not been suggested within the consultation, but responses demonstrated some support for this approach. Decision making by members regarding setting a size limit without further consultation was recommended, but careful consideration would be needed as there could be an unintended impact on vessels below seven metres in length already conducting the activity. Based on the responses received it was known that one commercial fisher uses a trawl that is about 6 fathoms (approximately 12 metres) in length.

David Morgan informed members that he had been able to find additional information relating to other commercial fishers from the Teignmouth area. Although the method being used is not a trawl as it would normally be defined, as it is more like a modified seine/ring net with no trawl doors, the net length was estimated to be about 50 metres long. David Morgan further explained how the two vessels under seven metres in length work in tandem to shoot the trawl and then come together to hand haul the trawl from a single vessel. Members thanked David Morgan for his research.

Regarding balancing a vessel size and trawl length restriction, PPO Townsend explained how it may be possible to impose a trawl length size for vessels between 7 metres and 10 metres in length, but not restrict vessels below 7 metres in the same way. A maximum vessel length of up to 10 metres could potentially be introduced which would harmonise with the maximum permitted within Category Two Mobile Fishing Permit Conditions. This approach would not impact on the Teignmouth fishers but could involve difficulties to legally draft. ACO Mander added that complications exist with sand eel trawling, in that the activity can cross estuary boundary limits imposed for the separate Netting Permit Byelaw which, via permit conditions, has introduced a 20-metre net length restriction for sand eel seine nets. Additional information about how a sand eel seine net is used within an estuary was then provided to members by Jon Dornom. Members spent time discussing some potentially different proposal options and it was decided that two separate proposals should be subjected to a vote as follows:

***That a maximum size of vessel that can qualify for a Category 3 and Category 4 sand eel permit shall be 10 metres in overall length***

**Proposed:**                      **Jim Portus**                      **Seconded: Jon Dornom**  
**In favour:**                      **All**

***That officers produce a report to further explain what form the permit conditions will take to separate trawl length restrictions for different size vessels below 10 metres in overall length using the gear.***

***Proposed: Jim Portus                      Seconded: Sangeeta McNair***  
***In favour: All***

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**Proposal (g):** Recreational fishers will not be able to use any mechanical assistance, and must hand haul the sand eel trawl.

Members were content that the rationale for this proposal had been clearly set out and considering the consultation response were confident that it should stand as a permit condition. Jim Portus proposed the following:

***That a provision in a Category 4 sand eel permit be developed to prohibit the use of mechanical assistance and to authorise hand hauling only.***

***Proposed: Jim Portus                      Seconded: John Dornom***  
***In favour: All***

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**Proposal (h):** A sand eel trawl used by a recreational fisher can only be towed by a single vessel.

Members acknowledged the consultation response and formulated the following proposal:

***That a provision in a Category 4 sand eel permit be developed to prohibit the use of pair trawling.***

***Proposed: Jim Portus                      Seconded: Sangeeta McNair***  
***In favour: All***

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#### Spatial Restrictions

Members examined pages 13 and 14 of the report that related to spatial restrictions.

**Consultation Proposal (i):** Commercial and recreational fishers will not be authorised to conduct sand eel trawling in areas that contain seagrass.

Members examined the responses and acknowledged the supportive nature of most of them for this proposal. All the members could see no reason why the protection of seagrass should not be the minimum of spatial restriction.

Jon Dornom explained that the gear being used for sand eel trawling is lightweight and any interaction with rougher ground would damage the equipment at expense to the fisher and it would not be in the interests of fishers to tow a relatively small net on any surface other than smooth sand.

DCO Clark informed members that known seagrass beds can be mapped and set out in the Annexes that would accompany the sand eel permit conditions for both commercial and recreational fishers. The Annexes would demonstrate where the activity would be prohibited, in the same way that the Category 1 (At Sea) permit conditions are used to protect features from trawling or scallop dredging activity.

Sangeeta McNair commented that if future evidence demonstrates that other features other than seagrass require protection from interaction with permitted sand eel trawls, the spatial restrictions could be amended if required. A proposal was formulated as follows:

***That commercial and recreational fishers will not be authorised to conduct sand eel trawling in areas that contain seagrass.***

**Proposed:** Jon Dornom    **Seconded:** Jim Masters  
**In favour:** All

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#### Time Restrictions

Members examined pages 14 and 15 of the report that related to time restrictions.

#### **Consultation Question (j): Do you have any suggestions for suitable time restrictions?**

Members recognised that in the view of members, no time restrictions had been considered necessary and that this was an open invitation for suggestions by stakeholders and an opportunity for members to reconsider appropriate time restrictions. Jon Dornom explained that fishers ideally should have the opportunity to conduct the method all year round but could see some merit for a closure in February and March to coincide with bass restrictions. Rachel Irish commented that as the bass restrictions can change each year this may present future difficulties harmonising the restrictions in the permit, which although flexible, does require a review process that can take some time to allow change.

Regarding shorter term time restrictions, Jon Dornom was in favour of a daylight only fishing restriction which in his view may help to avoid by-catches of dover sole and, although not the remit of D&S IFCA, could promote safety by avoiding recreational fishers with less experience working in darkness.

Sangeeta McNair recognised the responses from environmental organisations calling for a closed season for spawning/hatching and commented that the establishment of a time restriction category in a permit will allow for appropriate time restrictions to be introduced if evidence suggests that it would, on balance, be beneficial. Felicity Sylvester suggested that the activity is likely to be low scale so excessive time restrictions would be overly precautionary and, in her view, small vessels are already hampered with natural restrictions such as tide and weather.

After some consideration the following proposal was put to the vote:

***That commercial and recreational fishers will be authorised to conduct sand eel trawling in daylight hours only.***

**Proposed:** Sangeeta McNair    **Seconded:** Dave Saunders  
**In favour:** 10  
**Abstain:** 1

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#### **4.3 To highlight any discussion topics related to other information as presented in the Sand Eel Trawling – Discussion & Decision-Making Report.**

The Chair asked for any discussion points to be raised, but with none forthcoming moved on to agenda item 4.4.

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#### **4.4 To consider information presented in the 'Torrey MCZ Seagrass Beds and Possible Changes to Access for Demersal Mobile Fishing Vessels' Report**

DCO Clark introduced the report and highlighted the background information relating to D&S IFCA's current management that protect beds of sea grass in the Torbay MCZ. It was explained to members that survey B&PSC Final Minutes from 11<sup>th</sup> February 2020

work has identified that the seagrass beds at Torre Abbey has extended beyond the boundary lines within the Annexes (charts) that accompany the Category 1 (at sea) Mobile Fishing Permit Conditions. DCO Clark explained that the report identifies the location of the seagrass beds and different options are provided so members could consider proposed changes to the permit annexes to fully protect them. As members studied the report it was highlighted that the last two charts that related to the two options should have been figure 4 and 5 and not 2 and 3.

Members acknowledged the well documented reasons to protect seagrass beds and the importance of the feature. In 2014 restricted access areas were introduced in Torbay to prohibit demersal towed gear from interacting with sensitive reef habitat and in doing so afforded some protection to seagrass beds. Further changes to the Category One Mobile Fishing Permit Conditions were introduced in 2017 to protect the sub-tidal mud feature and all known seagrass beds within the Torbay MCZ.

Members acknowledged from reading the officers' report that it was necessary to review access to demersal mobile fishing to protect the identified extension of the seagrass beds. Members also considered whether it was appropriate to take additional measures to support the recovery of or the establishment of further seagrass in the area identified on figure 5.

***That the areas of seagrass set out in figure 4 (as amended) should as a minimum be protected by amendments to category 1 Mobile Fishing Permit Conditions***

**Proposed:** Jon Dornom **Seconded:** Dave Saunders  
**In favour:** All

Members were agreed that considering the potential for further expansion of the seagrass beds within a relatively small area that would be difficult for fishers to operate within, a more precautionary position should be taken that coincided with option two as set out in the report.

***That the areas of seagrass set out in figure 5 (as amended) should be protected by amendments to category 1 Mobile Fishing Permit Conditions as mapped within the report.***

**Proposed:** Jim Masters **Seconded:** Dave Saunders  
**In favour:** 9  
**Abstain:** 2

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**Agenda Item 5 Verbal update on the status of the Exemptions Byelaw 2019**

ACO Mander explained that he expected to be in a better position to provide a more thorough update at the next Full Authority Meeting.

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**Agenda Item 6 Any Other Business**

There was no any other business.

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**Agenda Item 7 Date of next meeting:**

Set for Thursday 14<sup>th</sup> May 2020 (*subsequently held on 18<sup>th</sup> June 2020*)

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**End.**