

Managing Hand Working Fishing Activity

Planning Document



For Members of the Byelaw & Permitting Sub-Committee

26th March 2018

1st Edition

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Version Control

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1. Background and Overview

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

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

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

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

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

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

What is Hand Working?

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

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

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

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

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

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

The Proposed Plan

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

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

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

Initial considerations will include:

- ***Members to consider the implementation of this plan***
- ***Members to discuss and review the guiding principles for this review of management***
- ***Members to consider the multiple Hand Working fishing methods identified by officers and the division applied to create smaller sub-groups***
- ***Members to consider the communications plan specific to Hand Working***

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

The foundation phase will be a prolonged period, but it will be conducted prior to the “options for management” phase where a choice will be made how to manage the many different activities being reviewed. The “options for management” phase of the process will be where members choose between options that as well as possibly creating a new byelaw, (or permit based byelaw) also include the potential of doing nothing, the use of voluntary measures or a mixture of these.

Activity based approach

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

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

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

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

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

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

- **The first group of methods are defined as “Hand Gathering”.**


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2. The Timeline for the Foundation Phase

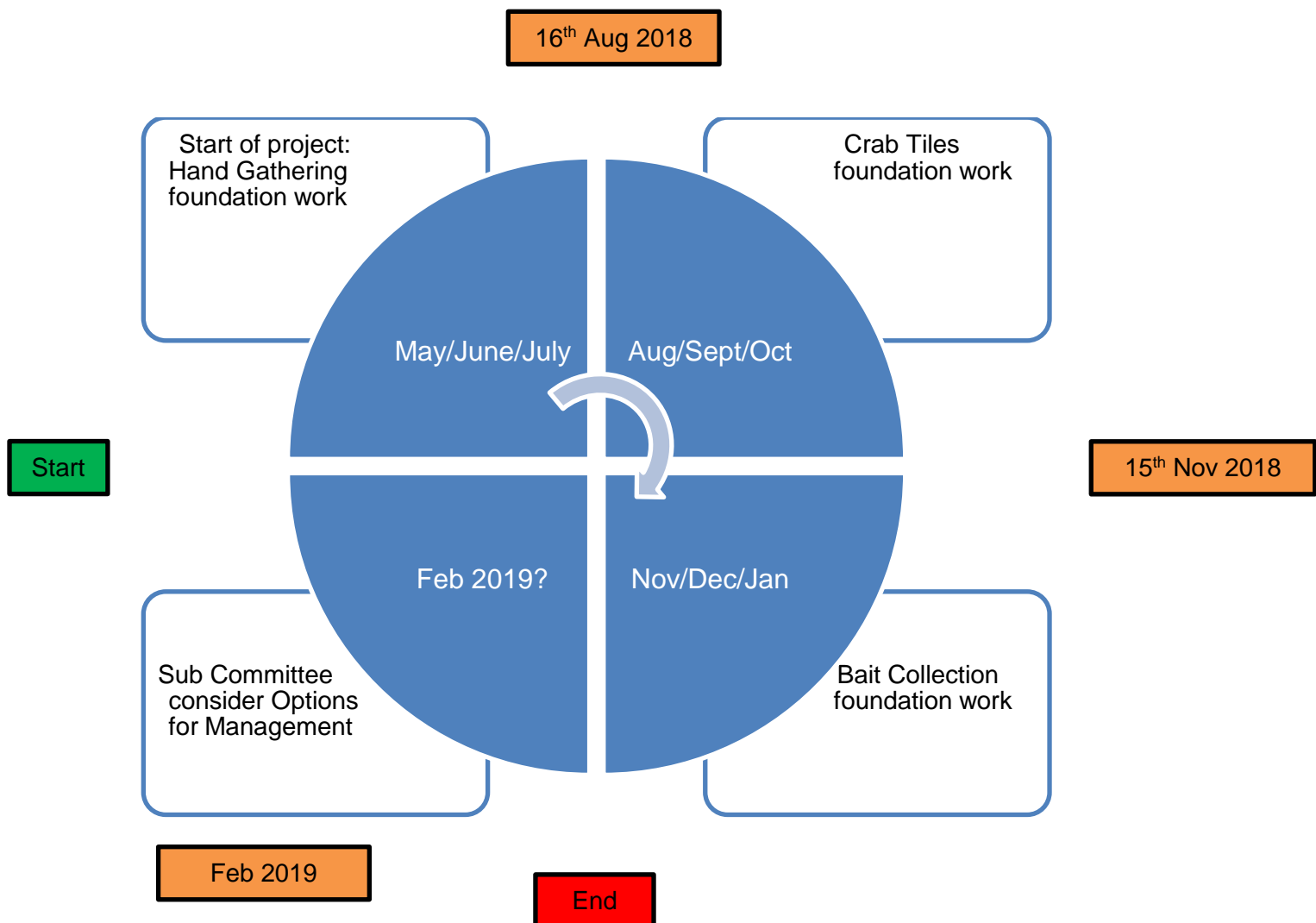
A clearer timeline can be established when work is underway. At each Sub-Committee meeting the compiled information relating to each sub-group of fishing activities can be discussed and considered. The conclusions at each stage will be documented in preparation for the future options for management decisions.

Key

 Sub-Committee Meetings

 Start of foundation phase

 End of foundation phase for all hand working methods



3. Building the Foundation Information

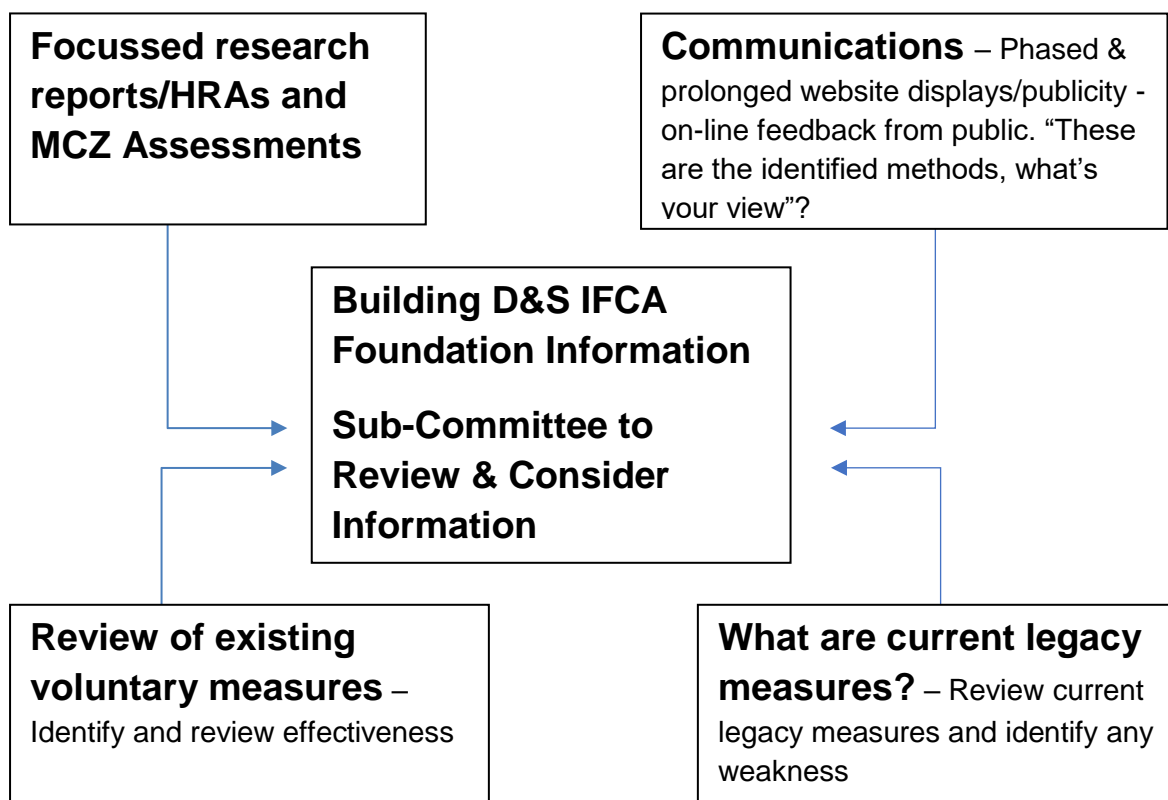
The strategy (as currently set out) is intended to help members evaluate information and apply proportionate decision making at the appropriate times. There is a risk that too much information presented at any one time can present difficulties. In any eventuality a suitable level of foundation information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

Foundation information includes completing and reviewing environmental assessments, documenting current levels of hand working activity and generally strengthening the evidence base. Different phases of work will be required and incorporating D&S IFCA's communication strategy throughout this project will be a key element.

- ***There is a large range of fishing methods under the umbrella term “Hand Working”.***

To conduct this review, it is proposed that the full range of hand working activities are divided into key sub-groups as set out in part 4. When the sub-groups of hand working fishing methods are defined, focus can be applied to build the foundation information as set out below:

(Sub-groups) HAND WORKING METHODS



4. The Guiding Principles

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

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

Generic principles:

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

And if a byelaw is eventually considered appropriate:

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

5. Defining Sub-Groups of Hand Working Methods

Officers have already identified a wide range of hand working fishing activities, and multiple HRA and MCZ assessments (that will influence decision making) are either completed, being completed or are being reviewed and re-done.

Having evaluated the current status of the multiple HRA or MCZ assessments, and the scheduling of work already planned by D&S IFCA Environmental staff, the following methods have been identified to ideally become the first sub-group of methods to be evaluated via the initial foundation phase process. These fishing methods are classed as “**Hand Gathering**”.

Bait pumping

Bait pumps are mainly used for black lugworms (*Arenicola defodiens*). At the low water mark on spring tides the pump is placed over the newly produced lugworm cast, then suction used to withdraw a thin column of sand, including the lugworm, to the surface



Hand gathering for mussels, cockles and winkles

At low water mussels, cockles and winkles are collected by hand and taken home for consumption or used as bait.



Raking for cockles and clams

Garden rakes are used on the intertidal to collect cockles and clams which are just under the surface of the sediment. Once raked up to the surface they are collected by hand.



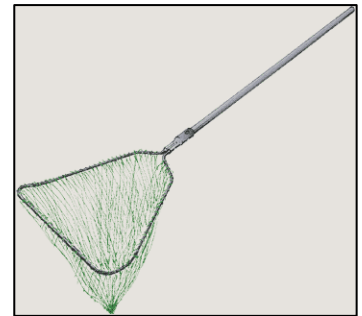
Hooking for crab and lobsters

This is carried out at low water on spring tides. A long stick, such as bamboo or old fishing rod, will have a hook attached to one end which is poked under rocks and in holes in the shallows. The crab or lobster grabs hold of this hook and they are pulled out and collected.



Prawning with hand net

This is carried out at low water on spring tides usually during the summer months. A small hand net is used in gullies and rock pools to collect prawns and shrimp from under the seaweed.



Salting for razor shells

Salting for razor clams, which involves pouring table salt down the burrows and when the razor clams come to the surface, they are collected.



Spear fishing

Spear fishing is carried out by snorkelers or divers, using either a spear gun or a spear to shoot and capture various sea fish while underwater.



Seaweed harvesting

Seaweed is collected by hand from the intertidal zone of the shore for consumption.



6. Communications Plan Specific to Hand Working

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

Pre-foundation Stage

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

Publications and transparency

- *Intentions to be documented in the revised D&S IFCA 2018/19 Annual Plan*
- *“Easy to follow” guide/information created to explain process and what it’s all about?*
- *Overarching reference report developed and published throughout process*
- *Report supplements created for members to follow developments*
- *Environmental assessments and/or summaries used as evidence posted in website library*
- *Signage/posters/flyers developed for potential display/circulation?*

Website

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

Facebook

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

Twitter

- *Regular tweets and mixture of photographs used*

E Newsletters Press Release

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

Other

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

Completion of Foundation Stage

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

End of planning report