Review of Netting Permit Conditions

Formal Public Consultation Proposals

Amendments to Commercial Permit Conditions

Amendments to Recreational Permit Conditions

A Stakeholder Details

Seal Research Trust (SRT)

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Founder and Director

B Marine Conservation Charity specializing in seals

C We learned of this consultation via Devon and Severn IFCA Website

Topic 1: The Opening of a fixed net fishery in the Salcombe Estuary

SRT OBJECT to this proposal.

1. The Salcombe Estuary is a vital habitat for marine and coastal wildlife and a Juvenile Bass Nursery Area. Grey seals have been recorded in the estuary (see data below).
2. We have no financial interests arising as a result of this proposal, however society relies on ecosystems for our very existence from the air we breathe, to the water we drink, the food we eat, our health and social wellbeing and a healthy, vibrant and diversified economy. Without nature, humans cannot survive. There are 7 years left to limit the impacts of irreversible climate change. Nature Recovery Strategies are essential to ensure our species survival. This proposal conflicts with these essential nature recovery ambitions, without which future generations will not have the chance of a good life on a liveable planet.
3. A small number of commercial fisheries stand to gain financially in the short term from this proposal, but ultimately all will stand to lose out financially in the medium and long term, along with wider fishing communities beyond the estuary. The overall environmental, social and economic cost benefit analysis of this proposal will surely show the costs hugely outweigh the benefits?
4. Ultimately the wider commercial and recreational fishing community will suffer in the medium to long term as a result of opening a fixed net fishery in Salcombe Estuary. This is a designated Juvenile Bass Nursery Ground and a minimum 18% mortality rate for bycaught and released Bass is high and unacceptable and will lead to a rapid decline in the value of this nursery area. Presumably if Bass show site fidelity, this could wipe out the majority of Bass in the estuary very quickly. Given the potential for high density repeat deployment of 4-5km of netting in total in this estuary, the consequences on Bass and other fish species could

be catastrophic, including being detrimental to future bass catches. All species need protected safe havens and there is plenty of science showing that protecting key areas has beneficial knock on effects for the surrounding areas. The Juvenile Bass Nursery Area designation needs to be respected and protected, not undermined by statutory agencies such as the IFCA.

Fixed nets are known to have very high bycatch rates for a wide range of other non-fish species, including seals. Sea Mammal Research Unit data shows 85% of UK seal bycatch occurs in the SW UK mostly in fixed nets. Seal Research Trust (SRT) have photo identified over 100 different live entangled seals every year since 2016 across Devon and Cornwall, in addition to an unquantified number of dead bycaught seals. Mesh size is irrelevant, because as soon as any part of a seal is caught up, the seal's panic response is to spin, cocooning it in the net from which there is likely to be no escape. Without access to the surface, this entanglement will lead to asphyxiation (seals are voluntary breathers so usually they don't take a breath underwater to drown). With access to the surface, this entanglement can lead to drowning (as a result of progressive exhaustion associated with the trauma of trying to escape) or severe oxygen depletion with the seal becoming unresponsive. Bycaught seals will likely have the physical trauma of wounded flippers, torn faces as well as severely damaged gums and broken teeth before eventually dying.

If found alive, entangled seals are usually released by fishers just cutting their nets, leaving seals with gear about their necks, bodies and flippers to suffer and die a painful, even slower death. It would be interesting to know how many seals have already been bycaught in net fisheries in the vicinity of the Salcombe Estuary. Otters, Diving birds and other Seabirds species are at a high risk of being bycaught infixed nets in the estuary.

Harbour seals (the smaller of our two native seal species) successfully started pupping in the Dart Estuary in 2019 as they recover from heavy fisheries persecution and a multiplicity of other cumulative threats. Harbour seals started successfully pupping in Cornwall in 2021. Harbour seals are likely to explore neighboring estuaries and so be at greater risk of being bycaught if this proposal goes ahead. The recovery of a species from the brink of extinction since humans stopped killing them is to be celebrated. Both native species of seals perform vital top predator ecosystem services that help ensure a balanced and biodiverse marine ecosystem upon which fishers depend. Thriving seals means thriving fish stocks and so thriving fisheries. This is because a shortage of fish means seals die. Seal populations are therefore self-limiting. Seals are a good indicator of the health of the marine environment.

Grey seal photo ID work by SRT volunteers across the SW along with key partners such as The Seal Project in South Devon have demonstrated that seals from South Devon have also been identified to the east in Dorset and to the west to Lands End right up to the Camel Estuary on the north Cornish coast. This means that impacts on seals in South Devon will have knock on effects right around the southwest peninsular.

Experience from South Devon shows that seals can be attracted by lights at night. Seals forage using only their whiskers in the dark, but light makes catching prey easier, as the seals don't just have to feel their prey, but can see it too. This will likely increase the number of seals present in the estuary at night, which we suspect is something that fishers won't welcome.

Small vessels produce the highest pitched sounds and these are known to have the greatest disturbance effect on cetaceans. Other species will be disturbed as a result of the increased vessel activity in the enclosed and 'echoing' narrow estuary environment. This increases the likelihood of mass cetacean strandings (such as has happened in the Fal despite this being a much larger and deeper estuary).

We assume that introducing fixed netting over a six month period in what is a relatively small, highly tidal estuary will pose additional navigational risks to other water users, particularly those visiting the estuary with potential financial consequences for harbour authorities, other water users and the tourist industry.

Ensuring soak times are adhered to given the rapidly changing tidal conditions in this estuary could easily lead to minimum soak times being exceeded. Devon and Severn IFCA already have evidence from 23rd September 2023 of a 150m illegal fixed gill net that caught 47 mullet and 17 bass (mostly juveniles) all of which died.

Additional intensive fisheries in areas known to be frequented by seals will likely lead to interactions between seals and fishers that are rarely welcomed by the fishers. Historically seals have been attracted into harbours by discards by fisheries. Any feeding of seals by anyone – fishers or tourists changes a seal's behaviour for life with unwelcome consequences for humans. However, we would remind everyone that the Conservation of Seals Act was amended in March 2021 removing the 'netsman's defence' making it illegal to kill, injure or take a seal. This law change was made to protect UK fisheries exports to the US where the Marine Mammal Protection Act prohibits any lethal predator control. This is a good opportunity to remind fishers of the law change in November 2021 making it a requirement to report all marine mammal bycatch to the MMO within 48 hours of landing their catch. This voluntary system has been shown not to be working. As a result, we strongly advise that in addition to compulsory IVMS, all fishing vessels should have compulsory Remote Electronic Monitoring systems as well (infra-red will be needed at night), to ground truth bycatch data, without which fisheries cannot be effectively managed sustainably.

Of Defra's five Environmental Principles, two are key here: Polluter Pays and the Precautionary principle. Both must be strictly enforced. Not adding additional marine threats to a wide range of species is vital to meet with Precautionary principle. The Polluter Pays principle means that all fisheries must be responsible for any lost gear and self-retrieve or fund clean-up charities to remove their lost gear. The disposal of end of life gear should be documented properly before new gear can be purchased. The tracking of gear using tags is very welcome as this is a vital management method for all fisheries.

The Salcombe to Kingsbridge Estuary is a Site of Special Scientific Interest with 3 primary subtidal seagrass beds that could be negatively impacted by fixed netting.

It is also an Area of Outstanding Natural Beauty that should not be impacted by the additional noise and pollution associated with more fishing vessel activity and light pollution at night. This proposal will have a negative aesthetic impact on the AONB with potential issues arising from lost tourist income as a result.

5. SRT have a few key questions about this proposal.
   What evidence is there that fixed netting is actually needed here in this protected area?
   What habitat monitoring will be committed to, to quantify any likely impacts should this proposal go ahead and who will fund this (our suggestion is that this should be funded by fishers and their representatives)?
   What Environmental Net Gain will be delivered by the activity?
   What essential regulation, compliance and enforcement will be put into place by Devon and Severn IFCA to monitor the impacts of this proposal over the sixth months of the fishing season?

   Seal data
   (please email Sue Sayer MBE sue@cornwallsealgroup.co.uk and Sarah Greenslade sarahthesealproject@gmail.com for precise lat/longs of locations, as SRT do not routinely give away the location of sensitive seal sites in public documents.)

   Start Point is a key sensitive seal site that is less than 10km from Kingsbridge Estuary. The next nearest haul out to the west is Looe Island which is 51km away. Dartmouth is approximately 26km to the east (direct line distance). Seals can swim 100km in a day for at least four days consecutively.

   Seal pupping is routinely recorded at multiple locations in South Devon. Moulted pup records show that young seals from around the entire Celtic Sea are also present, as they are on their 'post weaning dispersal' and exploring this region too. This is the riskiest time of their lives as they are learning what to eat and how to catch it. Moulted pups do not yet have a mental map of the best foraging and haul out sites, so these seals are most likely to be found in unusual locations or interacting with fisheries. One 4 week old moulted pup swam 1000km in its next 8 weeks routinely diving to 120m. With mortality rates already up to 85% for grey seals in their first 18 months, additional impacts such as more fixed netting pose a very serious risk to future seal population recruitment.

   Salcombe

   No effort based surveys have been conducted here. Nevertheless, seals were recorded in 2015, 2018, 2019, 2020 between Apr and Oct.

   Start Point

   71 surveys were undertaken between 2013 to 2022. Whenever surveyed, seals were present on every occasion bar once in Feb 2016. The maximum number of seals recorded was 34. Seals were recorded throughout the year with the peak months being June and July. 10+ seals were recorded in 9 different months (Jan Mar Apr May Jun July Aug Oct Dec) and most of the seals recorded were hauled out resting.

   Dartmouth

   29 surveys were undertaken between 2013 to 2022 (excluding 2019) by SRT volunteers and those from The Seal Project in South Devon. When surveyed, seals were seen on every occasion. The maximum number of seals recorded was 30. Seals were present throughout the year (apart from Feb and Dec when no surveys were completed). The peak months for seal numbers were Mar Apr May Jun July Aug Nov. 10+ seals were recorded in these 7

different months (Mar Apr May Jun July Aug Nov) and most of the seals recorded were hauled out resting.

Looe

7434 surveys have been undertaken since 2008. The maximum number of seals recorded was 28. Seals were present throughout the year with the peak months being May, Jul and Aug. 10+ seals were recorded in different 9 months (Mar Apr May Jun July Aug Sep Oct and Nov) and most of the seals recorded were hauled out resting.

Seals identified in South Devon have been Photo ID functionally linked to

- Dorset
- Looe
- Lizard West
- St Austell Bay
- Roseland
- West Cornwall
- Camel

Topic 2: A Prohibition of Commercial Netting – Emsstrom Angling Zone

5. **SRT SUPPORT this proposal**. This proposal is vital if voluntary measures have failed.

Hopes Nose

Seals have been recorded during opportunistic surveys in 2017, 2018, 2020 and 2021, mostly between May to Sep with up to a max of 9 seals in total with 7 hauled on land.

Topic 3: Net length (at sea); Bag limits and Combining nets

5. **SRT OBJECT to this proposal**. Why is this proposal being made and what is the justification for it? This is recreational netting activity which by definition should be self-limiting in the catches being made, given this is for personal consumption. Any increase in net length will increase the chances of negative impacts including bycatch and entanglement risks as well as the potential for lost gear. Any increase in net length will merely encourage the misuse and abuse of this legislation encouraging the commercialization of recreational fisheries. Any increase in recreational fishing efficacy will negatively impact commercial fisheries. Sandeels at the base of the food chain supporting the entire ecosystem must be protected and the fishery managed fully to ensure sustainability. Keystone species such as this should not be caught at all for any commercial or recreational use. Sandeel fishery bans are being proposed by Defra in the North Sea and should be deployed here too.

Topic 4: A Prohibition of Recreational Netting – Emsstrom Angling Zone

5. **SRT SUPPORT this proposal**. This proposal is vital if voluntary measures have failed.

Hopes Nose

Seals have been recorded during opportunistic surveys in 2017, 2018, 2020 and 2021, mostly between May to Sep with up to a max of 9 seals in total with 7 hauled on land.

Topic 5: MCRS and Soak Times of Nets (at sea)

1. **SRT SUPPORT this proposal**. MCRS are vital for efficient fisheries management so it is vital that MCRS are applied to grey mullet.
2. **SRT SUPPORT the proposal** that all fisheries across the whole district should have MCRS
3. **SRT SUPPORT the proposal** that all grey mullet species should have MCRS

7. **SRT SUPPORT the proposal** for the application of MCRS for all fish stocks as this is the only way to enforce sustainable fisheries management.

8. **SRT SUPPORT this proposal**. MCRS are vital for efficient fisheries management so it is vital that MCRS are applied to Gilthead bream.
9. **SRT SUPPORT the proposal** that all fisheries across the whole district should have MCRS
13. **SRT SUPPORT the proposal** for the application of MCRS for all fish stocks as this is the only way to enforce sustainable fisheries management.

What compliance, enforcement and juvenile sea fish stock monitoring will be put into place by Devon and Severn IFCA to monitor the impact of this proposal

Topic 6: Soak Times for Nets (at sea)

1. SRT **SUPPORT** this soak time limit proposal. Limiting soak times minimizes the risk of both bycatch/entanglement and gear loss which can be physically damaging to marine ecosystems as well and resulting in ghost fishing (from which no-one benefits at all).
5. Ultimately soak time limits will benefit all fisheries, marine life and community resilience and economics in the medium and long term
6. Impacts on the marine environment will be reduced with biodiversity net gains and coastal resilience.