D&S IFCA's Response to MMO's 'A Call to Evidence on Proposals for King Scallop Fishery Closures in ICES Area 7d and Lyme Bay of Area 7e in 2023'

14th March 2023

Devon and Severn Inshore Fisheries and Conservation Authority

The Inshore Fisheries and Conservation Authorities (IFCAs), including Devon and Severn IFCA (D&S IFCA), are statutory regulators. The ten regional IFCAs have a shared vision: "Inshore Fisheries and Conservation Authorities will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry."

The IFCAs are responsible for the sustainable management of sea fisheries resources in English waters from baselines out to six nautical miles. D&S IFCA's District includes waters from baselines to six nautical miles on the south and north coasts of Devon and north Somerset, and the waters of the Severn Estuary out to the median line with Wales. D&S IFCA's District includes areas of ICES rectangle 7e

The powers and duties of the IFCAs are provided by the Marine and Coastal Access Act (2009; the Act). D&S IFCA statutory duties include:

(a) to seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,

(b) to seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,

(c) to take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and

(d) to seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

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D&S IFCA is providing the following information to answer the questions 1-4 put forward in the call for evidence:

Q1. A proposed closure prohibiting scallop dredge fishing in the UK waters of ICES area 7d, for the following time periods:

a) From 15 May to 30 September 2023

b) From 1 July to 30 September 2023

c) From 1 August to 30 September 2023

D&S IFCA Response:

The consultation states that the spawning period for king scallops within ICES area 7d is between May and October, with peak spawning typically in summer and that scientific evidence indicates that protection for stocks against fishing activity during the summer months is likely to deliver the most benefit. D&S IFCA undertook research in 2022 to identify the timing of King Scallop spawning in its District by measuring the gonadosomatic index (relative roe size). The results showed that the majority of scallops in South Devon are likely to reach maturity and peak spawning condition between April and late July and that most spawning activity occurs from early June through to September. Preparation for spawning peaks in early

May when the peak in relative roe size occurred. Relative roe size then declined steadily throughout the sampled period (to mid-October) as gonad weight decreased relative to total body weight. This change was associated with spawning from May throughout the summer season. The period in which more than 50% of scallops are mature (nearing spawning) in South Devon is likely to range between early April and the end of July but may extend into mid-August. The proportion of scallops classed as recently spawned increased rapidly from mid-May and peaked in early September, indicating the peak spawning period occurs between June and early September.

With this in mind any one of the three suggested source periods would protect the stock that is preparing to spawn and is spawning. The proposed closure from 1st July to 30th September aligns with D&S IFCA closed period for the removal of scallops by its scallop dredge fleet.

Notwithstanding that, a closure from 15th May to 30th September would protect those scallops that are preparing to spawn and align with the EU closure of 7d. However, from the consultation paper and the percentages provided on the displacement of vessels from 7d UK and EU areas this will cause almost 27% effort displaced into 7e. D&S IFCA is aware from discussion with fishers that the impacts of displacement from 7d into 7e was significant in particular on the brown crab catches (and stocks) and caused gear conflict with the static gear fishers working in the mid-channel blocks. Reports indicated that this was particularly true of larger over 15m vessels which operated with up to 22 dredges aside. It is clear that the full UK 7d closure between 15th May to 30th September scenario would causes a shift in effort further down the Channel. This will also impact those scallop dredging vessels that are excluded from D&S IFCA's District between 1st July to 30th September and that are able to fish further afield through greater competition for scallop grounds outside the D&S IFCA District.

Q2. A proposed closure prohibiting scallop dredge fishing in Lyme Bay area of 7e (ICES rectangles 30E6, 30E7, 29E6 and 29E7) that aligns to the dates of the proposed 7d closure.

D&S IFCA's Response:

It is recognised in the consultation document that 'potential effort displacement from a closure in 7d could have an especially detrimental impact to the Lyme Bay stock (inshore part of 7e) which has estimated harvest rates substantially above MSY'. From Table 3 in the document the harvest rates on the dredged portion of the stock in 7e Lyme Bay appear to have been exceeding the MSY candidate harvest rate for all years. D&S IFCA highlighted this in its response to the Call for evidence for the closure in 7d in 2021.

The document also highlights that there is uncertainty around the exploitation status in 7e offshore but does not go into details regarding these uncertainties. Even with uncertainties the consultation document states that 'the offshore stock in the western Channel, particularly in French waters which tends to see the highest harvestable biomass estimates of that area, would be in a better position to support increased fishing activity'. D&S IFCA is unclear on the reference to the French water in the Western channel as North Finisterre EU waters are closed from 15th May to 30th September. If 7e Lyme Bay is closed for this period to mimic 7d UK waters then vessels will be displaced only in 7e Offshore UK waters and not the French waters of the Western Channel. Figure 12 in the consultation document indicates that potential spatial effort displacement into UK 7e Offshore water from 7d (UK & EU) would be 27.5%. This does not include displacement into 7e offshore from 7e Lyme Bay. The Chart (Figure 1) below shows the ICES sub-rectangles together with the Mid Channel Potting blocks A & B and the EEZ boundary. The closure of Lyme Bay inshore 7e (ICES sub-rectangles 30E6, 30E7, 29E6 and 29E7) together with 7d would likely causes displacement into the north east corner of

ICES rectangle 28E7 and into 28E6 (7e offshore) and further down channel into 7.e .l (Cornish inshore /offshore waters) as shown in Cefas Assessment of king scallop stock status 2021[1]). The Mid-Channel blocks take up much of ICES rectangle 28E6.

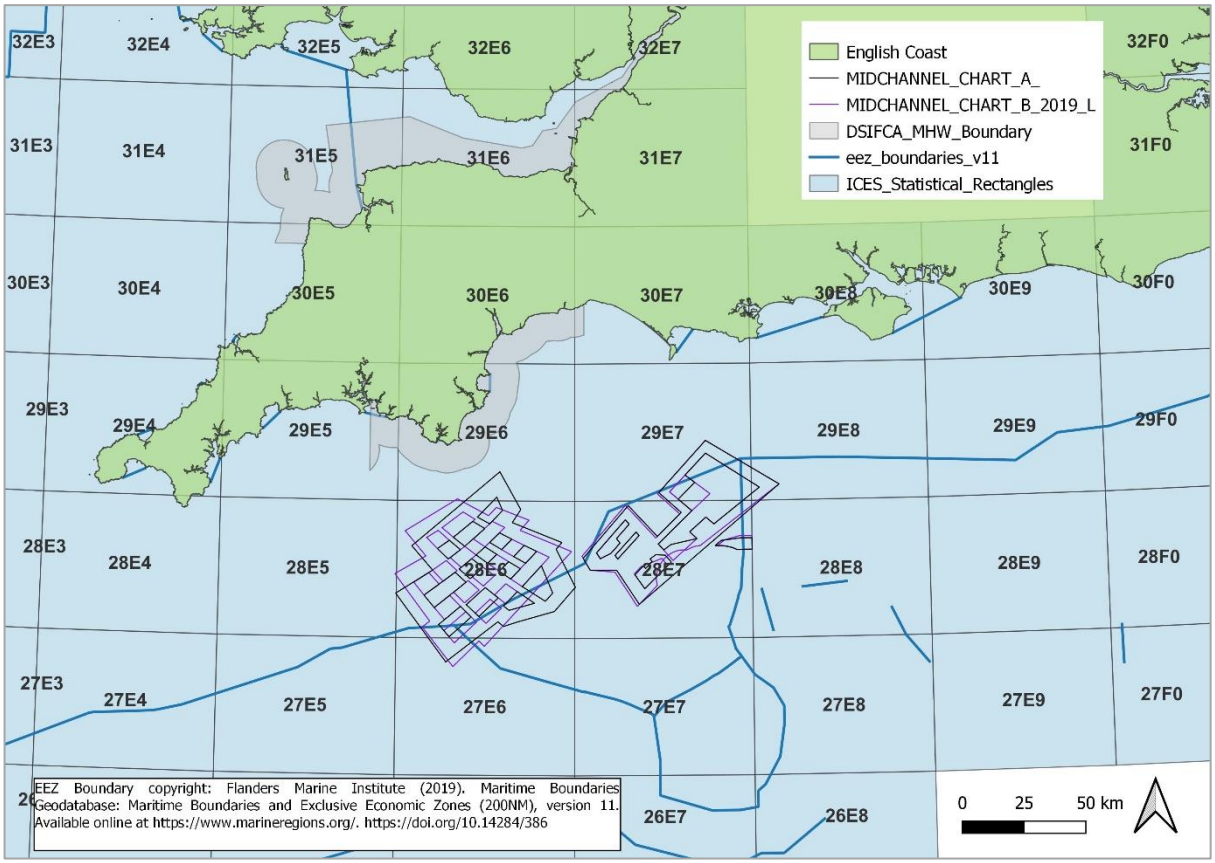

Figure 1 Chart of the English Channel showing ICES Rectangles and Mid Channel Blocks

Displacement of many large scallopers (some with 22 dredges aside) from 7d into 7e Lyme Bay and Offshore (28E7 and 28 E6) was reported by South Devon and Channel Shellfishermen in 2022 and led to gear conflict and loss and damage to crab catches/stocks in the vicinity of the mid channel blocks. Some of D&S IFCA's Potting Permit holders fish in the mid-channel blocks and therefore damage to their fishing opportunities in the blocks will likely cause increased displacement of potting effort into D&S IFCA waters to remain viable for the rest of their fishing season. There is real concern regarding the damage that scallop dredgers can do to crabs and crab stocks on the ground. Crab catches have been in decline over recent years in the South West as reported to the Crab and Lobster Fisheries Management Plan working Group and Shellfish Industry Advisory Group and has been raised and discussed with Defra. Any increase pressure of the stock due to displacement of large scallopers may lead to further declines.

1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/977732/Scallop_assessment_report_2020_main_report.pdf

D&S IFCA suggests that an alignment of the closure should cover all of 7e and not just 7e Lyme Bay. However, an assessment of the impact to 7.e.I Cornish waters inshore and offshore needs to be undertaken if such a closure was implemented.

Q3.Do you think the closure should only apply to vessels greater than 12 m in length? (i.e., vessels 12 m and under in length are exempt from the closure) Please provide any reasoning)

D&S IFCA's Response

D&S IFCA currently issues 120 Mobile Fishing Permits for vessels operating trawling and scalloping gear. Of these, 52 are under 10m in overall length and 28 vessels are between 10m and 12m in overall length. D&S IFCA has a closed season for scallopers from 1st July to 31st September. Extending the closure to the 15th May will remove fishing opportunities for approximately 6 weeks for those smaller vessels that are not able to fish outside the D&S IFCA's District. The consultation documents states that, for 7d between 2014 and 2021, fishing activity suggests that vessels of 12 m length and over account for about 90% of landings and effort within 7d during either the current or an extended closure period. The landings by the over 12m fleet, especially the over 15m fleet will have the greatest impact on stock levels. Therefore the 12m and under fleet effort and landings are small in comparison. For 7e the document sates that the landings from 2022 suggest that vessels of 12 m length and over account for about of 85% of landings within Lyme Bay during either the current or an extended closure period. If the 12m and under vessel are excluded from the closure this will allow them to continue fishing between 15th May to 1st July in D&S IFCA's District (if they are permitted by D&S IFCA to do some) and outside of the District in the Lyme Bay area if these vessels are able to travel to grounds outside the district when D&S IFCA's closure comes into place. In summary, D&S IFCA suggests that the closure should only apply to vessels greater than 12m in length.

Q4. Do you think the EU closure and the UK proposed closure are likely to result in displacement of fishing effort from UK and EU vessels?

a) Do you there will be spatial (into different areas) and/or temporal (fishing at different times of the year) displacement?

b) What do you think will be the likely level of displacement?

c) Do you foresee potential issues the closures might cause to the scallop and/or other fisheries?

D&S IFCA's Response

D&S IFCA considers that displacement from temporal and spatial closures in 7d and 7e (Lyme Bay) will cause displacement into 7e offshore and further west along the Channel in 7e.I. (Cornish waters inshore and offshore). This has been described under D&S IFCA's response to **Q2** above. Any spatial or temporal closure will cause displacement.

As documented in the consultation the displacement is likely to be significant - 27.5% of fishing effort between 15th May and 30th September from 7d to 7e. As this is modelled displacement it may in fact be greater than this. This spatial and temporal closure will not only cause increased pressure and impact on UK King Scallop stocks but are likely to negatively impact crab stocks as witnessed in 2022 by the potting sector operating in the mid-Channel blocks. If only 7e Lyme Bay (ICES sub-rectangles 30E6, 30E7, 29E6 and 29E7) is closed spatially and temporally the effort will be displaced into 7e offshore (Rectangles 28E6 and 29E6) and will be significant as the scallop vessels will be forced to focus their activity in these rectangles in UK waters (see Figure 1 above). This is likely to cause damage to the mid and western

Channel crab stocks through bycatch in scallop dredges. Crab catches and stocks are already indicating a decline which has been discussed at a national level with UKFA. Crabs are known to move from east to west along the Channel and any increased and focussed scallop effort may disrupt this migration.

The closure of 7e Lyme Bay (ICES sub-rectangles 30E6, 30E7, 29E6 and 29E7) may remove the impact of dredges on sole stocks but this too may lead to unintended consequences of increased netting effort to target sole. This has been seen in the D&S IFCA's District in Lyme Bay when an uplift on sole quota caused are increasing in netting effort which in turn led to increase crab bycatches in nets.

The scientific evidence outlined in the consultation document suggests the Lyme Bay 7e has been over exploited in the past and is vulnerable to displacement from 7d. Displacement is pushing the impacts of overexploitation further down the Channel. D&S IFCA recommends that if a temporal and spatial closure is applied between 15th May to 30th September in 7d and 7e Lyme Bay that it is also applied to 7e offshore as well as 7.e.I. Cornish Waters. This would be on the basis of the precautionary approach to fisheries management aligning with Fisheries Act 2020 Precautionary Objective.

The basis of the closure in 7d and 7e Lyme Bay is to protect the spawning stock. This principle could equally apply to the Western Channel (7e.I) and could also protect the rest of 7e (Offshore). Without better data on the stock level in 7e, not implementing a full closure for over 12m vessels will risk the overexploitation of scallop stocks, increase the impact on brown crab catches and stocks, and lead to increased fishing effort on sole.

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