

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

Minutes of the Byelaw and Permitting Sub Committee Meeting
held on 24th November 2015 at Larkbeare House, Exeter

Present:	David Rowe (Chair)	Jim Portus
	Mike Williams	David Morgan
	John May	Simon Toms
	John Butterwith	David Cuthbert
	CLlr Chris Clarence	James Marsden

Also Present: Mat Mander and Neil Townsend

Apologies: Stephen Gledhill, Rachel Irish, Richard White

1. Minutes of the last meeting held on 15th June 2015

As some members did not have copies of the minutes with them, extra copies were used. David Rowe asked members if officers should provide hard copies for use at meetings. It was agreed that 5 hard copies of all papers relevant for the meetings be available in the future.

It was mentioned that page 4 contained a typing error. (NFFO would be correct)
It was mentioned that the term "Matters arising" should no longer be used, with the term "Business Arising" used instead

That the minutes be approved as a true and accurate record

Proposed: David Rowe Seconded: John Butterwith

Resolved

2. Business Arising

It was noted that the MCRS of bass had now increased to 42cm
It was mentioned that the SWRA would be invited for a meeting at a later date
It was mentioned that there has been no recent additional correspondence/feedback from permit holders in relation to the increased size of female brown crab to 150mm.
It was confirmed that all the commercial potting permit holders had been informed of the Authority's decision to maintain the size limit and the background information had been made available.

3. **Management of netting – Officers’ proposals**

DCO Mander provided background to the discussion paper. The paper set out options for management and described how a limited form of netting had potential to be implemented within some estuaries. DCO Mander explained that the paper and associated material presented at the meeting was designed to act as an aid to the discussion. With exploitation of bass not a credible option and the awareness of specific salmon run periods and conservation advice, the management measures would only provide limited access to winter mullet fisheries in specific estuaries.

The group felt it was important to reach an independent decision and considered the Officers’ reports in detail.

The group expressed their thanks to all the officers involved in the creation of the background papers, and felt they were both informative and well presented.

Members immediately expressed some concerns over several elements associated with allowing limited access to estuaries with nets; however the first proposal was to decide on the overall IFCA management strategy to manage netting activities. The flexibility that permits offer was seen as a major benefit to members in managing this activity.

Mike Williams proposed that permitting byelaws be used to manage netting.

It was agreed by the members for the IFCA to continue with this approach of using permitting byelaws.

Issues discussed

Bass and landing obligation legislation

Bass protection was discussed in detail with several members expressing concern over mixed fisheries within the estuaries, with bass stocks particularly at risk. The fact that the new MCRS had now increased to 42cm would limit the amounts of mature bass within estuaries, and the issue of discards was an important issue to factor into the discussion. It was highlighted that any new byelaw could not be less restrictive than European legislation. New landing obligation legislation would potentially compromise any attempt to allow access to estuarine mullet stocks (via permit control of netting within estuaries), due to the high risk of capturing bass both unintentionally and intentionally. Under the landing obligations any bass caught whilst fishing for mullet would be required to be landed, including undersize fish. Simon Toms confirmed that licensed nets used to capture Salmon and Sea Trout were excluded from the landing obligation legislation, allowing netting for these species to continue under strict control from the Environment Agency, but sea fish can’t be retained.

The conservation measures for bass, being proposed for 2016 could have a significant impact on any attempt to allow access. A PhD has been designed by the Authority to help understand more about the bass migration to and from estuaries to better inform future management, shortlisting of potential students would be happening soon. One member highlighted the fact that the bass nursery area legislation has been in place for over 20 years. There were some views that the restrictive measures that had been in place during this period had not achieved the level of protection of bass that the legislation had intended. The absence of a deeming clause had not helped with the effective enforcement of the legislation. Members felt that it was really important to demonstrate that any access to the estuaries could be successfully managed.

The group recognised that a permitting approach allows flexibility to explore future access to estuarine fishing with nets, even if it is not the initial stand point. A permit byelaw, coupled with a precautionary stance allows time for developments in bass conservation and study periods. The D&SIFCA policy of reviewing permits associated with any permitting byelaw at least every three years was recognised by the members.

It was acknowledged that the recreational angling sector may benefit from the estuary closures. DCO Mander also reminded the members that this sector has been highlighted by the IFCA as a development opportunity. It was mentioned that restrictions on bass will be applied to the angling sector, with reduced bag limits proposed for 2016. There was a view that additional measures (possibly voluntary code of conduct) above the mandatory minimum will be acceptable to many recreational anglers if the reasons for them could be explained. The importance of on-going improvements to the D&S IFCA communication strategy was recognised with steps already underway to employ a new staff member with key communication duties.

Salmon and sea trout and specific estuaries

Management measures and control measures for the capture of salmon and sea trout was highlighted by Simon Toms. This includes stock assessment, carcass tags, log books, mesh size restriction and prohibition on the retention of sea fish. It was also stated that the Environment Agency has a net limitation order which severs the public right to fish and the Authority had agreed that it did not want to see a limited access fishery by restricting the number of permits issued.

It was also mentioned by Simon Toms that the current licenced salmon licences are now far more restrictive in several areas of the district, in particular the rivers Teign and Dart, with very limited summer opportunities now in place for the regulated netters.

Members felt that it was important that the extent of each estuary should be mapped. Officers suggested that where Bass Nursery Area limits apply these should be used for consistency except in the case of the Taw and Torridge where it was proposed that netting in the lower reaches of the estuary (outside of current BNA limits) would also be prohibited. The Taw Torridge is one of only a few estuaries that currently have a local and active group of

netmen. Defra are currently reviewing the BNA legislation and this may also influence the decisions made by the Authority. The review may for example extend the period or the areas the legislation applies to.

Simon Toms also stated that complete estuary closure would harmonize with the EA recommendation to offer all year round protection to sea trout.

Traditional fishing opportunities

It was acknowledged that in some estuaries there has been some commercial fishing with legal nets, and this is perceived by some people to be a traditional fishing activity. Data, presented to the members was discussed; with it noted that data sourced from the MMO representing landings on the quay, rather than over the road from other areas. The economic data, although not presented in fine detail, was felt to strongly indicate the relative low commercial value of mullet. Members discussed the potential impact that total closure would have on “traditional” fisheries, with historic/traditional/social value to communities considered along with economic factors. The group focussed on key areas highlighted in the discussion paper – The Rivers Exe, Teign, Taw Torridge and Salcombe estuary. Data provided indicated relatively low numbers of known commercial fishermen who expressed an interest in using nets within estuaries.

It was mentioned that the River Exe is already closed and the Duchy of Cornwall which has a key interest in the Salcombe estuary, is currently reluctant to issue permissions for netting activity in this area to a wide audience, other than local fishermen. The opinions of some members were that the vast majority of commercial netters do not rely solely on estuary netting as their sole income, with many fishermen being diverse in their activities. It was also mentioned that “tradition” may have to suffer in the attempt to find suitable solutions to the current, serious bass stock declines, and other conservation drivers. It was mentioned that in some cases netting methods currently being used in open areas differ to those used years ago, again questioning the concept of “Tradition”.

Chris Clarence mentioned that some residents of Teignmouth have indicated to him that continued access to netting was important to them. Members of the group suggested that the consultation process and byelaw creation work is still at a relatively early stage, and the IFCA still had the opportunity to invite interested parties to provide additional evidence, including economic information from those that may suffer some financial loss from the draft proposals. Members indicated that additional information and evidence would be welcome but it was important not to delay early planning decisions made at this meeting.

Illegal fishing activity

There was discussion concerning illegal netting within estuaries and the difficulties faced by the IFCA enforcing the legislation, if the estuaries were partially opened or completely closed. The lack of RIPA powers, limitations of current technology and lack of resources were all mentioned.

It was discussed that providing access to estuaries could be an additional strain on IFCA resources, as the activity (managed via permit conditions) will need to be closely monitored. The concept of promoting an element of self-policing by legitimate fishermen was recognised but the risks of this strategy were also recognised.

The concept of making legitimate netting activity more highly visible was mentioned, but members also could see value in simplifying the issue for the general public by closing the estuaries and therefore potentially limiting confusion.

Other discussion points

The group explored other forms of netting within estuaries such as seine netting for the capture of sand eel and landing nets for rod and line fishing. It was brought to the attention of the group that some respondents from the initial "call for evidence" phase had suggested that both these types of net remain an option for use within estuaries. Simon Toms felt that more specific data on sand eel netting including the numbers of respondents likely to pursue this activity could have been of use to better inform the group. David Cuthbert was able to explain how sand eel nets were constructed and used. The length of these nets are normally only 50 metres in length, and often shorter. The small mesh (20mm) in the wings reducing to (5mm) has the effect that bass sometimes get caught, but are not gilled up, and therefore can often be released totally unharmed. DCO Mander indicated that where fishers were required to apply for a sandeel seine permit on the Taw Torridge over a dozen had been issued highlighting the interest on just one estuary.

Officers made the Members aware of the progress that Cornwall IFCA had made towards reviewing their inherited byelaws (including old Devon SFC ones). Cornwall IFCA had reached a position where all netting would be permanently removed from estuaries under Byelaw with the exception of seine netting for sandeels, ebb netting (a small scale traditional netting practice) and a *de minimis* piece of netting of 4m² to cover all other small scale netting activities. Ebb netting was not thought to occur in the Authority's district so was not included in the discussions.

Proposal

That netting should be prohibited within estuaries, with the exception of sand eel seine nets, landing nets and a *de minimis* piece of netting of 4m²

Proposed: Mike Williams Seconded: Simon Toms
6 members in favour, 2 against, 1 abstained.

Following the members' decision it was agreed that officers should draft a Netting Permit Byelaw, exempting landing nets and small pieces of netting that maybe used in connection with other small scale activities, that would allow agreed netting activities to take place under

a permit. In the first instance issued permits would only allow seine netting for sandeels within defined estuaries.

4. Consultation and timeline for mobile gear permit holders (reduction in number of dredges and also prohibition on multi-rig trawling)

DCO Mander requested some direction on how to press forward with this consultation work. The members reached a decision that the two elements of the consultation be separated so focus can be placed on each subject. A similar model to the one used previously (Increase in female edible crab to 150mm) was seen to be appropriate. Consultation material on each issue will be circulated to all permit holders. In addition a request was made for officers to prepare an "options for management" paper, where all options including the introduction of a voluntary code of conduct can be considered. The possibility of a meeting for fishermen to discuss the issues could also be explored. It was agreed that if it were possible for fishermen to resolve the issues raised, in particular the multi rig trawl question, thought the adoption of a code of conduct that would be the most appropriate way forward.

5. IVMS units

Due to the commercial sensitivity of the discussions the minutes from this item are not available to the public

6. Any other business and date of next meeting

There was no other business discussed.

It was decided by the members to meet again prior to the main quarterly meeting on 11th December 2015.