

Enforcement Plan 2013 to 2014

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CORNWALL IFCA ENFORCEMENT PLAN 2013 – 2014

1. Overview of fisheries enforcement 2012/2013

- 1.1 The addition of three new Inshore Fisheries and Conservation Officers (IFCO) into the enforcement team in early 2012 has greatly improved flexibility to carry out inspections work in the District. These officers undertook local and national enforcement training and were subsequently awarded warrants and, consequently, all are now able to work independently of experienced officers on routine inspections and patrols. They have also gained a sea-going qualification which allows them to helm the Authority's rigid inflatable boats (RIB). In addition to the core enforcement team, three research officers, second engineer and patrol boat skipper are also warranted officers. This adds significantly to the service's enforcement capability, especially as two are also fully qualified RIB coxswains. Inspection work was directed by the risk-based enforcement plan (page 15) together with broad knowledge and experience of local fishing patterns. The unusual weather patterns experienced in the 2012-13 year were particularly disruptive to fishing and required significant flexibility in the work patterns of enforcement officers as plans were frequently changed.
- 1.2 The 2012/13 year saw significant collaboration with other enforcement organisations. Officers of the Marine Management Organisation (MMO), Environment Agency (EA), and Devon and Cornwall Police were most regularly in contact at both local and regional level to relay and share intelligence about sea fisheries matters, marine crime and the whereabouts of persons and vessels of interest. Joint enforcement operations with local MMO and EA officers were conducted at sea and in the rivers. In addition, the MMO also chartered sea going patrols solely for their work inside and outside of the District on several occasions.
- 1.3 The majority of Cornwall IFCA's staff and all patrol vessels are based in the west of the county and this made it difficult to respond quickly to events in the east of Cornwall. The EA have RIBs based at Bodmin and Plymouth and were able to cover some investigations of potentially illegal nets set in the rivers and along the near coast. However, there remains an issue if Cornwall IFCA is to independently respond effectively to incidents in the north and east of the County. Currently, the mustering of officers, which could likely be required at night, then towing a RIB to the Tamar, Lynher, Fowey or Camel rivers and launching could easily take over three hours. In many instances, the time taken to encounter a reported incident in the east of the county would mean arriving too late to acquire evidence of illegal fishing. Further discussion is planned on Cornwall IFCA resources for better enforcement and fishing industry relations in the eastern and northern parts of Cornwall.
- 1.4 Cornwall IFCOs warranted by the EA in 2012 to act as EA water bailiffs under the Salmon and Freshwater Fisheries Act 1975 have had their warrants renewed. New officers are expected to undergo training from the EA in 2013 to gain theirs. No illegal fishing of freshwater and migratory fish was detected in the District by our officers meaning that use of their EA warrants was not needed last year.
- 1.5 The MMO and Welsh Government Fisheries Department continued to provide assistance with provision of evidence, witness statements and interviews of suspects on behalf of this Authority. Assistance with interviews occurred in rare circumstances where a person (usually a fishing vessel charterer or

owner) was willing to be interviewed, but not to travel long distance to the Cornwall IFCA office. The MMO Plymouth office was used by Cornwall IFCA officers to facilitate interviews of boat skippers and owners for the same reason.

- 1.6 Good communications and working relations between officers, Members and stakeholders remains key to the management of Cornwall's fisheries. Two-way flow of information is essential for everyone and twelve fishing meetings held at the end of 2012 (biennial events) provided a useful forum for some of that exchange. As new officers begin to learn more about the fisheries in the District and get to know fishermen better through their inspections work, the well established good relations should grow. One sector of the commercial fishing industry which particularly needed improved relations was that of fishermen using nets for sea fish in the rivers and estuaries. With former Sea Fisheries Committee officers not having worked in the rivers prior to becoming IFCOs, many individuals largely fishing in rivers were unknown to them. Fishermen engaged in commercial fisheries within rivers proved to be the most challenging to encounter, especially at work. Many of them use a trailer launched boat from a variety of slipways and often work at night making it impossible to predict when or where they would next be active. Therefore, informal meetings (some one to one) were held during the year with most known fishermen who used ring nets, splash nets or drift nets in the rivers. This was the beginning of trying to understand their needs and concerns and providing relevant information and clear guidance. They were encouraged to make contact with Cornwall IFCA on any fishing matter of interest or concern to them.

2. Enforcement strategy

- 2.1 On 1st April 2011, the Cornwall Inshore Fisheries and Conservation Authority (the Authority) was fully vested under the Marine and Coastal Access Act 2009 (MaCAA). The Authority took over the fisheries and conservation management responsibilities from the former Cornwall Sea Fisheries Committee (CSFC), as well as some from the former Devon Sea Fisheries Committee (DSFC) and the Environment Agency (EA) within the boundaries of the new Cornwall IFCA District. The Authority's District¹ covers the whole of Cornwall and the adjacent area of sea out to six nautical miles from the 1983 baselines². IFCA byelaws for the conservation of sea fisheries resources may be applied in the sea and in rivers and estuaries up to their tidal limits.
- 2.2 Fisheries management only succeeds with an integrated approach encompassing communication, research and enforcement. Full compliance with EU, UK and, in particular, local fisheries and environmental legislation is a major aim of the Authority as a part of meeting its vision statement. This is best achieved through the adoption of an adaptive co-management approach to fisheries management. The key to achieving high compliance is ensuring that those users who are potentially affected have a real opportunity to engage with the Authority over the management approach to be taken. By engaging in the management process, the Authority and all users will have a far better understanding of the requirements of the other interested parties. Conflicts of interest will not always be resolved, but having gained an

¹ The Cornwall Inshore Fisheries and Conservation Authority Order 2010

² Means the baselines as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964 (1965 II p.6452A, as amended by the Territorial Waters (Amendment) Order in Council (1979 II p.2866)

understanding of why actions are taken, affected users are far more likely to accept the management approach. Where consensus with the management approach is not achieved and where the potential financial gain is significant, the risk of illegal activity increases. The risk is even greater where an effective deterrent is not in place. The deterrent only tends to be effective where the risk of detection and legal sanction is high and the consequences are potentially serious. In recognition of the need to have an effective deterrent, fines applicable to byelaw offences have risen from a maximum of £5,000 to £50,000 under MaCAA.

- 2.3 The Authority uses various compliance measures to ensure, where possible, that no person engaged in illegal fishing related activity:
- removes legal fishing opportunities for others;
 - gains an unfair market advantage by breaking the rules; or
 - disadvantages law abiding persons.

It will also seek to use appropriate compliance and enforcement measures, where it considers it to be necessary, to ensure that the marine environment is not adversely affected by fishing activities.

- 2.4 Where the Authority undertakes compliance activity, it will work in accordance with the Hampton Principles of Better Regulation as set out in the Regulators' Compliance Code³ and the Legislative and Regulatory Reform Act 2006 (as amended⁴). In carrying out its functions, the Authority will ensure that:
- i. any action taken, including compliance related or investigative, is proportionate to specific, identified, risk or need for intervention;
 - ii. it is accountable for its regulatory activity – to its stakeholders, its partner organisations, Ministers, local taxpayers, the general public and the Courts;
 - iii. its actions are consistent, in that it should make similar (but not necessarily the same) decisions about activity in similar circumstances, in accordance with its delegated responsibilities, statutory objectives and guidance;
 - iv. its regulatory actions are transparent, by publishing information to its regulated stakeholders indicating what enforcement action it can take and may take in appropriate circumstances;
 - v. all its activities and, in particular those that would place a burden on a regulated person (such as monitoring, inspection, investigation and compliance actions), are targeted using a risk based approach⁵, ensuring such action is for a specific identifiable need, for example, limiting random inspections to specific identified compliance requirements;
 - vi. Inshore Fisheries and Conservation Officers (IFCOs) appointed by the Authority are highly trained, competent and adhere to the code of conduct for inspections⁶; and
 - vii. it works closely with partner organisations to make best use of available resources and share information.

³<http://webarchive.nationalarchives.gov.uk/+/http://www.bis.gov.uk/policies/better-regulation/improving-regulatory-delivery/implementing-principles-of-better-regulation/the-regulators-compliance-code>

⁴ <http://www.legislation.gov.uk/ukpga/2006/51/contents>

⁵ Fisheries risk based enforcement strategy as described below

⁶ Cornwall IFCA code of conduct for inspections

- 2.5 The Authority will endeavour to promote compliance through engagement, understanding and advice. Where compliance is not achieved by this approach, the Authority has a range of enforcement actions available to it as described below.
- 2.6 Verbal warning
A verbal warning is issued when a minor infringement of fisheries legislation is detected. This approach is used to remind a person of relevant legislation and is recorded. If a person commits another similar offence, the individual involved may face a higher level of enforcement action.
- 2.7 Advisory letter
Where it is believed that breaches of the law may have been committed and it is appropriate to do so, an advisory letter may be sent reminding a person of the need to obey the law. This may be sent without prejudice to other purely civil remedies⁷.
- 2.8 Official written warning
Where there is evidence that an offence has been committed but it is not appropriate to implement formal legal proceedings, an official written warning letter may be sent to a regulated person, outlining the alleged offence, when it occurred and what regulation(s) were breached. It will also set out that it is a matter which could be subject to prosecution should the same behaviour occur in the future. This may be sent without prejudice to other purely civil remedies.
- 2.9 Caution
A simple caution (known previously as a Home Office Caution) may be offered by the Authority. Issuing a caution may be deemed to be the most appropriate means to deal with an offence, particularly where there is no identified financial gain. A caution is only offered when the Authority is prepared to instigate legal proceedings and prosecute should the offer be declined.
- 2.10 Fixed administrative penalty
The Authority may issue a financial administrative penalty ⁸ (FAP), the level of which may be up to £10,000, as an alternative to criminal prosecution in certain circumstances. Further information on FAPs is available on the Cornwall IFCA website. A FAP is only offered when the Authority is prepared to instigate legal proceedings and prosecute should the offer be declined.
- 2.11 Prosecution
The ability to undertake criminal prosecutions is essential in discouraging serious non-compliance. The purpose is to secure conviction and ensure that an offender can be punished by a court at an appropriate level, thus acting as a deterrent to any future wrong doing to both the convicted offender and others who may engage in similar criminal behaviour. A prosecution may be commenced where it is felt that the matter is so serious that it is not suitable for another form of disposal such as a fixed administrative penalty, caution or warning. In order to prosecute, the Authority has to be satisfied that there is both sufficient evidence of the alleged offence and a clear public interest in taking criminal proceedings. The Authority will only commence a prosecution

⁷ Civil remedies are procedures and sanctions, used to prevent or reduce criminal activity as an alternative to using formal court proceedings

⁸ The Sea Fishing (Penalty Notices) (England) Order 2011

if it is satisfied that there is a realistic prospect of conviction against each suspect on each charge, given the available evidence. If a case does not pass this test it will not go ahead, regardless of how important or serious it may be. If a case passes the sufficiency of evidence test, the Authority⁹ will decide whether it is appropriate to prosecute, or to issue one of the other options set out above. In determining the correct response in any individual case, the Authority will always take into account the public interest in prosecuting. The following list of public interest factors for and against prosecution is not exhaustive and each case must be considered on the facts and on its own merits:

- Whether the offence was committed with intent;
- Whether officials were obstructed during the course of an investigation;
- Whether the implications of the offending for the enforcement of the regulatory regime undermines the management approach taken;
- The impact of the offending on the environment, including wildlife, and where applicable, having regard to the conservation objectives of Marine Protected Areas;
- With regard to offences affecting fish and fish stocks, whether recovery species are involved and if there are any issues for quota status;
- The financial benefit of the offending or other financial aspects of the offence, including the impact on other legitimate operators;
- The previous enforcement record of the suspect;
- The attitude of the suspect, including any action that has been taken to rectify or prevent recurrence of the matter(s); and
- Where offences are prevalent or difficult to detect, the deterrent effect on others by making an example of the suspect.

A prosecution is less likely to be required if:

- The court is likely to impose a nominal penalty;
- The seriousness and the consequences of the offending can be appropriately dealt with by an out-of-court disposal which the suspect accepts;
- The offence was committed as a result of a genuine mistake or misunderstanding;
- The financial gain or disturbance to sensitive marine habitat can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
- There has been a long delay between the offence taking place and the date of the trial, unless there are key mitigating circumstances that caused the delay;
- The suspect played a minor role in the commission of the offence; and
- The suspect is, or was at the time of the offence, suffering from significant mental or physical ill health.

3. Marine Protected Areas (MPA) in the Cornwall IFCA District

- 3.1 Six European Marine Sites (EMS) currently exist in the District in the form of five Special Areas of Conservation (SAC) and one Special Protection Area (SPA). An additional SPA is being considered for a large area off the south Cornwall coast to protect three wintering seabird species of national importance.

⁹ Consideration to prosecute is undertaken by the Chief Officer of the Authority and Legal Advisor under the Cornwall IFCA Constitution

- 3.2 Five Marine Conservation Zones (MCZ) within the District were consulted upon at the beginning of 2013 and decisions as to whether they should proceed to designation are expected in the autumn 2013. Proposed reference areas for MCZs are not being considered by Defra at this time.
- 3.3 Defra has specified that only licensed fishing is to be managed by fisheries authorities. However, as is the norm for byelaws enforcement, Cornwall IFCA will apply its byelaws to any relevant person engaged in a fishing activity which it regulates. In the main regulatory concerns described in part 4 below, EMS considerations are mentioned in respect of the Defra expectation that high risk fishing activities in the District will be managed by byelaws from 2014.

4. Brief description of fishing methods and the main regulatory concerns

4.1 Beam trawling

A trawl net (usually one on each side of the fishing vessel) is attached to a heavy steel beam which spreads the top of the trawl mouth open, no more than 1m above the sea bed. The beam ends have very robust steel shoes or skids and/or rollers to hold the beam off the sea bed as the whole trawl arrangement is dragged along using a steel warp run from a deck winch. A heavy chain mat may be rigged in front of the lower trawl panel to prevent boulders entering the trawl net. Tickler chains may also be used to scare fish up from the sea bed and into the following net.

A beam trawl is used to target benthic species and in the Cornwall IFCA District the main species are Dover sole, plaice, angler fish and rays. Further offshore the target species will often include megrim and cuttlefish. A very wide range of other species, including round fish, crustaceans and scallops, are caught and retained in south west fisheries.

A byelaw which restricts the maximum vessel length and engine power for trawlers fishing within the District has led to there being relatively few beam trawlers remaining. Whilst nine vessels still retain historic trawling rights to work inside the 3 to 6 mile zone (including otter trawling covered below), only about half of them have taken the opportunity to beam trawl there in recent years. Incursions by large vessels inside District limits are rare and very sporadic, making it extremely difficult to prove illegal fishing activity. The satellite Vessel Monitoring System (VMS) may have helped to keep such occurrences very low in recent years.

Trawling is prohibited in certain rivers and estuaries, and this measure is believed to be fully respected.

Beam trawling occurs in two of the District's SACs, though it is not common. If carried out in any SACs within the District, it is considered possible for it to impact significantly upon site features. Defra expects IFCA to make suitable byelaws to manage beam trawling for all the SACs in their districts by the end of 2013. For any zone within an SAC where it may be allowed to continue, it is expected to present a low level enforcement risk for Cornwall IFCA in January – March 2014. Trawling is prohibited in the existing SPA.

Main enforcement concerns for beam trawling in the District are:

- Fishing inside the 6 mile limit by vessels which are too large or powerful and without historic rights, and inside 3 miles by those with historic rights in respect of the Trawling byelaw;
- Undersized fish in respect of the Specified Fish Sizes byelaw; and
- Trawl net mesh sizes in respect of Commission Regulation EC 850/98.

4.2 Otter trawling

A trawl net is towed in conjunction with a pair of otter boards or doors which act like a kite to spread the trawl mouth apart laterally. Within the Cornwall IFCA District, single otter trawls are most commonly towed along the sea bed (demersal trawling), but may be mid-water (pelagic trawling) and in either case could be towed by two boats (pair-trawling). Bottom trawls may be doubled up (twin-rig) to improve efficiency or even trebled (triple-rig or multi-rig). More than this number is not known to be used in the District.

Whilst nine fishing vessels still retain historic rights to trawl inside the 3 to 6 mile zone, none have done so with an otter trawl in recent years. Many French demersal otter trawlers exercise their right under the Common Fisheries Policy to work up to the 6 mile limit and may be seen to do so throughout the year. There is a strong suspicion based upon anecdotal evidence from fishermen and satellite monitoring, that on rare occasions some tows extend into the District, mainly during the night. The sporadic and unpredictable nature of such events makes it difficult to prove.

Trawling is prohibited in certain rivers and estuaries and this measure is believed to be fully respected.

Otter trawling occurs in four of Cornwall's SACs, though in some it is very infrequent. For bottom trawling carried out in any SACs within the District, it is considered possible for it to impact significantly upon site features. Defra expects IFCA's to make suitable byelaws to manage bottom trawls for all the SACs in their districts by the end of 2013. For any zone within an SAC where it may be allowed to continue, it is expected to present a low level enforcement risk for Cornwall IFCA in January – March 2014. Trawling is prohibited in the existing SPA.

Main enforcement concerns for otter trawling in the District are:

- Undersized fish in respect of the Specified Fish Sizes byelaw;
- Trawl mesh sizes in respect of Commission Regulation EC 850/98; and
- Illegal incursion into the District by French trawlers in respect of the Trawling byelaw, or the Fishing Boats (European Economic Community) Designation Order 1983 which is only enforceable by the MMO; (IFCA evidence could be used in any court proceedings).

4.3 Scallop dredging

Multiples of steel dredges are slung off a steel beam fitted with solid rubber rollers on each end, which raises the beam up from the sea bed as it is towed along by a steel warp run off a deck winch. Each dredge trailing along the sea bed behind the beam has a spring loaded toothed bar at its leading edge which scrapes a few centimetres into softer, looser substrates to lift or scare scallops up and into a chain or net bag arrangement directly behind. Dredges used in the District are specifically regulated by design for taking king scallops. Most boats working in the District tow between four and six dredges from each side, but sometimes just two or three may be deployed from

the transom on very small boats. Scallop dredging is carried out very widely within the District, but is mainly concentrated from east of the Lizard to Eddystone rock.

The overall length of boats allowed to fish for shellfish (including scallops) in the District is restricted. Whilst historic rights are granted for eight vessels within the 3 to 6 mile limit, in recent years only two are known to have used the advantage for scallop dredging. Recent national legislation (2012) limiting scallop dredgers to eight dredges per side inside the twelve mile limit means it is unlikely that the larger class of vessel with historic rights would find it economic to work up to the 6 mile limit of the District and therefore, the likelihood of illegal incursions inside the District is greatly reduced.

Scallop minimum size requires regular checking on all dredging boats. Many successful prosecutions have been taken for undersized scallops, which includes several for very experienced skippers. Inaccurate measuring gauges and high crew turn-around on boats may be contributing factors for poor measuring standards. Almost all undersized scallops can easily be returned alive to the sea to mature further.

It is illegal to retain on board or land scallops which are not whole. Separated meats are known as 'cut-outs' and without their shell it is impossible to say whether or not the scallop was of legal size. Most cut-outs will be from the undersized proportion of a haul, which may well be around 50% on some grounds. A regular check of dredging boats is required to ensure that cut-out scallops are not on board.

One of the last byelaws made by Cornwall SFC was to introduce a night-time curfew for using dredges to take scallops, in line with that of Devon SFC. From the start it was envisaged that this would take close monitoring to ensure compliance. Good adherence to the limited fishing time period was observed during night patrols in 2012-13, though this was contrary to occasional industry reports of visiting boats being inside the District at the wrong time. Continued vigilance will be required by this Authority.

Scallop dredging occurs in two of Cornwall's SACs, although in one it is very infrequent. If carried out in SACs it is considered possible for it to significantly impact upon site features. Defra expects IFCA's to make suitable byelaws to manage scallop dredging for all the SACs in their districts by the end of 2013. For any zone within an SAC where it may be allowed to continue, it is expected to present a moderate level enforcement risk for Cornwall IFCA in January – March 2014. Scallop dredging is prohibited in the existing SPA.

Main enforcement concerns for scallop dredging in the District are:

- Using dredges to take scallops at a prohibited time of day in respect of the Scallop Dredge (Limited Fishing Time) byelaw;
- Undersized scallops in respect of Commission Regulation (EC) 850/98;
- Cut-out scallops in respect of Commission Regulation (EC) 850/98;
- Fishing within permitted zones of a EMS from 2014 (subject to byelaw confirmation);
- Total number of dredges in use in respect of the Dredges byelaw; and
- Dredge construction in respect of the Dredges byelaw and the Scallop Fishing Order 2012.

4.4 Potting

Pots are set on the sea bed for several crustacean species. Small boats may work them singly, but more commonly they are strung together in numbers of six to eighty, based upon what the deck and vessel stability can accommodate at any one time. A boat which concentrates on potting for the bulk of annual grossings will usually require that several hundred pots are in use for much of the year, whereas for some larger operations 1000 to 2000 pots per boat is normal.

A Cornwall IFCA permit is required for any individual wishing to remove more than two shellfish per day (relevant to four species) using a boat within the Cornwall IFCA District. Where fishing vessels are used to target the main commercial shellfish species within English waters, owners may also need a shellfish entitlement attached to their national fishing license and this is enforced by the MMO. Both schemes require monthly returns to show fishing effort, areas fished and quantities landed.

The overall length of boats allowed to fish for shellfish in the District is restricted. However, historic rights are granted for eight vessels within the 3 to 6 mile limit, though only two are known to take advantage for crustacean species.

Greater investment in larger, locally based, vivier style boats is occurring. Some may work inside the District, perhaps close to the coast at times where fishermen with small cove boats wishing to work on or adjacent to the same grounds fear the increased fishing effort is disproportionate to the stocks of crabs and lobsters. On some grounds, the winter no longer represents a respite from intensive potting activity and poorer quality shellfish are sometimes taken in bulk to maintain sizeable landings to shellfish merchants, especially where full lorry loads are required for exports to Europe.

With the majority of inshore commercial fishing activities in the District involving the taking and landing of one or more crustacean species, there are many minimum sizes and capture conditions applied to them.

Potting occurs in all five of Cornwall's SACs. It is considered that it has a low to medium impact upon site features. Defra expects IFCA's to make suitable byelaws to manage low to medium risk impacts for SAC features by the end of 2016. No byelaw will be made during the next year, meaning there is no enforcement risk to assess yet. Pots are not known to be used in the existing SPA.

Main enforcement concerns for potting in the District are:

- Undersized edible crabs in respect of the Crabs byelaw, The Undersized Crabs Order and Commission Regulation EC850/98;
- Undersized spider crabs in respect of the Spider Crabs byelaw, The Undersized Spider Crabs Order and Commission Regulation EC850/98;
- Undersized lobsters in respect of the Lobster byelaw, The Undersized Lobsters Order and Commission Regulation EC850/98;
- Grant of a permit for vessels being used to take more than two shellfish per day in respect of the Lobster, Crawfish, and Crab Fishing for Profit Permit byelaw;
- Non-return of shellfish monthly statistics in respect of the Lobster, Crawfish, and Crab Fishing for Profit Permit byelaw;

- Berried lobsters in respect of the Berried Lobsters and Crawfish byelaw; and
- V-notched lobsters in respect of the Protection of V-notched Lobsters byelaw, and The Lobsters and Crawfish (Prohibition of Fishing and Landing) Order.

4.5 Netting

A variety of terms are used to refer to different types of nets, but the main categories are tangle nets, gill nets and drift nets. However, within the scope of these classes, nets are often referred to by the species for which they are intended to capture (e.g. sole nets, cod nets, ray nets, spider crab nets, etc). Virtually all nets are of mono-filament synthetic material and vary widely in terms of mesh size and twine thickness, depending upon the target fish or shellfish species. Usually set along the seabed with an anchor at each end, some nets may only be a matter of one or two hundred metres in length, whereas others when joined together may form a length of several thousands of metres. Some nets of smaller mesh sizes may be used for pelagic species by drifting them at or near to the sea surface without the use of any anchors or sea bed contact. Occasionally, nets may be set on beaches without the use of a boat.

It is prohibited to set fixed nets within three metres of the sea surface in many coastal areas for the protection of salmonids as they migrate around the coast to and from the river systems. This can be problematic for some fishermen wishing to target sea fish known to be present in some of these areas.

Nets are most often set for a variety of fin fish species depending on their seasonal abundance. Crustacean species may also be taken in nets, with spider crabs and crawfish being targeted in this way, as well as being taken as a bycatch in other netted fisheries. Lobsters may also be a bycatch, particularly in tangle nets offshore. Up to 30kg of accidentally detached edible crab claws and spider crab claws may be retained from animals which are being cleared from nets in the District (75kg from fisheries outside 6 miles).

Net mesh size must correspond to the target fish species (or bulk of fish) retained on board or landed. A range of net mesh sizes is prohibited to protect juvenile bass.

Bass nursery areas exist in seven of the river and estuary systems within the District, where it is prohibited to fish for bass from a boat for a period of the year. This is through an Order and is primarily the responsibility of the MMO, but it is expected that Cornwall IFCA officers will use patrol vessels to assist in these areas.

A wide variety of netting restrictions to protect sea fish and salmonids apply in all the rivers. Where bass and grey mullet are well known to concentrate, there is regular and deliberate illegal netting to take such a high value or high volume species. A lot of this activity is conducted at night using small boats and which, if not based on a river, may be quickly transported to and from a river using a road trailer.

Netting occurs in all five of Cornwall's SACs. It is considered possible for it to have low to medium impact upon site features. Defra expects IFCAs to make

suitable byelaws to manage low to medium risk impacts on SAC features by the end of 2016. No byelaw will be made during the next year, so there is no enforcement risk to assess yet. Nets are prohibited in the existing SPA.

Main enforcement concerns for netting in the District are:

- Weight of edible crab and spider crab claws removed whilst clearing nets in respect of the Parts of Crab byelaw;
- Undersized spider crabs in respect of the Spider Crabs byelaw, The Undersized Spider Crabs Order and Commission Regulation (EC) 850/98;
- Undersized fish in respect of the Specified Fish Sizes byelaw;
- Grant of a permit for vessels being used to take more than two shellfish per day in respect of the Lobster, Crawfish, and Crab Fishing for Profit Permit byelaw;
- Non-return of shellfish monthly statistics in respect of the Lobster, Crawfish, and Crab Fishing for Profit Permit byelaw;
- Fishing for bass from a boat during a period of the year, in a bass nursery area in respect of the Bass (Specified Areas)(Prohibition of Fishing) Order;
- Fixed nets set within three metres of the sea surface in specified areas in respect of the Fixed Engines byelaw;
- Netting in rivers for sea fish under numerous byelaws inherited from the Environment Agency;
- Net mesh size corresponding to target species in respect of Commission Regulation (EC) 850/98; and
- Prohibited net mesh size range in respect of Commission Regulation (EC) 850/98.

4.6 Ring-netting

A small number of boats use a single net to encircle pelagic fish species such as sardines, herring and anchovies. By drawing in the footrope, fish are prevented from escaping, and as the net is hauled alongside, fish are brailled or pumped into tanks or containers. Any net contact with the sea bed is very light and brief as the net is particularly vulnerable to being damaged such that it will no longer retain fish.

Ring netting is allowed in some rivers, though it may be for a limited time of the year. It is not common and is usually to target shoals of grey mullet.

EU legislation is used to generate a 'Mackerel Box' which strictly limits mackerel fishing. It encompasses the whole of the District and skippers of ring netters need to be aware of their level of mackerel bycatch (if any) when retaining fish on board.

Ring netting occurs in three of Cornwall's SACs. If carried out in any SAC, it is considered possible for it to have low to medium impact upon site features. Defra expects IFCAs to make suitable byelaws to manage low to medium risk impacts on SAC features by the end of 2016. No byelaw will be made during the next year, so there is no enforcement risk to assess yet. Ring nets are prohibited in the existing SPA.

There are no enforcement concerns for ring netting in the District.

4.7 Hand-lining

A variety of lures or baits are used to attract fish onto hooks which are shot and hauled directly by hand or with the use of a gurdy (a simple hand operated winch). A few boats may use a number of electrically or

hydraulically powered line reels, usually in conjunction with a computer device, which speeds up and accurately controls the fishing operation.

By dropping multi-hooked lines down from the side(s) of a boat, species such as mackerel, pollack and squid may be taken in the water column. Trolling is another method which involves the towing of a hooked lure or bait above the sea-bed, most often used to take species such as bass and pollack.

Hand-lining is wide spread around the District for many commercial fishermen and also quite popular on a recreational basis.

Any undersized or unwanted fish species can normally be released back to the sea alive. However, with bass taken in the Cornwall IFCA District having a larger minimum size requirement than most other regions of the UK, some undersized are sometimes discovered; usually where there is a lack of local regulation knowledge. Other species such as cod and pollack are also occasionally found to be undersized.

Hand-lining occurs in all five of Cornwall's SACs. It is considered possible for it to have low impact upon site features. Defra expects IFCA's to make suitable byelaws to manage low risk impacts on SAC features by the end of 2016. No byelaw will be made during the next year, so there is no enforcement risk to assess yet. Hand-lines are not used in the existing SPA.

Main enforcement concerns for hand-lining in the District are:

- Undersized bass in respect of the Bass Fishery byelaw; and
- Undersized fish in respect of the Specified Fish Sizes byelaw.

4.8 Long-lining

Lines of hooks are used to target a variety of benthic species. Nowadays, they are rarely used because this type of fishing is probably not commercially viable on a full time basis within the District.

Hook size, bait type and fishing ground normally dictate that fish caught are of the desired species and meet any minimum size requirements.

Long-lining is an activity which is feasible in three of Cornwall's SACs. If carried out in any SACs in the District, it is considered possible for it to have low impact upon site features. Defra expects IFCA's to make suitable byelaws to manage low risk impacts on SAC features by the end of 2016. No byelaw will be made during the next year, so there is no enforcement risk to assess yet. Long-lines are not used in the existing SPA.

There are no enforcement concerns for long-lining in the District.

4.9 Angling

Rod and line fishing using lures or baits is very widespread at sea and on the coast of the District, being most common amongst recreational fishermen. It also works very well for a few commercial fishermen targeting species such as bass or pollack from a boat. Multiple rods may be used per person.

Recreational anglers who are members of angling clubs or organisations usually abide by their own members' rules in respect of retaining fish by a minimum length or weight. This appears to effectively regulate minimum size in the District.

Undersized or unwanted fish species can normally be released back to the sea alive. However, with bass taken in the Cornwall IFCA District having a larger minimum size requirement than most other regions of the UK, some undersized are sometimes discovered; usually where there is a lack of local regulation knowledge. Other species such as cod and pollack are also occasionally found to be undersized.

Bass nursery areas exist within seven river or estuary systems of the District where it is prohibited to fish for bass from a boat, or any sea fish from a boat when using sand eels as bait, for a period of the year. This is through an Order and is primarily the responsibility of the MMO. This Authority will assist with enforcement using its patrol vessels, including through expected joint patrols with the MMO.

Angling is carried out in all five of Cornwall's SACs. It is considered possible for it to have low impact upon site features. Defra expects IFCA's to make suitable byelaws to manage low risk impacts on SAC features by the end of 2016. No byelaw will be made during the next year, so there is no enforcement risk to assess yet. Long-lines are not used in the existing SPA.

Main enforcement concerns for angling in the District are:

- Undersized bass in respect of the Bass Fishery byelaw;
- Undersized fish in respect of the Specified Fish Sizes byelaw; and
- Fishing for bass from a boat or any sea fish from a boat using sand eels as bait during a period of the year, in a bass nursery area in respect of the Bass (Specified Areas)(Prohibition of Fishing) Order.

4.10 Diving

Divers using standard SCUBA equipment usually deploy from a small boat to hand-gather sedentary species such as scallops or razor shells from a patch of sea bed. Commercial divers may sort out legal sized individuals as they work, before placing them into large sacks. Full sacks are then deposited into the boat for carriage ashore.

Few people are engaged in either scallop or razor shell diving in Cornwall, but as commercially viable sites are limited by factors such as water depth and sufficient animal density for a given maximum bottom time, it is possible to make a significant impact on mature populations in discreet areas. Such concern has recently been expressed for a few areas and has led to a decline in commercial diving activity.

Diving for shellfish occurs in one of Cornwall's SACs. If carried out in any SAC in the District it is considered possible for it to have low impact upon site features. Defra expects IFCA's to make suitable byelaws to manage low risk impacts on SAC features by the end of 2016. No byelaw will be made during the next year, so there is no enforcement risk to assess yet. Diving for shellfish is not carried out in the existing SPA.

There are no enforcement concerns for diving on shellfish stocks in the District.

4.11 Beach seining

A net is worked by a team of people, sometimes using a small rowing boat, to trap fish in the shallows off a beach by circling the net from the beach, around the fish and back to the beach where it is pulled ashore by hand.

Beach seine nets are most commonly used to take sand eels for live or frozen angling bait, or bass and grey mullet for commercial sale.

Larger seines used for bass and mullet are generally owned by a collective of commercial fishermen who work other fishing gear from licensed fishing boats within the District. Use of such a net is very sporadic and unpredictable, relying very much on the sighting of a shoal from the shore or vessels at sea in calm sea conditions.

Beach seining is an activity which occurs extremely rarely in one of Cornwall's SACs. If carried out any (coastal) SAC in the District it is considered possible for it to have low impact upon site features. Defra expects IFCAs to make suitable byelaws to manage low risk impacts on SAC features by the end of 2016. No byelaw will be made during the next year, so there is no enforcement risk to assess yet. Beach seines are not used in the existing SPA.

There are no enforcement concerns for beach seining in the District, but as little is known about the uptake of sea fish by this method, there is a need for data. Measures to facilitate this will be considered through a new byelaw to be drafted during the year.

4.12 Hand gathering

Shellfish such as mussels, cockles and winkles are gathered from the shore for both personal use and commercial gain.

Worms and green crab are taken from the shore to be used as angling bait. Some harvesting is on a commercial basis.

Hand gathering activities occur on the sea coast, in some harbours and within the tidal limits of rivers and estuaries.

Hand gathering activities are feasible in four of Cornwall's SACs. If carried out in any (coastal) SAC in the District it is considered possible for it to have low impact upon site features. Defra expects IFCAs to make suitable byelaws to manage low risk impacts on SAC features by the end of 2016. No byelaw will be made during the next year, so there is no enforcement risk to assess yet. Hand gathering of shellfish is not known in the existing SPA.

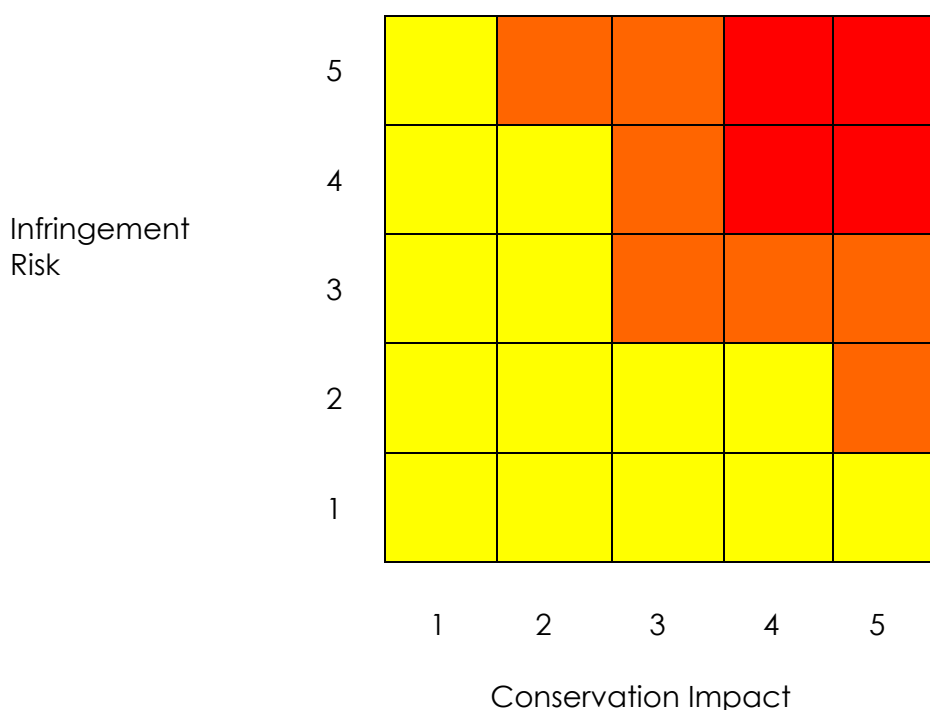
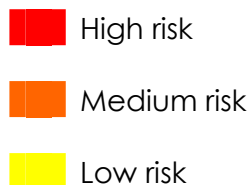
There are no enforcement concerns for hand gathering in the District, but as little is known about the uptake of targeted species or the consequences of harvesting activities, there is a need for better data. Further knowledge about these fisheries will be actively sought during the year through gatherers and merchants.

4.13 Note

The Cornwall IFCA byelaw review which may continue up to April 2015 means that legacy byelaws referred to in this paper may change during the year as new byelaws are made and confirmed. If required, enforcement risks will be amended accordingly.

5. Risk based enforcement

- 5.1 Four tables (see appendices 1, 2, 3 & 4) have been developed to assess fishing issues and prioritise the enforcement requirement for officers. The tables have been formulated for each quarter of the year (beginning 1st April) to reflect the various fishing activities which occur in the different periods, making it easier to see the priorities for enforcement.
- 5.2 It is important to recognise that headings listed in the column “regulatory consideration” are not inclusive of every single fishing matter which is regulated. Instead, the listing is limited to those which are either historically known to be an issue for regulatory violations or where there is a perception that issues could likely arise, during the life of this one year plan.
- 5.3 Each fishing activity which is listed for regulatory consideration is scored out of five, for both its regulatory infringement risk and conservation impact upon fisheries and the marine environment. The scoring was decided upon by experienced IFCA officers after careful consideration of their knowledge and relevant facts.
- 5.4 Determining the enforcement risk
Applying the scores to a 5 x 5 matrix system shows how different levels of enforcement risk are evaluated. Omission of the least important regulatory considerations from the four tables, i.e. where there is insignificant impact on conservation of fisheries or the marine environment, means that it is not necessary to use a “0” parameter. The matrix below displays colour coding to denote low, medium and high risks. This makes it a simple procedure to highlight within the tables how regulatory enforcement will be prioritised; that is barring exceptional circumstances which may arise and dictate otherwise.



5.5 2013 - 14 priorities for regulatory enforcement

The following fishing activities are highest risk for enforcement action (score 16+):

- Scallop dredging limited fishing time (ex CSFC byelaw)
 - Quarters 1 to 4; and
- Prohibited nets in Camel river (ex EA byelaws)
 - Quarters 1(part), 2 and 3.

At the top end of medium risk for enforcement action (scores 12 to 15 incl.):

- Undersized scallops (EC Regulation)
 - Quarters 1 to 4;
- Cut-out scallops (EC Regulation)
 - Quarters 1 to 4;
- Catch composition in respect of net mesh size (EC Regulation)
 - Quarters 1 to 4;
- Berried lobsters (ex CSFC byelaw)
 - Quarters 1 and 4;
- Fishing for bass from a boat in Helford, Fal, Percuil and Fowey rivers (Order)
 - Quarters 1(part), 2 and 3;
- Fishing for bass from a boat in Tamar and Lynher rivers (Order)
 - Quarters 1 to 4;
- Fishing for bass from a boat in Camel river (Order)
 - Quarters 1 (part), 2 and 3 (part);
- Net prohibition in Fowey river (ex EA byelaw)
 - Quarters 1(part), 2 and 3; and
- French trawler incursion (ex CSFC byelaw or EC Regulation)
 - Quarters 2 and 3.

CORNWALL IFCA DISTRICT
RISK BASED ENFORCEMENT STRATEGY

APRIL TO JUNE 2013 inc. (1st QUARTER)

Appendix 1

<u>FISHING METHOD</u>	<u>AREA AFFECTED</u> (0 to 6nm of sea and river or MPA as stated)	<u>REGULATORY CONSIDERATION</u> Under IFCA byelaw (inc. legacy) or Gov't order or EU regulation	<u>INFRINGEMENT RISK</u> L - 1,2,3,4,5 - H	<u>CONSERVATION IMPACT</u> L - 1,2,3,4,5 - H	<u>ENFORCEMENT RISK</u> Low – Yellow Med – Orange High – Red
Beam trawl	North Cornwall (April and early May)	Vessel length and power inc. historic rights	2	4	8
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
		Belgian vessel incursion	1	4	4
	South Cornwall	Vessel length and power inc. historic rights	1	4	4
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
Otter trawl	Cornwall sea district	Trawl construction	1	2	2
		Minimum fish sizes	3	3	9
		French vessel incursion	1	4	4
	SACs – Fal and Helford, Plymouth Sound and estuaries	Benthic disturbance from demersal trawls	2	4	8
Scallop dredge	South Cornwall	Vessel length inc. historic rights	2	5	10
		Excess no. of dredges	2	5	10
		Undersized scallops	4	3	12
		Cut-out scallops	4	3	12
		Dredge construction & tow bar length	3	1	3
		Limited fishing time	4	4	16
		Non bivalve molluscs bycatch	1	1	1
	SACs - Plymouth Sound and estuaries Fal and Helford	Benthic disturbance	2	4	8

Pot	Cornwall sea district Fal (* applies) Helford (* applies)	Vessel length inc. historic rights	1	4	4
		Minimum shellfish sizes*	3	3	9
		Berried lobsters	4	3	12
		V – notched lobsters*	2	2	4
		Parts of crabs	1	1	1
		Shellfish permit and conditions	3	1	3
	East of Rame Hd Tamar, Lynher	Pot escape gaps	2	2	4
Net	Cornwall sea district Fal (* applies) Helford (* applies) Camel (* applies)	Fixed engines (mainly surface nets in 9 defined coastal areas)	1	3	3
		Parts of crab	2	2	4
		Prohibited mesh size range*	3	3	9
		Catch composition re mesh size*	4	3	12
		Minimum fish and shellfish sizes*	2	2	4
		Shellfish permit and conditions	3	1	3
		Cetacean bycatch	1	4	4
	North Cornwall	Birds in nets - St Ives Bay	1	3	3
	Camel	Bass nursery area (except April)	3	4	12
		All nets prohibited in part of river on 1 st April	1	4	4
		All nets prohibited May and June - except those permitted by EA	4	4	16
		Fixed engines prohibited	3	3	9
	South Cornwall	Mesh size – Manacles	1	3	3
	Tamar & Lynher	Bass nursery area	3	4	12
		All nets prohibited	3	3	9
	Helford, Fal, Percuil, Fowey	Bass nursery area (except April)	3	4	12
	Helford, Carrick Roads and Fal etc, Fowey, Looe	Draft and seine nets night prohibition for certain mesh size range	2	3	6
		Fixed engines prohibited	3	3	9
	Fowey	All nets of certain mesh size range prohibited in part of river	3	3	9
		All nets prohibited (except April) - except those permitted by EA	3	4	12
	Mount's Bay	Mesh size – Runnelstone	1	3	3

Ring Net	Mount's Bay South Cornwall Fal	Minimum fish sizes	1	1	1
Seine	Camel Fowey	Permit for sand eels (except April) for certain mesh size range	1	1	1
Rod and line	Cornwall sea district All rivers	Minimum fish sizes	3	2	6
Handline	Cornwall sea district	Minimum fish sizes	1	1	1
Hand gathering of shellfish	Cornwall sea district	Minimum molluscs sizes	1	1	1
	Carrick Roads & Fal etc Helford Camel Tamar & Lynher	Minimum molluscs and shellfish sizes	1	1	1

CORNWALL IFCA DISTRICT
RISK BASED ENFORCEMENT STRATEGY

JULY to SEPTEMBER 2013 inc. (2nd QUARTER)

Appendix 2

<u>FISHING METHOD</u>	<u>AREA AFFECTED</u> (0 to 6nm of sea and river or MPA as stated)	<u>REGULATORY CONSIDERATION</u> Under IFCA byelaw (inc. legacy) or Gov't order or EU regulation	<u>INFRINGEMENT RISK</u> L - 1,2,3,4,5 - H	<u>CONSERVATION IMPACT</u> L - 1,2,3,4,5 - H	<u>ENFORCEMENT RISK</u> Low - Yellow Med - Orange High - Red
Beam trawl	South Cornwall	Vessel length and power inc. historic rights	1	4	4
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
Otter trawl	Cornwall sea district	Trawl construction	1	2	2
		Minimum fish sizes	3	3	9
		French vessel incursion	3	4	12
	SACs – Fal and Helford, Plymouth Sound and estuaries	Benthic disturbance from demersal trawls	2	4	8
Scallop dredge	South Cornwall	Vessel length inc. historic rights	2	5	10
		Excess no. of dredges	2	5	10
		Undersized scallops	4	3	12
		Cut-out scallops	4	3	12
		Dredge construction and tow bar length	3	1	3
		Limited fishing time	4	4	16
		Non bi-valve molluscs bycatch	1	1	1
	SACs – Fal and Helford, Plymouth Sound and estuaries	Benthic disturbance	2	4	8
Pot	Cornwall sea district Fal (* applies) Helford (* applies)	Vessel length inc. historic rights	1	4	4
		Minimum shellfish sizes*	3	3	9
		Berried lobsters	4	3	12
		V – notched lobsters*	2	2	4
		Parts of crabs	1	1	1
		Shellfish permit and conditions	2	1	2

	East of Rame Hd Tamar, Lynher	Pot escape gaps	2	2	4
Net	Cornwall sea district Fal (* applies) Helford (* applies) Camel (* applies)	Fixed engines (mainly surface nets in 9 defined coastal areas)	1	3	3
		Parts of crab	2	2	4
		Prohibited mesh size range*	3	3	9
		Catch composition re mesh size*	4	3	12
		Minimum fish and shellfish sizes*	2	2	4
		Shellfish permit and conditions	2	1	2
		Cetacean bycatch	1	4	4
	North Cornwall	Birds in St Ives Bay	1	3	3
	South Cornwall	Mesh size – Manacles	3	3	9
	Camel	Bass nursery area	3	4	12
		All nets prohibited - except those permitted by EA	4	4	16
		Fixed engines prohibited	3	3	9
	Tamar & Lynher	Bass nursery area	3	4	12
		All nets prohibited	3	3	9
	Helford, Fal, Percuil	Bass nursery area	3	4	12
	Helford, Carrick Rds and Fal etc, Percuil, Looe	Draft and seine net night prohibition for certain mesh size range	2	3	6
		Fixed engines prohibited	2	3	6
	Fowey	Bass nursery area	3	4	12
		All nets of certain mesh size range prohibited in part of river	3	3	9
		All nets prohibited - except those permitted by EA	3	3	9
		Fixed engines prohibited	2	3	6
	Mount's Bay	Mesh size – Runnelstone	1	3	3
Ring Net	Mount's Bay South Cornwall Fal	Minimum fish sizes	1	1	1
Seine	Camel Fowey	Permit for sand eels for certain mesh size range	1	1	1

Rod and line	Cornwall sea district All rivers	Minimum fish sizes	3	2	6
Handline	Cornwall sea district	Minimum fish sizes	1	1	1
Hand gathering of shellfish	Cornwall sea district	Minimum molluscs sizes	1	1	1
	Carrick Roads & Fal etc Helford Camel Tamar & Lynher	Minimum molluscs and shellfish sizes	1	1	1

CORNWALL IFCA DISTRICT
RISK BASED ENFORCEMENT STRATEGY

OCTOBER TO DECEMBER 2013 inc. (3RD QUARTER)

Appendix 3

<u>FISHING METHOD</u>	<u>AREA AFFECTED</u> (0 to 6nm of sea and river or MPA as stated)	<u>REGULATORY CONSIDERATION</u> Under IFCA byelaw (inc. legacy) or Gov't order or EU regulation	<u>INFRINGEMENT RISK</u> L - 1,2,3,4,5 - H	<u>CONSERVATION IMPACT</u> L - 1,2,3,4,5 - H	<u>ENFORCEMENT RISK</u> Low - Yellow Med - Orange High - Red
Beam trawl	South Cornwall Mount's Bay	Vessel length and power inc. historic rights	1	4	4
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
Otter trawl	Cornwall sea district	Trawl construction	1	2	2
		Minimum fish sizes	3	3	9
		French vessel incursion	3	4	12
	ICES area VIIe	Pair trawl mesh size (except October)	1	4	4
	SACs – Plymouth Sound and estuaries, Fal and Helford	Benthic disturbance from demersal trawls	2	4	8
Scallop dredge	South Cornwall	Vessel length inc. historic rights	2	5	10
		Excess no. of dredges	2	5	10
		Undersized scallops	4	3	12
		Cut-out scallops	4	3	12
		Dredge construction & tow bar length	3	1	3
		Limited fishing time	4	4	16
		Non bivalve molluscs bycatch	1	1	1
	SACs – Plymouth Sound and estuaries Fal and Helford	Benthic disturbance	2	4	8
Pot	Cornwall sea district Fal (* applies) Helford (* applies)	Vessel length inc. historic rights	1	4	4
		Minimum shellfish sizes*	3	3	9
		Berried lobsters	3	3	9
		V – notched lobsters*	2	2	4
		Parts of crabs	1	1	1
		Shellfish permit and conditions	2	1	2

	East of Rame Hd Tamar, Lynher	Pot escape gaps	2	2	4
Net	Cornwall sea district Fal (* applies) Helford (* applies) Camel (* applies)	Fixed engines (mainly surface nets in 9 defined coastal areas)	2	3	6
		Parts of crab	2	2	4
		Prohibited mesh size range*	3	3	9
		Catch composition re mesh size*	4	3	12
		Minimum fish and shellfish sizes*	2	2	4
		Shellfish permit and conditions	2	1	2
		Cetacean bycatch	1	4	4
	North Cornwall	Birds in St Ives Bay	2	3	6
	South Cornwall	Mesh size – Manacles	2	3	6
	Camel	Bass nursery area (except December)	3	4	12
		All nets prohibited - except those permitted by EA	4	4	16
		Fixed engines prohibited	2	3	6
	Tamar and Lynher	Bass nursery area	3	4	12
		All nets prohibited	3	3	9
	Helford, Fal, Percuil, Fowey	Bass nursery area	3	4	12
	Helford, Carrick Roads and Fal etc, Percuil, Looe	Draft and seine net night prohibition of certain mesh size range	2	3	6
		Fixed engines prohibited	2	3	6
	Fowey	All nets of certain mesh size range prohibited in part of river	3	3	9
		All nets prohibited - except those permitted by EA	3	4	12
		Fixed engines prohibited	2	3	6
	Mount's Bay	Mesh size – Runnelstone	1	3	3
Ring Net	Mount's Bay South Cornwall Fal	Minimum fish sizes	1	1	1
Seine	Camel Fowey	Permit for sand eels for certain mesh size range	1	1	1

Rod and line	Cornwall sea district All rivers	Minimum fish sizes	3	2	6
Handline	Cornwall sea district	Minimum fish sizes	1	1	1
Hand gathering of shellfish	Cornwall sea district	Minimum molluscs sizes	1	1	1
	Carrick Roads & Fal etc Helford Camel Tamar & Lynher	Minimum molluscs and shellfish sizes	1	1	1

CORNWALL IFCA DISTRICT
RISK BASED ENFORCEMENT STRATEGY

JANUARY TO MARCH 2014 inc. (4TH QUARTER)

Appendix 4

<u>FISHING METHOD</u>	<u>AREA AFFECTED</u> (0 to 6nm of sea and river or MPA as stated)	<u>REGULATORY CONSIDERATION</u> Under IFCA byelaw (inc. legacy) or Gov't order or EU regulation	<u>INFRINGEMENT RISK</u> L - 1,2,3,4,5 - H	<u>CONSERVATION IMPACT</u> L - 1,2,3,4,5 - H	<u>ENFORCEMENT RISK</u> Low - Yellow Med - Orange High - Red
Beam trawl	North Cornwall	Vessel length and power inc. historic rights	2	4	8
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
		Belgian vessel incursion	1	4	4
	South Cornwall	Vessel length and power inc. historic rights	1	4	4
		Minimum fish sizes	2	2	4
		Beam and trawl construction	1	4	4
	Fal and Helford SAC	Prohibited area (total site)	1	5	5
	Plymouth Sound and Estuaries SAC	Prohibited area (total site)	1	4	4
	Prawle Pt to Plymouth Sound & Eddystone SAC	Prohibited zones in Eddystone part of EMS	2	4	8
	Lizard SAC	Prohibited area (total site)	1	4	4
	Lands End & Cape Bank SAC	Prohibited area (total site)	2	4	8
Otter trawl	Cornwall sea district	Trawl construction	1	2	2
		Minimum fish sizes	3	3	9
		French vessel incursion	1	4	4
	ICES area VIIe	Pair trawl mesh sizes	1	4	4
	Fal and Helford SAC, Plymouth Sound and estuaries	Prohibited area	2	4	8

Scallop dredge	South Cornwall	Vessel length inc. historic rights	2	5	10
		Excess no. of dredges	2	5	10
		Undersized scallops	4	3	12
		Cut-out scallops	4	3	12
		Dredge construction & tow bar length	3	1	3
		Limited fishing time	4	4	16
		Non bivalve molluscs bycatch	1	1	1
	SACs – Fal and Helford, Plymouth Sound and estuaries	Benthic disturbance	2	4	8
Pot	Cornwall sea district Fal (* applies) Helford (* applies)	Vessel length inc. historic rights	1	4	4
		Minimum shellfish sizes*	3	3	9
		Berried lobsters	4	3	12
		V – notched lobsters*	2	2	4
		Parts of crabs	1	1	1
		Shellfish permit and conditions	3	2	6
	East of Rame Hd Tamar, Lynher	Pot escape gaps	2	2	4
Net	Cornwall sea district Fal (* applies) Helford (* applies) Camel (* applies)	Fixed engines (mainly surface nets in 9 defined coastal areas)	1	3	3
		Parts of crab	2	2	4
		Prohibited mesh size range*	3	3	9
		Catch composition re mesh size*	4	3	12
		Minimum fish and shellfish sizes*	2	2	4
		Shellfish permit and conditions	2	1	2
		Cetacean bycatch	1	4	4
	North Cornwall	Birds in nets - St Ives Bay	2	3	6
	South Cornwall	Mesh size – Manacles	1	3	3
	Camel	Trammel nets prohibited	1	4	4
		All nets prohibited in part of river	3	3	9
		Fixed engines prohibited	2	3	6
	Tamar and Lynher	Bass nursery area	3	4	12
		All nets prohibited	3	3	9
	Helford, Carrick Roads and Fal etc, Percuil, Looe	Draft and seine net night prohibition for certain mesh size range	2	3	6
		Fixed engines prohibited	2	3	6

	Fowey	Draft and seine net night prohibition for certain mesh size range	2	3	6
		All nets of certain mesh size range prohibited in part of river	2	3	6
		Fixed engines prohibited	2	3	6
	Mount's Bay	Mesh size – Runnelstone	1	3	3
Ring Net	Mount's Bay South Cornwall	Minimum fish sizes	1	1	1
Rod and line	Cornwall sea district All rivers	Minimum fish sizes	3	2	6
Handline	Cornwall sea district	Minimum fish sizes	1	1	1
Hand gathering of shellfish	Cornwall sea district	Minimum molluscs sizes	1	1	1
	Carrick Roads & Fal etc Helford Camel Tamar & Lynher	Minimum molluscs and shellfish sizes	1	1	1

