

## **Byelaw XXVIII SHELLFISH PERMIT BYELAW 2022**

### **The Permit Conditions:**

#### **Interpretations**

In the following Flexible Permit Conditions:

'berried lobster' means a lobster with eggs or spawn attached to the tail or other exterior part of the lobster, or in such a condition as to show that at the time of capture it had eggs or spawn so attached;

'cooked edible crab offal' means edible crab which has been previously cooked and processed

'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;

'fishing trip' means the entire period between leaving and returning to port;

'flap' in relation to the tail of a lobster means any part of the central three flaps of the tail fan of the lobster including the telson with anus and left and right uropod immediately adjacent to the telson;

'fleet' means a contiguous collection of individual pots connected by rope, rigging or any other method;

'mutilated pleopod' means any visible damage, abrasion, mutilation or absence of any pleopods on a female lobster;

'mutilated tail' means any lobster with any damage likely to obscure a 'v' notch mark or absence of either one or both inner flaps of the tail fan either side of the main tail flap. Any other damage or mutilation to, or absence of, any other tail flap, excluding the two inner flaps, is not classed as mutilation for the purpose of these permit conditions;

'overall length' means the overall length of the vessel as detailed on its official certificate of registry;

'pleopod' means the small abdominal leg of a female lobster attached to the abdomen used for swimming and brooding eggs;

'pot size' means the dimensions of the pot at its maximum size;

'soft shelled lobster' means a lobster which has recently cast its shell and is malleable under manual pressure;

'sunset list' means a list of vessels who possess a track record of fishing for crustacea using pots in 'Area A' or 'Area B' since January 2016 and have registered catches of lobster and crab with the Authority and were placed on the list before February 2019;

'three nautical mile limit' means the three nautical mile line as measured from the baselines as they existed at 25<sup>th</sup> January 1983 in accordance with the Territorial Waters Order in Council 1964;

'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water;

'v-notched lobster' means a lobster with a notch in the shape of the letter 'v' with a depth of at least 5 mm in at least one of the inner flaps of the tail fan either side of the main tail flap. The depth of the 'v' notch is measured vertically from the distal edge of the flap (not including the setae) to the apex of the 'v'.

## **Species**

'common periwinkle' means an animal of the species *Littorina littorea*;

'edible crab' means a crab of the species *Cancer pagurus*;

'European green crab' means a crab of the species *Carcinus maenas*;

'lobster' means a lobster of the species *Homarus gammarus*;

'Mussel' means an animal of the species *Mytilus edulis*;

'Norway lobster' means an animal of the species *Nephrops norvegicus*;

'Razor clam' means an animal of the genus *Ensis*

'Scallop' means an animal of the species *Pecten Maximus* and *Aequipecten opercularis*;

'Surf clam' means an animal of the genus *Spisula*

'velvet crab' means a crab of the species *Necora puber*;

'Whelk' means a whelk of the species *Buccinum undatum*

## **The Permit Conditions**

### **1 Catch restrictions**

As provided by paragraph 35(a) of the North Eastern IFCA Shellfish Permit Byelaw 2022, the following permit conditions apply:

#### **General conditions**

- 1.1 A permit holder must not remove from a fishery within the District any edible crab or part thereof which is detached from the body of the crab, but shall return the same to the sea immediately unless the following criteria have been met:
  - (a) the total of such parts is not more than 10% of the total weight of all species subject to a minimum landing size other than crustacea, landed by the same person on one occasion; and
  - (b) the edible crab was caught in a fixed net and the part became detached from the crab in the course of clearing the net.
- 1.2 A permit holder must not remove from a fishery within the District the tail, claw or any other detached part of a lobster.
- 1.3 A permit holder must not remove from a fishery within the District any clawless lobster. Any clawless lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.
- 1.4 A permit holder must not remove from a fishery within the District any soft shelled lobster. Any soft shelled lobster shall be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.
- 1.5 A permit holder must not remove from a fishery within the District any edible crab which has not attained a carapace width of 140 mm but shall return the same to the sea immediately in a position as near as possible to that part of the sea from which it was taken.

#### **Additional Category Two Permit conditions**

- 1.6 A Category Two Permit holder not fishing by vessel is not authorised to remove from a fishery within the District:
  - (a) any 'V'-notched lobster;
  - (b) any lobster with a mutilated tail;
  - (c) any berried lobster;

- (d) any female lobster with mutilated pleopods.
- 1.7 Any animal described in paragraph 1.6 of these conditions must be returned immediately to the sea in a position as near as possible to that part of the sea from which it was taken.
- 1.8 A Category Two Permit holder shall not fish for or take more than 2 lobsters and a combined total of 10 edible crabs or velvet crabs, which must be landed on the same calendar day on which they were caught.
- 1.9 Any of the specified shellfish species caught over the daily limits prescribed in paragraph 1.8 of these conditions must not be landed, retained or stored but shall be returned immediately to the sea in a position as near as possible to that part of the sea from which they were taken.
- 1.10 The daily catch limits prescribed in paragraph 1.8 of these conditions cannot be aggregated over multiple days.

## **2 Gear restrictions**

As provided by paragraph 35 (b) of the North Eastern IFCA Shellfish Permit Byelaw, the following permit conditions apply:

### **Escape gaps**

- 2.1 A permit holder must not use a pot within Area A (paragraph 4.1 of these conditions) or Area C (paragraph 4.3 of these conditions) for the purpose of fishing for specified shellfish species unless the following criteria have been met:
  - (a) the pot has at least one unobstructed escape gap located in its exterior wall or, in the case of a multiple chambered pot, each individual chamber has an unobstructed escape gap located in its exterior wall;
  - (b) each escape gap is of sufficient size that there may be easily passed through the gap a rigid box shaped gauge 80 mm wide, 46 mm high and 100 mm long;
  - (c) the escape gap is located within the pot in such a way that the longitudinal axis is parallel to the base of the pot and is located in the lowest part of the chamber as is practically possible and within 50 mm of the base.

### **Category One Permit effort limitation**

- 2.2 A Category One Permit holder may only use the number of pots allocated to the permit by the Authority in writing, up to a maximum number of 1000 pots.

- 2.3 A Category One Permit holder must declare to the Authority, on application and renewal, the number of pots per fleet that will be used by the vessel associated with the permit.
- 2.4 The maximum number of pots per fleet declared under paragraph 2.3 of these conditions will be used to determine the maximum number of fleets able to be used by the vessel associated with a Category One Permit, taking into account the maximum number of pots allocated under paragraph 2.2. The maximum number of fleets will be notified in writing when the permit is issued.
- 2.5 A Category One Permit holder may only use up to a maximum number of fleets as stated on the issued permit letter.
- 2.6 A Category One Permit holder may only use up to a maximum number of pots per fleet as stated on the issued permit letter.
- 2.7 A Category One Permit holder may, at any time, change the declared numbers of pots per fleet that will be used by the vessel associated with the permit in writing.
- 2.8 When notified under paragraph 2.7, the Authority will notify, in writing, the permit holder the maximum number of fleets able to be used by the vessel associated with a Category One Permit, taking into account the maximum number of pots allocated under paragraph 2.2.

### **Category Two Permit effort limitation**

- 2.9 A Category Two Permit holder may only use up to a maximum number of 5 pots.
- 2.10 A Category Two Permit holder may only use a single net, up to a maximum length of 100 metres per vessel per day to fish for specified shellfish species.
- 2.11 Fishing for specified shellfish species using both nets and pots on the same calendar day is not permitted.
- 2.12 A Category Two Permit holder must not use any keep box or similar device to store specified shellfish species in the sea or in any estuary or in any harbour or marina within the District.
- 2.13 Multiple Category Two Permits must not be used to fish from a vessel on each singular fishing trip.

### **Gear marking - General**

- 2.14 A permit holder is not authorised under this permit to use any pots, for the purpose of fishing, within the District unless all individual pots or each fleet of pots is clearly marked by at least one floating marker (buoy or dahn). Each of

these floating markers shall be clearly marked with either the relevant fishing vessels registration (port letters and numbers) of the vessel named on the permit or the permit number.

- 2.15 It is not permitted for any permit holder to fish for specified shellfish species using pots associated with another permit.

#### **Gear Marking – Additional Category One Permit conditions**

- 2.16 A Category One Permit holder must clearly mark each fleet of pots with a unique, sequential, numerical fleet identification number. The fleet identification number must be located on each of the floating markers prescribed in paragraph 2.14 of these conditions. The fleet identification number can not exceed the maximum fleet number notified under paragraph 2.4 of the byelaw.
- 2.17 A category One permit holder must also attach or fix any tags bearing a unique reference number, issued by the Authority, to associated fishing gear as required by the Authority.

#### **Gear Marking – Additional Category Two Permit conditions**

- 2.18 Category Two Permit holders will be issued with 5 tags bearing a unique reference number.
- 2.19 Each pot or net must be individually tagged with one of the tags issued by the Authority.
- 2.20 Lost or damaged tag(s) must be reported to the Authority immediately.
- 2.21 Replacement of lost or damaged tag(s) requires a new permit application and will be subject to the permit fee stated in paragraph 25 of the byelaw.

#### **Bait**

- 2.22 A permit holder must not use any edible crab or velvet crab for bait with the exception of the following:
- (a) the use of any cooked edible crab offal as bait; and
  - (b) the use of edible crab, above the statutory minimum landing size as bait for recreational rod fishing; and
  - (c) the use of velvet crab, above the statutory minimum landing size as bait.

#### **Maximum pot size**

- 2.23 A permit holder or named representative must not use any pot with a size exceeding 50 cm high x 60 cm wide x 110 cm long.

### **3 Vessel restrictions**

As provided by paragraph 35 (c) of the North Eastern IFCA Shellfish Permit Byelaw, the following permit conditions apply:

#### **Vessel length**

3.1 A Category One permit holder must not use a pot from a vessel exceeding 10 metres overall length in Area A or Area B unless the following criteria have been met:

- (a) the vessel is on a sunset list maintained by the Authority;
- (b) the vessel does not exceed 14 metres overall length;
- (c) there is no change of ownership since being placed on the sunset list affecting the major share holding in the vessel concerned.

3.2 A Category One permit holder must not use a pot from a vessel exceeding 16 metres overall length

#### **Vessel limitation**

3.3 A maximum of two hundred and thirty four (234) Category One Permits will be issued in any one calendar year.

### **4 Fisheries Information**

4.1 Area A means those tidal waters and parts of the sea bounded by the following:

- (a) to the North by the boundary of the District, to the South by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54° 38.847' N Long 001° 08.251' W) to the three nautical mile limit and to the East by the three nautical mile limit.

4.2 Area B means those tidal waters and parts of the sea bounded by the following:

- (a) to the South by the boundary of the District, to the North by a line drawn 045°T from the light on the South Pier at the mouth of the Tees Estuary (position Lat 54° 38.847' N Long 001° 08.251' W) to the three nautical mile limit and to the East by the three nautical mile limit.

4.3 Area C means those tidal waters and parts of the sea bounded by the following:

(a) to the North by a line drawn  $045^{\circ}\text{T}$  from the light on the South Pier at the mouth of the Tees Estuary (position Lat  $54^{\circ} 38.847'$  N Long  $001^{\circ} 08.251'$  W) to the boundary of the District, to the East by the six nautical mile boundary of the District and to the South by the boundary of the District.