

**NWIFCA Quarterly Meeting:
13th September 2018: 11.00 a.m.**

**AGENDA
ITEM NO.
10**

**WHELKING DEROGATION AGAINST CSFC BYELAW 25 -
REQUIREMENTS FOR ESCAPE GAPS IN POTS, CREELS AND TRAPS**

Purpose of Report: Present a proposed derogation under CSFC Byelaw 2 to allow the use of whelk pots in the CSFC District without escape gaps as required by CSFC byelaw 25.

Recommendation: The derogation at Annex A is approved as an interim measure until the new NWIFCA Potting Byelaw is confirmed.

Background:

1. Cumbria Sea Fisheries Committee Byelaw 25 – Requirement for Escape Gaps in Pots, Creels and Traps – was confirmed 20th October 1997.
2. This byelaw covers the CSFC area within the NWIFCA District and requires an escape gap of a specified size to be fitted to the lowest part of any pot, creel or trap used ‘for the purposes of fishing for *sea fish* including molluscs and Crustacea. Ordinary reading of the byelaw suggests the wording effectively prevents the use of whelk pots in the area.
3. This prohibition on whelk fishing was not intended when the byelaw was made as shown by the explanatory note which states: ‘This Byelaw is designed to allow small immature lobsters and crabs that have not had a chance to breed to escape from pots and creels and thereby enhance the biomass of the species’.
5. Recent increase in interest in whelk fishing requires the doubt created by CSFC byelaw 25 to be resolved. This will be done fully with the proposed new potting byelaw which will provide for whelk potting. In the meantime the Authority must enforce the existing byelaw.

Proposed solution:

11. In August 2018, TSB agreed that a CSFC byelaw 2 derogation could allow use of whelk pots without escape gaps pending confirmation of a new potting byelaw. Derogation could be approved at the September meeting. A draft derogation and Authorisation is at Annex A.
13. A concern is that derogation would open up the CSFC area of the district to any size of vessel allowing excessive numbers of pots in the 3-6nm zone. Therefore the derogation should include a size limit on vessels and a restriction on number of pots per vessel to reduce the risk of overfishing.
14. If the data can be collected in time, details of vessels likely to be interested in derogations will be tabled at the meeting to assist discussion. As a starter proposal, officers suggest a 15m registered overall vessel length in line with the south of the District, and a maximum of 600 pots per vessel.

15. If approved, authorisations to fish under the derogation will be issued to vessel owners on application. Conditions will require holders to file gear, catch and effort returns. The data collected will inform whelk research, and future management of the fishery.
16. This issue does not arise in the NWSFC area of the District as there is no byelaw requiring escape gaps in pots.

Mandy Knott
Senior Scientist
21st August 2018



Annex A

NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

**Cumbria Sea Fisheries Committee (CSFC) Byelaw 2 written Authorisation
for derogation against CSFC Byelaw 25**

Recipient's name]
[Position, company]
[First address line]
[Second address line]
[Town/City Postcode]

Date: XX/XX/XXXX

Authorisation Number: XXXX **Issue Date:** XX/XX/XXXX **Expiry Date:** XX/XX/XXXX

Vessel Name: XXXX **Skipper:** XXXX **Registration Number:** XXXX

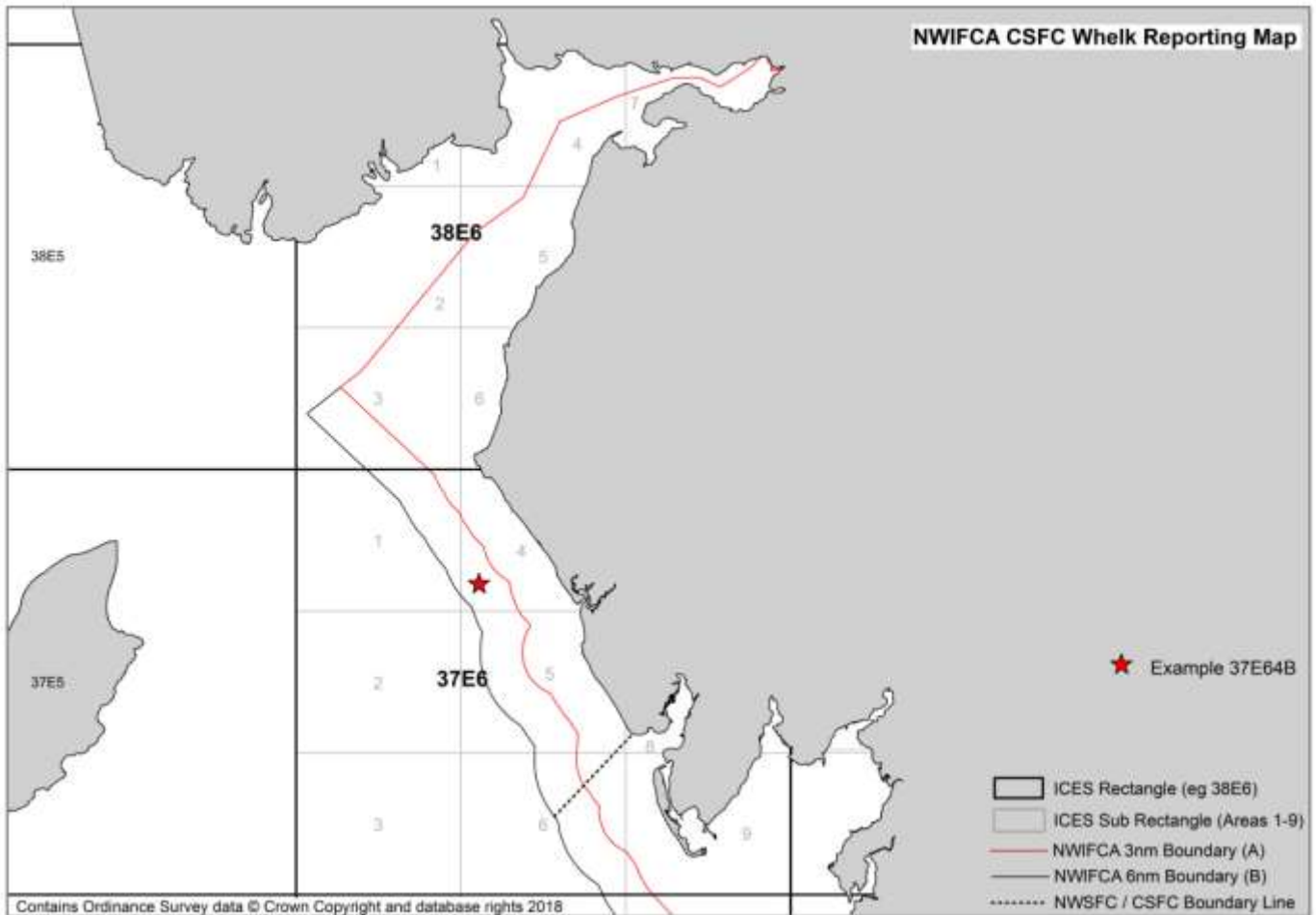
The holder is authorized to fish in the area of the CSFC District for whelks using a pot without the requirement for the pot to have an escape gap as defined in CSFC Byelaw 25. When fishing using any other pot, creel or trap or for any other species all measures in CSFC Byelaw 25 apply.

The following conditions apply to this derogation

1. **Period:** Commencement Date XX/XX/XXXX to Expiry Date XX/XX/XXXX
2. **Area:** CSFC district (map below, not definitive) and defined in the NWIFCA byelaw book
3. **Vessel:** The fishing vessel with name, PLN number and when under the command of the skipper detailed above. Vessels must be under 15m registered length
4. **Gear:** Up to 600 pots or traps may be set by from each authorised vessel. Pots must be set for the purpose of catching whelks and consist of a plastic container with an open top and holes of minimum size 25mm diameter near the base to make the pot sink in an upright position and allow small whelk to escape.
5. **Catch returns:** Returns must be submitted to the Authority by email to **science@nw-ifca.gov.uk** or by post to **NWIFCA Whitehaven or Carnforth office**. Returns must include all the data requested on the form at Annex B. The landings and effort recording form is provided in Annex B. The form is based on the Monthly Shellfish Activity Returns (MSAR) form as required in shellfish fisheries but with the requirement to complete the area description to smallest spatial scale including ICES sub rectangle and 3(A) or 6(B) mile belt area identified by letters and numbers as shown in the example of the red star on the map. This location should be identified as 37E64B.
 - a. Nil returns are required for periods when no fishing took place or no catch was landed
 - b. Weekly landings and effort returns are required within 5 days of the end of each month.
 - c. A separate return must be submitted for each string of pots set in the District.
6. Failure to adhere to any of the conditions may result in this Authorisation being revoked by email with immediate effect after which time fishing with whelk pots without an escape gap within the CSFC district boundary will be in breach of CSFC Byelaw 25 and may lead to prosecution.

7. The fishery may be closed with immediate effect if in the opinion of NWIFCA Officers or Scientists, there is a failure to comply with conditions or there is damage to the stock.
8. The Authority's Whitehaven office must be informed by telephone before any pots are set, cleaned or removed and again when work is completed
9. This Authorisation is not transferable.
10. This Authorisation does not exonerate the holder from other sea fisheries legislation, nor does it prejudice any other consents the holder may need to obtain.

Map showing area of CSFC District and ICES squares for reporting



By order of the Authority

Dr. STEPHEN ATKINS Chief Executive

