

NWIFCA Quarterly Meeting: 13th September 2019: 11.00 a.m.

AGENDA ITEM NO. 5

POTTING PERMIT BYELAW

Purpose: i) to provide an update on work since the June meeting;

Recommendation: i) the byelaw at Annex A be made.

1. The potting byelaw presented to the NWIFCA June meeting for making was agreed at TSB in May; however the recommendation at the June meeting to make the byelaw was not agreed.
2. Mr Brown, who was not at June TSB, raised concerns in writing which were tabled at the June Authority meeting. Mr Brown proposed that the byelaw be not made for reasons he had tabled. Chairman agreed that Mr Brown's report should be accepted for discussion.
3. Members voted to pass Mr Brown's amendment and postpone making the byelaw.
4. Recognising the urgency of this byelaw to allow sustainable whelk fishing in the District, Members agreed to make further comments on the byelaw as presented to the meeting by Monday 15th July.
5. Comments received were tabled at TSB in August. Their complexity required further discussion at TSB.
6. The following components of the byelaw were discussed at length and agreement was reached on whether to retain or remove these elements from the byelaw through a majority vote of members without a declared interest:

Component	Decision	Reason
Vessel length	Remove	Other effort limitations remain and should be dealt with in separate byelaw
Gear marking	Retain	Wording more appropriate than in existing byelaws and will address existing issues promptly. Wording can be mirrored in netting byelaw
Track record for whelk permit	Retain (but remove vessel length component)	Discussed that there is not one option that would suit everyone. 400 pot limitation still allows under 10 without track record to fish
Pot limit for whelk permit	Retain	Agreed that pot limit for vessel with and without track record was reasonable
Tags on whelk pots	Retain	Will aid enforcement and act as a deterrent. Can be enforced when officers board vessels as pots without tags can be easily spotted – i.e. pots don't have to be counted
Licences/fees (one Cat One permit required for each specified species)	Retain	Differing views and preferences amongst industry accepted – not one right option for all stakeholders. Agreed that the Authority needs reasonable cost recovery
MLS for whelks	Retain	No dispute over need to increase MLS but method of doing so discussed. Agreed incremental increase as set out in byelaw offers best method to do so but MLS for whelk should be removed from NWSFC Specified Fish Sizes byelaw to remove confusion.

		Addition of NWSFC Byelaw 19 Specified Fish Species to list of amended byelaws made.
Riddles/bar spacing		Requirement for riddles to be retained in flexible permit conditions. This is just one measure that helps sort size/undersize but MLS inspections still required. Agreed that specified bar spacing would make it easier for industry but further data on length-width relationship required once fishery starts. Bar spacing could be added to flexible permit conditions in the future
Penalties	Retain	Mirrors the measures in the recently-made Cockle and Mussel Permit Byelaw. Agreed that it strengthens enforcement capacity and acts as a deterrent.
Escape gaps (Nephrops creels)	Remove	Data may not support requirement for escape gaps (no difference in escape rate with and without escape gaps for Nephrops of all sizes). Agreed to remove from flexible permit conditions at present time but could be added in the future under technical measures and gear restrictions

7. Revised versions of the byelaw and the Track Record and application process for whelk permits incorporating agreed changes was circulated to TSB Members. The amended byelaw was sent to NWIFCA legal advisor and to MMO IFCA byelaws team.
8. MMO advised that they no longer provide informal advice on routine byelaws so they would ordinarily expect to see the next draft of this byelaw at the formal quality assurance stage
9. Officers subsequently highlighted a minor omission in 'Revocation and Amendment' paragraph 55, amendments of two byelaws, where amended wording of the byelaws is needed not just the amended titles. This has now been corrected.
10. A final version (Annex A) and a track change version from that previously circulated (Annex B) of the byelaw are provided. A track change and amended version of the Track Record for whelk permits is provided as Annex C.

**Senior Scientist,
15th August 2019**