

**NWIFCA Quarterly Meeting
14th March 2019; 11.00 a.m.**

**AGENDA
ITEM
8**

POTTING PERMIT BYELAW AND WHELK MANAGEMENT MEASURES - UPDATE

Purpose: to provide Members with an update of the development of this flexible permitting byelaw and proposed whelk fishery management measures

Recommendation: Members receive the report

1. The NWIFCA Potting Permit Byelaw will incorporate management for all species that are either being caught in pots now or could be in the future if new fisheries develop. A 'pot' is defined within the byelaw as: any folding or rigid cage device or structure with one or more openings or entrances capable of capturing any sea fisheries resources.
2. Separate permits will be issued for different species (crab and lobster counting as one permit), and under the flexible permit conditions it is possible to set different management measures for the different permits / species.
3. The management measures - ie. the flexible permit conditions - can be changed more readily if necessary following a process laid out in the byelaw than the fixed measures on the face of the byelaw. They will be produced in a separate document when the byelaw is made.
4. Initially it is assumed that only crab / lobster and whelk permits will be required. Annex A provides an indication of the flexible permit conditions being considered by TSB to accompany these two permits.
5. There are currently two strands to the development of this byelaw which TSB has been considering:
 - i. the draft byelaw itself including provision for permit fees;
 - ii. the proposed flexible permitting conditions (management measures) for whelks.
6. An amended draft of the byelaw was discussed at TSB in February along with estimated costings for its implementation and enforcement. Members deliberated over these provisions and the potential fees. A number of amendments were agreed and Officers were instructed to incorporate them into the next draft and send out for further consideration.
7. A detailed report on the District's whelk fisheries containing information gained through informal consultation with industry, conversation and information shared with Wales, Jersey States and Isle of Man administrations and a summary of a Blue Marine Foundation report into England's whelk fisheries was produced for Members. This report gave the most up-to-date account of the District's whelk fisheries to hand, along with examples of sustainable management practice, and evidence for their implementation.
8. Officers had recommended particular management measures which were debated at TSB, particularly in relation to methods of restricting effort in the whelk fishery to ensure long term sustainability. No firm decisions were taken. The Senior Scientist suggested sending these out to those whelk potters identified through the informal consultation for their views in the form of a short questionnaire. The feedback from this will be taken back to TSB to assist

Members in agreeing the flexible conditions to go into the new Potting permit Byelaw for whelks and progressing that byelaw. To date four questionnaires have been returned, out of a total of 18 sent.

9. Following incorporation of TSB's amendments, a further draft of the byelaw was sent to TSB by email. Jim Andrews and Steve Brown both responded with comments, which are being answered, or changes made to the latest version of the byelaw. The CEO also suggested amendments. A track changed version has been circulated back to those Members included in Dr. Andrews email.
10. Once further work has been carried out to ensure all comments have been dealt with, a draft of the byelaw will be sent to NWIFCA legal advisor Andrew Oliver, and a meeting has been scheduled to discuss this with him. This version will also be sent out to TSB.
11. It is intended to have a detailed paper for TSB in May explaining the byelaw clearly, along with a near final version of the Byelaw and accompanying flexible permit conditions for whelk potting. Should agreement be possible at TSB, the byelaw will be presented to NWIFCA for making in June.

Mandy Knott
Senior Scientist
28th February 2019

Annex A – Flexible Permit Conditions v7

1. Minimum Landing Sizes:

A permit holder must not remove or retain from a fishery:

- (a) any lobster which has a carapace length, measured parallel to the mid-line from the back of either eye socket to the distal edge of the carapace, less than 87mm;
- (b) any edible crab which has a carapace length, measured across the broadest part of the back, less than 130 mm;
- (c) any whelk which has a shell length, measured along the longest part of the shell, less than 75mm;
- (d) any Norwegian lobster which has a carapace length, measured from the base of the eye notch to the posterior mid-dorsal edge less than 20mm or an overall length measured from the tip of the rostrum to the rear end of the telson less than 70mm;
- (e) when using a Category One Permit any detached part of Norwegian lobster which cannot be measured in accordance with Annex XIII of Council Regulation (EC) 850/98 of 30th March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

2. Gear Restrictions:

- (a) A permit holder must not fish for crab or lobster using a pot which has a chamber with an entrance designed to restrict escape, unless the pot is fitted with a rigid escape gap located in the lowest part of the exterior wall of the pot or (in the case of a multiple chambered pot) a rigid escape gap located in the lowest part of the exterior wall of each individual chamber;
- (b) The escape gap referred to in paragraph 2(a) of the flexible permit conditions must be of sufficient size so that a rigid box shaped gauge 80 millimetres wide by 45 millimetres high and 100 millimetres long may be passed through the gap;
- (c) A permit holder must not use a pot to fish for whelks unless the pot consists of a rigid plastic container with an open top through which whelks can enter.
- (d) All whelks must be passed over or through a riddle prior to sorting.
- (e) A permit holder must not use a pot to fish for Norwegian lobster unless the pot is fitted with at least one hard eye entrance hole of maximum 45 mm diameter, and an unobstructed rigid escape panel of minimum 22mm width fitted in the lowest part of each chamber of the pot.