



### Agenda Item B3

Success Criteria 2, 4, 5 & 6

By: Chief Fishery Officer  
To: Kent and Essex Inshore Fisheries and Conservation Authority – 4 September 2015  
Subject: **BASS MANAGEMENT**  
Classification: Unrestricted

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Summary: To update on Bass Management and River Medway Byelaw

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#### **1. Update on New EU Bass Management Measures**

Since January 2015, the EU has introduced a range of management measures designed to protect bass. These measures aim to reduce the amount of sea bass being removed and limit the volume of bass being landed. The measures introduced so far are as follows:

##### *Measure one - A short term ban on pelagic trawling*

On 19 January 2015 the EU imposed a pelagic trawling ban until the end of April 2015: a critical first step in this package of measures. The ban protected the stock from being targeted when at its most vulnerable – when the fish is coming together in shoals during the spawning season to reproduce. It applied to the Channel, Celtic Sea, Irish Sea and southern North Sea.

##### *Measure two - A 3-fish bag limit for recreational fishermen*

On 25 March 2015 the EU set a catch limit of three fish per day per angler. Recreational fishing accounts for 25% of sea bass catches.

##### *Measure three - A monthly catch limit and a closed area*

On 19 June 2015 the EU set catch limits for particular fishing gears in order to protect sea bass for the remainder of 2015. The decision also comprises an area closure around Ireland for commercial fishing, namely the Celtic Sea, Irish Sea, south of Ireland and west of Ireland (ICES areas VIIa,b,c,g,j,k outside the UK 12

mile zone), thereby extending a national measure, that Ireland has had in place for Irish vessels only, to protect sea bass since 1990 to cover all EU vessels active in the area.

#### *Measure four – An increase in the minimum size of northern sea bass*

On 2 July 2015 the EU increased the minimum size for northern sea bass from 36cm to 42 cm. The new rule applies to both commercial and recreational fishermen. This will further improve the protection of this valuable stock and give it more chance to reproduce young fish before it is caught. The Commission had also proposed to increase the minimum size for the two southern stocks of sea bass in Iberian waters and the Bay of Biscay. Member states however pointed to the lack of data available on these stocks, which does not support the use of urgency measures. The Commission will therefore ask for renewed scientific advice on the southern stocks, which will feed into new proposals on sea bass from 2016 onwards.

#### **IFCA responsibilities**

As the measures have been introduced KEIFCA officers have been updated and are enforcing the new legislation under a cross warrant issued by the MMO. Minimum size measures have been checked as a matter of routine on all commercial landing inspections and boardings whilst monthly catch limits are ultimately enforced by the MMO to whom IFCA officers provide information and intelligence when vessels are inspected as to the quantities being taken.

Inspections of charter vessels, private vessels and shore anglers already take place across the district on both routine and targeted patrols. However, the creation of the new recreational legislation starts to strategically draw IFCAs and the MMO more firmly into the recreational theatre of enforcement, which in turn will require a rebalancing of enforcement priorities especially as no additional funding has been made available to undertake this work. This ultimately means that prioritisation has occurred at times especially given that the new measures came in at the same time as the TECFO cockle fishery started. Officers continue to balance the resources available to effectively undertake enforcement across several fisheries during the summer months, however a number of key fisheries take place in the district over this time (cockle fishery, crab and lobster fishery, the whelk fishery in the south of the district) and we will need to try and develop new ways of working (both internally and with the MMO) to meet these competing demands.

Publicising the new measures is recognised as an issue across the sectors and IFCAs have been working together, behind the scenes, to come up with solutions which can be used nationally so as to ensure a consistent message. The National Inshore Marine Enforcement Group (NIMEG) which comprises IFCAs, MMO, EA and Defra has been developing flyers, stickers and other materials to be issued to fishermen as well as exploring the use of materials to communicate the legislation and restrictions to non-English speaking fishermen.

As ever we want to work as collaboratively as possible with the local community to try and raise the profile of these measures, especially within the angling sector and achieve high compliance rates in our district. In an effort to try and

achieve this it is suggested that we hold a meeting with fishing/angling sector leaders to discuss approaches and enforcement priorities and tactics.

**1.1 Recommendation:** Officers to hold a meeting with fishing/angling sector leaders to discuss approaches and enforcement priorities and tactics.

## **2. Bass Nursery Areas**

As discussed in previous papers KEIFCA strongly supports the ideas behind bass nursery areas and before the introduction of the new raft of EU legislation for bass, had looked at developing and leading this work stream. Since the introduction of wide ranging new management measures and after having meetings with Defra it then became clear that there was an appetite for a Defra led national review of bass nursery area management. At the last Authority meeting it was decided to hold a technical panel meeting to discuss this in more detail (Appendix 1). From the discussions at the technical panel meeting KEIFCA officers, taking into consideration opinions from members, have replied to the initial questions posed by Defra on this issue and are happy to support Defra in the review of this legislation (Appendix 2).

### **2.1 Recommendation:**

- Members note and approve the response of the IFCA to Defra
- Members agree the recommendations of the Technical Panel in relation to Bass Nursery Areas

## **3. River Medway Nursery Area Byelaw**

### *Background*

At the previous Authority meeting on 19 May 2015, Members were informed of the work carried out between KEIFCA officers and Rochester Oyster and Floating Fishermen (ROFF) to protect a nursery area for fish in the River Medway. On 20<sup>th</sup> June 2015 ROFF made a presentment under their powers to create legislation which introduced a no take zone for their members. KEIFCA officers helped ROFF with the production of the charts and site descriptions which ROFF used in their legislation. At the last meeting the Authority agreed that KEIFCA would draft a byelaw to complement the ROFF presentment to protect an area in the River Medway from all types of fishing in order to establish a nursery area for all marine life.

Officers have spoken with the local community and received support from local anglers and charter boat owners for the creation of this byelaw. A public consultation meeting was held at St Mary's Island Community Centre, Chatham on 21 July 2015. Following this meeting a draft of the byelaw and impact assessment was put in front of the technical panel held on 27 July 2015.

### *Technical Panel*

At the technical panel meeting, members discussed the proposed byelaw and impact assessment taking on board the importance of enforcement for this proposed area, made some suggestions and made recommendations as follows:

- The wording of the byelaw be approved
- The wording of the Impact Assessment, subject to suggested changes to be made direct to officers, be approved.

### *Byelaw Process*

Following the technical panel meeting officers began the process of quality assuring the byelaw through the statutory process with the MMO. A number of drafts were created to arrive at a final draft stage, this included a reformatting of the byelaw to a style used by a previous Eastern IFCA byelaw to enable the flexibility, which the Authority, ROFF and the local community had expressed a wish for, within the byelaw to vary the protected area or introduce new areas within the River Medway over time.

All of the wording and principles within the draft byelaw are contained within other pieces of legislation which have recently been through the byelaw process. It was felt that by using established legal wording that the byelaw should be legally sound as all of the concepts had previously been approved by the Minister in other byelaws. The MMO then passed the draft wording to Defra and the Defra legal team.

Defra legal have raised significant issues with some parts of the byelaw, specifically around deeming clauses and how gear should be stowed when inside the restricted area. As a result the byelaw is not yet ready to be made, however the remaining issues should be resolved within the next few weeks at which point the draft byelaw and impact assessment can be sent out to Members and in order to make the byelaw this year an extraordinary meeting could be held to make the byelaw.

**3.1 Recommendation:** to hold an extraordinary meeting in the beginning of October 2015 for the Authority to consider and make the proposed byelaw.