



Agenda item B6

By: Assistant Chief IFCO

To: Kent and Essex Inshore Fisheries and Conservation Authority – 21 May 2019

Subject: **PERMITTED COCKLE FISHERY MANAGEMENT**

Classification: Unrestricted

Summary:

This report provides a summary of the spring 2019 cockle stock assessment surveys. Resulting recommendations on the management of the 2019 permitted cockle fishery are included in this report and members are asked to review and approve this recommended management of the 2019 cockle fishery

Recommendations –

In respect of the flexible permit cockle fishery:

- (a)** The Total Allowable Catch (TAC) should be set at 480 tonnes which based upon the number of permits being applied for being 30, results in 1 trip per vessel of a maximum volume of 13.6m³.
- (b)** All areas apart from the Buxey Sand within Area 7 to be closed to fishing
- (c)** The fishery will open on Tuesday 8th October 2019 and will close on Thursday 10th October. Fishing will be permitted between 0900 on the Tuesday until 1200 on the Thursday.
- (d)** That the Chief IFCO be authorised, after consultation with the Chairman and Vice Chairman, to implement changes to fishing controls within the limitations of the agreed TAC. Members will be notified of any changes

1. Permitted Cockle Fishery 2018

In May 2017, the Authority decided to open the permitted cockle fishery for the first time since 2014. Due to the high number of permit applications, which was far in excess of any year historically, and the lack of cockles on most of the areas

other than area 7, only one trip per boat was permitted. This situation remained during 2018, despite an overall increase in adult stock, the population was still only sufficient in terms of sizeable cockles for a single trip per vessel.

2. Cockle Fishery Flexible Permit Byelaw

The process for the management of this fishery is that anyone wishing to apply for a permit is required to apply before 31 March in that year and all stock assessment surveys are completed before the May Authority meeting. This ensures that the Authority can be presented with a complete picture of the fishery, including the amount of stock available and the number of vessels wishing to work it.

2.1 Appropriate Assessment

The Authority is required under Regulation 48(3) of the Conservation (Natural Habitats) Regulations 1994, Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000 the Authority to give notice to Natural England of intention to issue permits to fish for cockles within designated SSSI, SAC, SPA and Ramsar inter-tidal sites. The Authority is also required to submit a Habitat Regulations Assessment (HRA) to Natural England which assess the impact of the fishery on protected features of European Marine Sites. This assessment includes survey data, fishery monitoring and details of mitigation implemented to ensure that there is no adverse impact upon these sites as a result of the Authority's action. An HRA has been completed on the recommended management of the 2019 fishery, i.e. that the permitted cockle fishery opens as per the recommendations, and this has been submitted to Natural England.

2.2 Number of Permit Applications

Thirty permit applications have been received for the 2019 fishery, comprising of vessels from both the Kent and Essex district and the Eastern IFCA district.

2.3 Spring 2019 Cockle Stock Surveys

2.3.1. Method and survey area

Stock surveys of the area outside the TECFO commenced on 2 April 2019 and the main outside area beds were completed by 7 May 2019. At this time of year, the cockles are coming into condition for their spring spawning following the winter dormant period.

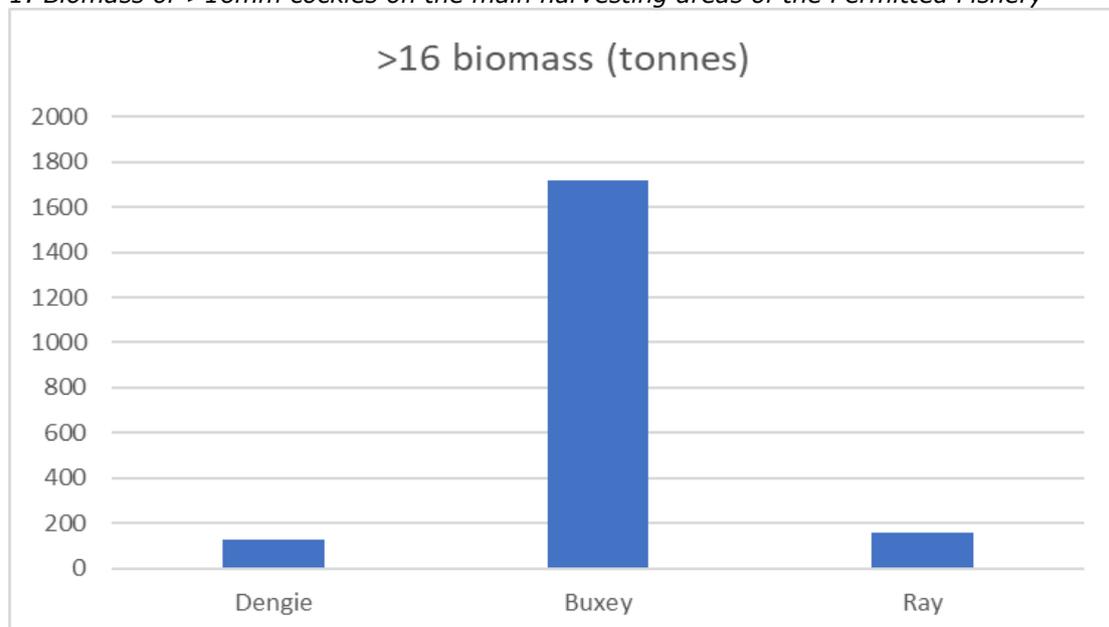
These surveys took a total of five survey days to complete using Day grabs deployed from Tamesis, covering a total area of 35.2 km² (13.6 miles²) with a total of 262 grab samples being taken. The areas surveyed included the Buxey, Ray and Dengie Sands, which include the current main production areas within the Permitted Fishery (a chart showing the production areas is attached in Appendix A).

2.3.2. Results

The main harvesting areas of the Permitted Fishery are in Area 7 and data from the spring 2019 survey were compared with data from recent years to analyse trends in the cockle beds in this area. All three beds within Area 7 are showing a level of stability compared with recent years with the adult biomass on the sands showing a steady level of increase year on year, most of this increase in terms of cockles of a commercially harvestable size however, is concentrated on the Buxey Sand. The number of >16mm cockles is also similar to last year with approximately 35% of the adult cockles have reached the 16mm required as a minimum size.

As is usual for the past three years, the Buxey Sand bed contains the majority of the available adult stock. Other areas in the permitted cockle fishery area have shown a slight increase in the number of adult cockles but very little is in excess of the 16mm minimum size at present.

Fig. 1: Biomass of >16mm cockles on the main harvesting areas of the Permitted Fishery



2.4 2019 Fishery Management

The survey shows that as in recent years, the Buxey Sand is the most productive bed and that the other areas contain very few cockles suitable for commercial harvesting. The recommended maximum Total Allowable Catch (TAC) of >16mm cockles that can be taken from the beds in Area 7 is 480 tonnes. This figure is greater than the 350 tonnes provided for in the Permitted Fishery Management Plan. This figure divided by the total number of vessels which have applied for a permit (30) would result in one fishing trip for each vessel.

Area 7 of the permitted cockle fishery, is located within the boundary of the Essex Estuaries SAC and the Blackwater, Crouch, Roach and Colne Estuaries MCZ. It contains, as well as the cockle beds, a notable Native Oyster population which is in the process of being protected by a new permit byelaw. In addition, bottom trawling is prohibited in areas within the Essex Estuaries SAC

immediately adjacent to these beds. As a result, making conservative decisions which are precautionary in their nature regarding this fishery would seem prudent, to try and ensure that this is a regular fishery which the industry can make informed decisions about when deciding whether to take part.

A time-limited, trip-limited fishery is a suitable approach given the significant number of vessels which continue to apply for permits to access this fishery. The provisions listed below are intended to enable the fishery to operate in a time-efficient manner whilst reducing the impact of the fleet upon the ground and reducing fishing mortality as much as possible.

Initial Advice from Natural England (NE)

With the short turn around between the data being produced from cockle surveys and the development of management measures the time available for NE to review KEIFCA management and give advice was limited. However, NE have provided verbal initial advice to help KEIFCA in developing 2019 management measures for the KEIFCA cockle permit.

Whilst the stock in the Buxey is improving year on year both in spat, adult cockles and >16mm cockles, the landscape relating to fishing in Marine Protected Areas continues to evolve and develop. In discussions with NE, NE welcomed the suggested precautionary approach to management of this fishery especially given the impact of allocating two trips in 2014 with the fishery remaining closed for the following two years, as well as the concentrated nature of the fishing on the Buxey that is within the European Marine Site.

NE were encouraged by the ongoing development of the stock and indicated that evidence is building of a robust sustainable stock that could be harvested at higher levels in the future. KEIFCA, weighing up all the current evidence and the context of the fishery, decided that a precautionary approach should be taken, which has been welcomed and supported by NE. As such, harvest levels should remain at the levels that have proved to be sustainable over the last three years. Formal written advice will follow the meeting.

Fishing allocations

The fishery will occur in the week following the last week of the TECFO 1994 cockle fishery which is provisionally set to close on 4 October 2019. The fishery will open on Tuesday 8 October 2019 and will close on Thursday 10 October. Fishing will be permitted between 0900 on the Tuesday until 1200 on the Thursday. Vessels will be permitted to undertake one trip only.

Vessel Checks

Each vessel and its cockle gear will be cleaned of all cockle debris including the hold, deck and all spaces that may hold cockles. The pumps, pipes, dredges and riddles on each vessel would also be cleaned. This would involve washing with a fresh water pressure washer and scrubbing each part, the vessel and gear would then be allowed to dry. The vessel would then be submitted for inspection.

Vessel owners would be required to contact the KEIFCA office to book a time and date for inspection. All vessels would be inspected in the week prior to the fishery with KEIFCA officers travelling to the most recent working port of each vessel to check the vessel decks and holds are clean and where the pumps and pipes would be flushed through with sea water for an appropriate period of time.

Each vessel taking part in the fishery will be inspected against the requirements of the Flexible Permit Byelaw and the biosecurity plan. If any vessel fails, its inspection then it may not take part in the fishery. In an extreme situation, the permit holder can write to the Chairman and Vice Chairman to appeal the decision, explaining the extenuating circumstances that led to the inspection failure. In such circumstances, it would be at the Chairman and Vice Chairman's discretion for a second inspection to be undertaken. If this inspection fails an inspection certificate will not be issued and the vessel will not be allowed to enter the fishery. If the vessel passes it will be issued with an inspection certificate. After the fishery opens officers would not be able to inspect any more vessels.

Bag inspections

Any cockles which are landed to be transported outside of the KEIFCA district for processing must be landed in bags. The requirements for the inspection of cockle bags are prescribed within the Flexible Permit Byelaw and must either be new bags or cleaned and disinfected using a prescribed process developed in conjunction with CEFAS. The cockle bags will be inspected by the KEIFCA officer during the biosecurity inspection.

Location of vessels

KEIFCA patrol vessels will be at sea throughout the period of the fishery ensuring that vessels only fish within the open areas and to monitor damage and catch rates.

Fishing vessels will be required to give notice to the cockle line upon leaving port providing information on which area they intend to fish in and will also be required to give notice to the cockle line two hours before landing.

Industry concerns relating to opening of a one trip fishery

On 9th September 2018, prior to the 2018 fishery, a letter was received from Mr Roy Brewster regarding the fishery (appendix B). The letter was discussed at the September 2018 Authority meeting and the comments were relayed directly to industry during the season. Following the season, a second letter signed by three vessel skippers was received on 22nd October (attached appendix C), which was a complaint against officers. The Chairman sent a response to this letter on 13th November (appendix D).

As per the Chairman's response, all permit holders for the 2019 fishery were sent a letter informing them of this Authority meeting and the subject matter for discussion.

Officers have also sought legal advice on the reallocation of TAC within a season, which is provided for in paragraph 17 of the Permit Fishery Management Plan (appendix E) which concluded as follows:

... the re-allocation will only take place if all permit holders entitled to fish could complete at least one trip using the excess.... Paragraph 17 is clearly drafted so as to avoid the IFCA having to issue the additional TAC in quantities of less than one full trip, and/or to selected permit holders as opposed to all permit holders equally....the reality of the situation is the excess TAC ... does not amount to enough to cover one trip for all permit holders. Therefore it does not meet the threshold to trigger a paragraph 17 re-allocation. Therefore on that basis there is no requirement for the IFCA to re-allocate. As a result my firm advice is that in the absence of the paragraph 17 criteria being triggered the IFCA need not, and should not re-allocate unused TAC.

This legal advice supports the information previously provided to both the industry and the Authority by officers. If there is sufficient TAC to enable one trip of all permit holders then reallocation of TAC will take place, however we cannot choose which of the permit holders to reallocate to.

2.5 Outlook for 2020 and beyond

Since 2017, the number of adult cockles on the beds is showing a steady and regular increase, although this is only a short time frame. There are large numbers of adult cockles below 16mm at some survey points in the main beds of the outside areas and depending on growth rates over the next year, these cockles may be of harvestable size in 2020. Poor growth of cockle on all beds both within the TECFO and the permitted fishery in 2017 and 2018 prevented these cockles reaching 16mm as expected for this year's fishery, so the increase seen in adult cockle numbers is not reflected in the increase in cockles of commercially harvestable size. Fishery mortality as well as winter mortality over the 2019/20 winter will be impact upon the 2020 fishery.

Financial Implications:

None identified in relation to agreed budget headings.

Recommendations –

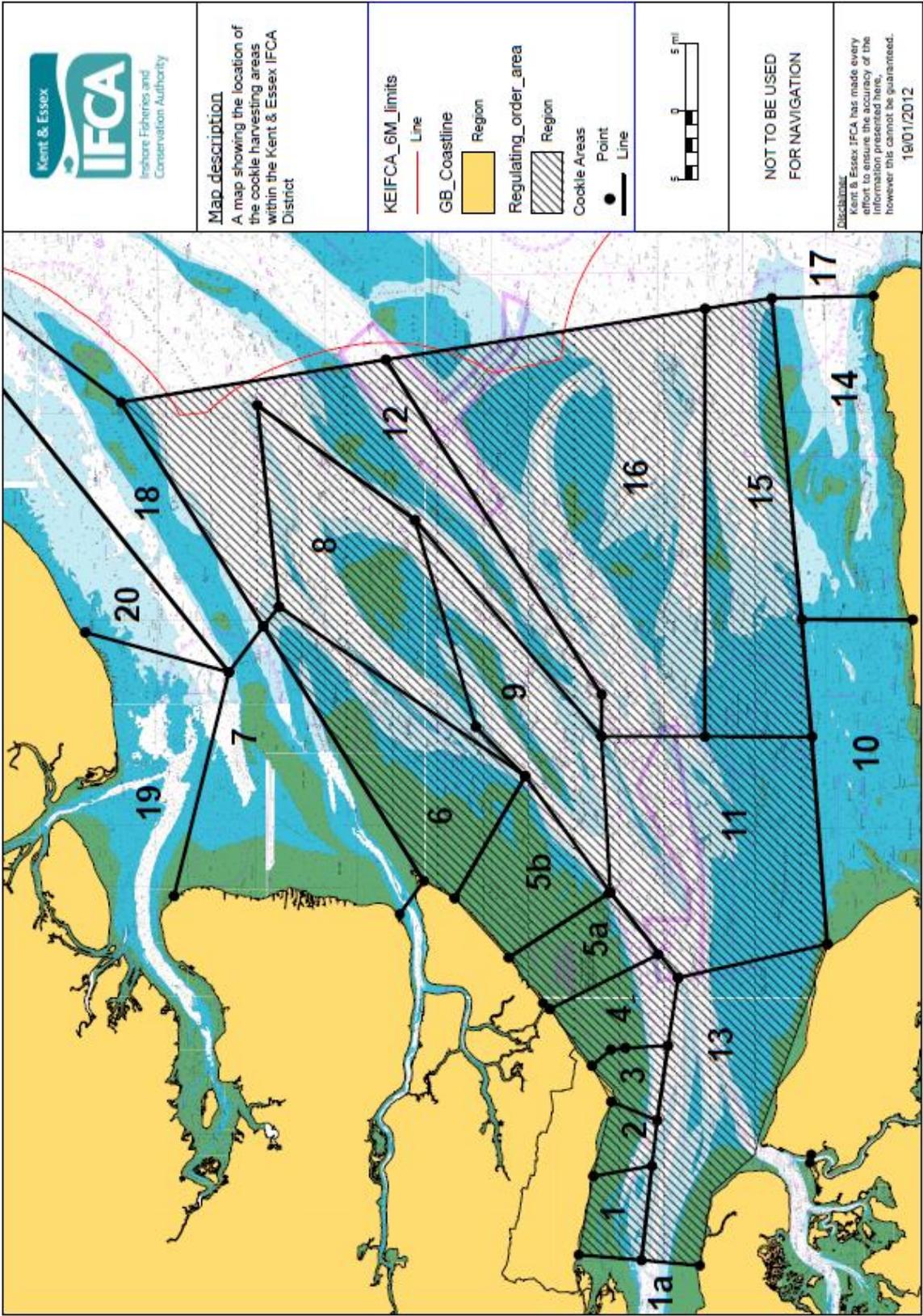
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(c) The fishery will open on Tuesday 8th October 2019 and will close on Thursday 10th October. Fishing will be permitted between 0900 on the Tuesday until 1200 on the Thursday.

(d) That the Chief IFCO be authorised, after consultation with the Chairman and Vice Chairman, to implement changes to fishing controls within the limitations of the agreed TAC. Members will be notified of any changes.

Appendix A



A chart showing the cockle production areas within the Kent and Essex IFCA District