

By: Chief Fishery Officer

To: Kent and Essex Inshore Fisheries and Conservation Authority –
16 September 2019

Subject: Vessel length and towed fishing gear engine power byelaw

Classification: **Unrestricted**

Summary: Members are presented with the draft Byelaw (Appendix A), and associated Impact Assessment (Appendix B) for approval.

Recommendation:

The Authority is asked to **APPROVE** the making of the Byelaw taking account of the Impact Assessment provided as well as the comments from the second byelaw consultation and the resulting revised byelaw wording.

Background

Within the KEIFCA district there are currently four byelaws that set maximum vessel lengths (of which two include a restriction on engine power). The different byelaws were inherited on the creation of KEIFCA from the previous sea fisheries committees and Environment Agency (Thames) that previously regulated areas which are now part of the KEIFCA district.

Developing one new KEIFCA specific byelaw would help achieve a number of objectives, whilst at the same time providing benefits to both the local industry and the marine environment.

Objectives

- Standardise legislation across the entire KEIFCA district
- Bring KEIFCA legislation in line with neighbouring IFCA byelaws
- Better reflect the modern profile of the inshore fleet.
- Simplify and rationalise the current system
 - Easily understood by stakeholders
 - Easily monitored and enforced by KEIFCA

Benefits to fishermen

- Support a long-term sustainable fishery
- Futureproof the fishery from an influx of larger vessels from outside the district

Benefits to the marine environment

- Effectively limits gear size, limiting impact on seabed
- District wide habitat protection

Actions undertaken so far

22 May 18 *A draft consultation document was developed and approved by KEIFCA.*

25 June - 18 August 18 *Initial stakeholder byelaw consultation (dissemination of consultation documents to fishing industry)*

Over 200 copies of the consultation document were printed and distributed by officers around the fishing ports in the KEIFCA district. The intention was to try and distribute the consultation as widely as possible, by sending it directly to as many fishermen and fishermen's associations as possible. Booklets were either given to the fishermen themselves or left in plastic bottles on boats. The consultation was also promoted on the KEIFCA e-bulletin and website.

10 October 18 *Technical panel meeting*

Initial informal feedback from the industry has been positive and some members of the industry have requested we progress with speed. In total there were 8 written replies and the most significant comment from the industry concerned grandfather rights. From the consultation replies additional options were suggested regarding vessel maximum vessel length options (10m and 15m). Comments on engine power ranged from support of the current wording, to the need to include other factors including types of vessel propulsion, gear box measures, propeller size and propeller pitch metrics, as well as having a different requirement for mono hulled vessels and catamarans. Replies also commented on the application of engine power to the whole fleet or to towed gear vessels.

The replies received helped inform and positively shape the byelaw and thoroughly examined the proposals put forward in the consultation document, whilst also providing additional options that had previously not been considered. Using the initial options put forward in the consultation document, as well as options that had been proposed as part of the consultation replies, the Technical Panel worked through the questions posed in the consultation document.

The Technical Panel used both the written replies as well as heard oral evidence and opinion from members of the fishing industry. The meeting felt very collaborative and although some of the issues discussed were complex, considerable progress was made.

30 November 2018 *Present recommendations to KEIFCA quarterly meeting*

At the November meeting Authority members approved the recommendations of the Technical Panel meeting and agreed that the exemptions to the proposed byelaw as detailed within the report would apply. Members also approved the wording of the draft byelaw subject to consultation with stakeholders.

Actions undertaken since the last meeting

19 July 19 – 19 August 19 *Send out agreed preliminary byelaw wording and draft Impact Assessment to stakeholders for feedback and comment.*

After a lot of drafts going backwards and forwards between the KEIFCA and the MMO, a final package containing the finalised byelaw wording and the associated Impact Assessment (IA) were sent out for further second round of consultation. In total three replies were received from the consultation (Appendix C).

These responses covered four main areas, all of which are concerning exemptions for vessels which do not meet the requirements of the byelaw;

1. The sizes of vessels and what the restrictions for different types of vessels should be.
2. Transfer of exemptions to family members (grandfather rights).
3. The length of time which the exemptions will apply.
4. Requirements for exemption applications (e.g. lack of VMS device and logbook, previous work in the District).

In drafting the byelaw officers used the fact that three of the four issues raised (the size of vessels, the transfer of exemptions and the length of time of exemptions) had also been discussed at length by members during this byelaw making process both at a technical panel level and by the full Authority.

The consultation did however raise the new issue of the evidence needed for an exemption, this had not previously been discussed in detail and it seemed sensible to broaden the evidence that could be used to gain an exemption. The byelaw wording has therefore been modified to account for vessels where VMS and logbook information isn't available as well as where fishermen may have different supporting documentation such as diaries rather than a log book, this improves the flexibility which KEIFCA can show when assessing exemption requests.

The consultation also identified some areas which required revision where it became apparent that the clarity of the byelaw could be improved. This is especially true in the case of the engine power restriction, the gear type it applies to and its associated exemption. As a result, the wording of the engine power exemption has been refined to make it clear that a track record of legally using towed gear in the District would be required in order to apply for an exemption under the new byelaw and that any exemption gained in one of the old SFC/EA regions would not apply to the entirety of the current KEIFCA district as this could extend the use of an exempted vessel into spatial areas it didn't previously work.

It is important to recognise that the intention of reviewing the byelaw is to reflect the current fleet, and recognise the impact that larger vessels, or vessel with more power operating towed gear, can have on the environment. The intention is not to reduce management protection or to allow vessels which were previously prohibited by one of the four legacy byelaws. This byelaw simply refines and condenses those into one byelaw for the whole district.

Recommendation: The Authority is asked to **APPROVE** the making of the Byelaw taking account of the Impact Assessment provided as well as the comments from the second byelaw consultation and the resulting revised byelaw wording.