

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 7

Marine Protected Areas Sub-Committee

6th June 2018

Report by: Greg Brown – IFCO Project Officer

Addendum to Action item 7: The Wash Cockle Fishery 2018

Purpose of Addendum

Amend the licence conditions set out in Action item 7 to include restrictions on the use of tenders which are already in place through schedule 1, therefore changing the mechanism that restricts the use of tenders.

Recommendations

Members are recommended to:

Note the content of the report

Agree to the additional proposed licence condition set out in this addendum.

Background

Restrictions of the use of tenders have been in place since 2010 and Licence Holders were written to at this time to set out the requirements. These were put in place in response to concerns raised about tenders being used as sea anchors during 'prop-washing'.

Subsequently, the restrictions have consistently been set out in Skippers briefing packs and during engagement with the industry. As such these requirements are well understood and compliance with the measure has been good. The aim of including this measure in the licence condition is to provide clarity for the industry and to enable legitimate use of tenders where required.

Report

During the recent review of WFO Regulations, officers determined that the 'use of tenders' restrictions was not adequately set out in Regulations so as to be clear and

effective. As a result, it was set out in a new regulation which was considered by Members at the Eastern IFCA meeting 25th April 2018.

The implementation of these Regulations have been delayed due to a number of factors and as such, the issue relating to the clarity of the restriction persists.

In order to ensure that the restrictions are clear, transparent and effective, it is proposed that they form part of the Licence conditions; Licence Condition 11: Use of Tenders as follows:

A person must not use a tender to a vessel unless:

- *fishing for, taking or removing from the fishery mussels or cockles;*
- *all catch placed on the tender is placed on the licenced vessel to which it is associated at the earliest opportunity and before the vessel leaves the sand being fished;*
- *the tender is six metres in overall length or less; and*
- *the tender has an outboard engine with a power of ten horsepower or less.*

A person must not use more than one tender or a tender which has an inboard engine.

Issues raised in industry consultation

During the recent industry meeting (31st May 2018), a concern was raised that this restriction may have Health and Safety implications regarding moving the catch onto the mother vessel during a flooding tide. It was suggested that the restriction is amended so as to enable fishers to tow cockles into port using the tender so as to prevent fishers from having to unload cockles in unsafe conditions.

It is proposed that the wording of the licence condition is well established and effectively removes a potential loophole which could be used to circumvent the daily catch restrictions. Instead of amending the measures, it is proposed that Officers make it clear that, where fishers find themselves in potentially unsafe conditions, Eastern IFCA is contacted and made aware so as to use discretion or permit the towing of the tender into port.

This will ensure that the Licence Condition is robust in its wording so as to prevent non-compliance and make officers aware of situations where cockles are being brought to port on tenders so as to respond accordingly with Enforcement activities in accordance with risk.

Summary

It is recommended that an additional Licence Condition is implemented which effectively makes an existing restriction on the use of tenders clearer and more transparent.

Concerns raised relating to unsafe practices of moving cockles from a tender to a mothership are mitigated through good engagement with the industry and the potential to use discretion or formally grant an exemption for specific circumstances. Therefore this change enables legitimate use of tenders and provides more clarity for the industry.