

## **Eastern IFCA Enforcement Policy – Regulation 1 (fishing equipment)**

### **Wash Fishery Order (1992) Cockle Fishery 2017**

#### **Special circumstances – 2017 cockle fishery**

Regulation 1 of the Wash Fishery Order 1992 (WFO 1992) provides that no vessel may be used for dredging, fishing for or taking prescribed species under the authority of a licence issued under Article 8(1) the WFO unless fishing equipment are of the type specified in the Schedule to this regulation.

This regulation precludes the use of an anchor to affix a vessel to the seabed whilst prop-washing, thereby enabling the vessel to steam in tighter circles and cause excessive damage to the seabed. Since 2006 the same regulation has been applied to the use of a ‘bulk bag’ as a sea anchor to achieve the same effect.

#### **Policy**

Having undertaken a review of relevant research, Eastern IFCA have decided to adopt a policy of not taking enforcement action against vessels using ‘bulk bags’ whilst prop-washing during the 2017 cockle fishery. It is however prohibited to use an anchor to affix a vessel to the seabed whilst prop-washing. In addition to the introduction of this policy, licence condition 10 (use of anchors for prop-washing) is also introduced. The intention of the licence condition is to clarify the permitted practice in relation to prop-washing.

#### ***Licence condition 10: use of anchors for prop-washing***

*It is prohibited for any person to use any anchor which affixes a vessel to the bottom of the seabed during the practice of ‘prop-washing’ in order to fish for, take or remove from the regulated fishery any cockles. A sea anchor may be used for ‘prop-washing’ if it consists solely of an empty bag suspended in the water column in order to provide greater control of the vessel whilst turning.*

*For the purposes of this licence condition, ‘prop-washing’ refers to the practice of turning a vessel in tight circles, during the period immediately before the vessel grounds as a consequence of the ebbing tide, to aid the fishing of cockles.*

*‘Prop-washing’ must be conducted in such a way as to avoid causing excessive damage to the sands.*

#### **Rationale**

At the time that the prohibition on the use of ‘bulk bags’ was introduced no studies had been undertaken to assess the impact of the practice of prop-washing on the environment and the prohibition was, in effect, a precautionary measure. Since then studies have been undertaken that show that ‘natural spatial and temporal variations

in the site exceeded any impact that “prop washing” may have had’. This study concluded, therefore, that “prop washing” did not have an adverse impact on either the sediment characteristics or biota components of the site’ (Pears et al 2010 and Jessop et al 2010).

Fishermen highlighted that the use of bags was to aid their vessels in turning rather than delivering more power to “prop washing”. They felt that by using bags to turn in tighter circles, this was not only safer when several vessels were working close to each other, but also created less seabed disturbance.

In 2013 the Authority studied the physical impact that using bulk bags during “prop washing” had on the seabed. This study was reported in Jessop et al 2013. During this study the physical dimensions of the rings created by two boats were measured on successive days; one day without bags, the other day with bags. This study found that in the case of both boats, the rings created while using bags were 27.5% smaller in radius than those created without bags. Importantly, the use of bags had no appreciable effect on the depth of disturbance created and as such would not have an any additional impact. In addition to creating rings with a smaller radius, those created when using bags also had a narrower band of disturbance (e.g. the rings were thinner). Overall, the use of bags during this study reduced the total surface area of disturbance for each vessel between 46.9% and 52.8%.

In 2006, the absence of any evidence into what impact the use of bulk bags would have caused ESFJC to prohibit their use during “prop washing” activities. Subsequent studies, however, have shown that “prop washing” does not have an adverse impact on the sediment or biota components of the site, and that the use of bulk bags reduces the footprint of the “prop washing” without increasing the depth of disturbance. As such, the prohibition on the use of bulk bags during “prop washing” is lifted, allowing their use in fishing for cockles.